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, 18 October 2017 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
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(17) COUNCILLORS' REPORTS
Principles for Local Government

Exercise of functions generally

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

a) Councils should provide strong and effective representation, leadership, planning and decision-making.

b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.

c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.

d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.

e) Councils should work co-operatively with other Councils and the State government to achieve desired outcomes for the local community.

f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.

g) Councils should work with others to secure appropriate services for local community needs.

h) Councils should act fairly, ethically and without bias in the interests of the local community.

i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.

Council’s Values

- Integrity
- Respect
- Accountability
- Teamwork
- Excellence

Our Community’s Vision

Cessnock will be a cohesive and welcoming community living in an attractive and sustainable rural environment with a diversity of business and employment opportunities supported by accessible infrastructure and services which effectively meet community need.

Cessnock – thriving, attractive and welcoming.

Our Community’s Desired Outcomes

- A connected, safe and creative community.
- A sustainable and prosperous economy.
- A sustainable and healthy environment.
- Accessible infrastructure, facilities and services.
- Civic Leadership and effective governance.
Council Model Code of Conduct

Council adopted its current Code of Conduct on 3 February 2016. This Code provides details of statutory requirements and gives guidance in respect of the way in which pecuniary and conflict of interest issues should be approached.

Generally, the policies refer to the following issues:

1. Councillors are under an obligation at law to disclose any interest they may have in any matter before the Council and to refrain from being involved in any consideration or to vote on any such matter

2. Councillors must disclose any interest in any matter noted in the business paper prior to or at the opening of the meeting

3. The nature of the interest shall be included in the notification

4. Councillors shall immediately and during the meeting disclose any interest in respect of any matter arising during the meeting which is not referred to in the business paper

5. All declarations of interest shall be recorded by the General Manager

6. All disclosures of interest shall as far as is practicable be given in writing

7. Any member having a pecuniary or non-pecuniary significant conflict of interest shall leave the meeting and remain absent while the subject of the interest is being considered by Council

8. The meeting shall not discuss any matter in which a Councillor has a pecuniary or non-pecuniary significant conflict of interest while the Councillor is present at the meeting
MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 4 OCTOBER 2017, COMMENCING
AT 6.30 PM

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

IN ATTENDANCE: General Manager
Acting Director Planning and Environment (Strategic Land Use Planning Manager)
Director Corporate and Community Services
Acting Director Works and Infrastructure (Works & Operations Manager)
Development Services Manager
Internal Auditor
Media & Communication Officer
Corporate Governance Officer

APOLOGY: MOTION Moved: Councillor Dagg
Seconded: Councillor Fitzgibbon

267 RESOLVED that the apology tendered on behalf of Councillor Suvaal, for unavoidable absence, be accepted and leave of absence granted.

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

CARRIED UNANIMOUSLY
**MOTION**

**Moved:** Councillor Doherty  
**Seconded:** Councillor Stapleford

268

**RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 20 September 2017, as circulated, be taken as read and confirmed as a correct record.

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**Total (12)**

**Total (0)**

**CARRIED UNANIMOUSLY**
DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI17/2017

SUBJECT: DISCLOSURES OF INTEREST

RECOMMENDATION

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

PE53/2017 – Draft Submission on the Options Paper into Short Term Holiday Letting in NSW – Councillor Fagg declared a Pecuniary Interest for the reason that the report relates to his primary source of income and results of this report may have a financial impact on his business. Councillor Fagg advised that he would leave the chamber and take no part in discussion and voting.

CC68/2017 – Request for Donation under Section 356 – Branxton Preschool – Councillor Dagg declared a Non Pecuniary Interest – Significant Conflict for the reason that she is a member of the applicant organisation. Councillor Dagg advised that she would leave the chamber and take no part in discussion and voting.

WI74/2017 – North Rothbury Tidy Towns – Twilight Markets - Councillor Dagg declared a Non Pecuniary Interest – Significant Conflict for the reason that she is a member of the applicant organisation. Councillor Dagg advised that she would leave the chamber and take no part in discussion and voting.

WI74/2017 – North Rothbury Tidy Towns – Twilight Markets – Councillor Sander declared a Non Pecuniary Interest – Significant Conflict for the reason that she is a member of the North Rothbury Tidy Towns Committee. Councillor Sander advised that she would leave the chamber and take no part in discussion and voting.

PE52/2017 – Section 96 (AA) Application to Modify NSW Land and Environment Court Order No. 10515 of 1995 (Council reference: 5/1994/80115/1) – Black Hill Road, Black Hill – Councillor Fitzgibbon declared a Non Pecuniary Interest – Significant Conflict for the reason that she is a family friend of the applicant. Councillor Fitzgibbon advised that she would leave the chamber and take no part in discussion and voting.

WI74/2017 – North Rothbury Tidy Towns – Twilight Markets – Councillor Fagg declared a Non Pecuniary Interest – Significant Conflict for the reason that he is a member of the Tidy towns Group. Councillor Fagg advised that he would leave the chamber and take no part in discussion and voting.

PE53/2017 – Draft Submission on the Options Paper into Short Term Holiday Letting in NSW – The Mayor declared a Pecuniary Interest for the reason that he is a co-owner of a Farmstay. The Mayor advised that he would leave the chamber and take no part in discussion and voting.
PETITIONS

Nil

ADDRESS BY INVITED SPEAKERS

Nil
MAYORAL MINUTES
MAYORAL MINUTES NO. MM14/2017

SUBJECT: THE LOCAL GOVERNMENT COMMUNITY INFRASTRUCTURE REGISTER

MOTION

Moved: Councillor Pynsent

269

RESOLVED

1. That Council submit the following infrastructure projects and supporting information for inclusion in the Local Government Community Infrastructure register as proposed by the Australian Local Government Association:

   - Cessnock Airport Upgrade;
   - Richmond Vale Rail Trail Project;
   - Timber Bridge replacement/refurbishment program;
   - Branxton to Greta Cycleway Construction.

2. That Council write to the Hon. Malcolm Turnbull, MP, Prime Minister of Australia; the Hon. Bill Shorten, MP, Leader of the Opposition, the Hon. Joel Fitzgibbon, MP, Member for the Hunter and Meryl Swanson MP, Member for Paterson, seeking support for the above projects.

FOR

Councilor Olsen
Councilor Doherty
Councilor Dunn
Councilor Fagg
Councilor Stapleford
Councilor Fitzgibbon
Councilor Gray
Councilor Dagg
Councilor Burke
Councilor Sander
Councilor Lyons
Councilor Pynsent
Total (12)

AGAINST

Total (0)

CARRIED UNANIMOUSLY
MOTION  Moved: Councillor Pynsent
270
RESOLVED

That Council urgently seek a meeting with the NSW Premier The Hon. Gladys Berejiklian MP, Minister for Police The Hon. Troy Grant MP, Parliamentary Secretary for the Hunter and Central Coast, Scot MacDonald MLC, Member for Cessnock Clayton Barr MP and New South Wales Police Commissioner Michael Fuller to advocate for the retention of Cessnock and Kurri Kurri in the Central Hunter LAC and that the areas of Greta, Branxton and their surrounds currently located within the Hunter Valley LAC be moved into the Central Hunter LAC.

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

CARRIED UNANIMOUSLY
**MOTIONS OF URGENCY**

**MOTIONS OF URGENCY NO. MOU17/2017**

**SUBJECT:** MOTIONS OF URGENCY

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GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU15/2017

SUBJECT: ATTENDANCE BY THE INTERNAL AUDITOR AT INTERNATIONAL MEETINGS OF THE INSTITUTE OF INTERNAL AUDITORS GUIDANCE DEVELOPMENT COMMITTEE

MOTION Moved: Councillor Dagg Seconded: Councillor Burke

271

RESOLVED

1. That Council approves the attendance of the Internal Auditor at international meetings of the Institute of Internal Auditors Guidance Development Committee in Orlando, Florida in November 2017 and Dubai in May 2018.

2. That the travel expenses be recorded in Council’s Annual Report.

FOR

AGAINST

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

Total (12)  Total (0)

CARRIED UNANIMOUSLY
Councillor Fitzgibbon declared a – Non Pecuniary Interest – Significant Conflict for the reason that she is a family friend of the applicant. Councillor Fitzgibbon left the chamber and took no part in discussion and voting.

Councillor Fitzgibbon left the meeting, the time being 6.44pm.

MOTION
Moved: Councillor Dagg
Seconded: Councillor Burke

RESOLVED

1. That Council determine the Section 96(AA) Application to modify NSW Land and Environment Court Order No. 10515 of 1995, to amend the quarry floor specifications to enable extraction of coal and establish the Waratah Sandstone strata as the extent of quarry operations at Lots 683 and 686, DP 619758; Lot 2 DP 123949; Lot 1 DP 957782; Lot 1 DP 536570, Black Hill Road Black Hill, pursuant to Section 96(AA) of the Environmental Planning and Assessment Act 1979, by the granting of consent subject to the modified conditions contained in this report.

2. That Council notify in writing the persons who made a submission with regard to the proposed development, of Council’s decision.

MODIFIED CONDITIONS OF CONSENT

Condition No 1 is modified and shall read as follows:

The development is to be carried out generally in accordance with the proposals set out in the Environmental management Plan (EMP) revised in accordance with condition 4 and Environmental Impact Statement, as modified by the following conditions of consent and the material to be extracted may include coal in association with a mixture of ridge gravel, clay shale and sandstone being the material described in the Environmental Impact Statement subject to a maximum height of 185m AHD. The limit of extraction as shown on figure 3.2 is to be surveyed and the extraction boundary pegged at 50 metre intervals by a registered surveyor for the remaining life of the operation.

The maximum volume of product to be transported from the site shall not exceed 55 laden truck movements per day.
Condition No. 49 is modified and shall read as follows:

49. Environmental Management Plan

The requirements/conditions/recommendations contained within the Environmental Management Plan 2015 prepared by ‘Kleinfelder,’ dated 18 May 2015, and as subsequently amended, shall be complied with at all times. The Environmental Management Plan for the quarry operations is to be amended to include the extraction and stockpiling of coal, and such amended Environmental Management Plan must be submitted to and approved by Council prior to the extraction of any coal from the site. The extent of the quarry operations are strictly confined to the area described under the approved plans and documentation. In addition to the land area described, quarry operations are restricted to a maximum wall height of 185 metres AHD in accordance with Condition 1 and shall not extend the depth of the existing quarry floor beyond the Waratah Sandstone as indicated by the plans accompanying the application other than with the further approval of the consent authority.

All EMP rehabilitation requirements (inclusive of those requirements of Conditions 4, 31A and 31B) are to be met in conjunction with compliance with Condition 50.

Condition No. 50 is modified and shall read as follows:

50. Rehabilitation Plan

The requirements/conditions/recommendations contained within the Rehabilitation Plan prepared by ‘Kleinfelder,’ dated 18 May 2015, shall be complied with at all times. The Rehabilitation Plan is to be amended to include the extraction of coal, and such amended Rehabilitation Plan must be submitted to and approved by Council prior to the extraction of any coal from the site.

FOR

Councillor Olsen
Councillor Doherty
Councillor Dunn
Councillor Fagg
Councillor Stapleford
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent
Total (11)

AGAINST

Total (0)

CARRIED UNANIMOUSLY

Councillor Fitzgibbon returned to the meeting, the time being 6.46pm.
PLANNING AND ENVIRONMENT NO. PE53/2017

SUBJECT: DRAFT SUBMISSION ON THE OPTIONS PAPER INTO SHORT TERM HOLIDAY LETTING IN NSW

Councillor Fagg declared a Pecuniary Interest for the reason that the report relates to his primary source of income and results of this report may have a financial impact on his business. Councillor Fagg left the chamber and took no part in discussion and voting.

Mayor Pynsent declared a Pecuniary Interest for the reason that he is a co-owner of a Farmstay. Mayor Pynsent left the chamber and took no part in discussion and voting.

Councillor Fagg left the chamber, the time being 6.46pm.

Mayor Pynsent vacated the chair and left the meeting, the time being 6.46pm.

Councillor Stapleford (Deputy Mayor) assumed the chair, the time being 6.46pm.

MOTION

Moved: Councillor Dagg
Seconded: Councillor Sander

RESOLVED

That Council endorse the draft submission to the Options Paper on Short-Term Holiday Letting in NSW.

FOR

Councillor Olsen
Councillor Doherty
Councillor Dunn
Councillor Stapleford
Councillor Fitzgibbon
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Total (10)

AGAINST

Total (0)

CARRIED UNANIMOUSLY

Councillor Fagg returned to the meeting, the time being 6.47pm.
Mayor Pynsent returned to the meeting and assumed the chair, the time being 6.47pm.
PLANNING AND ENVIRONMENT NO. PE54/2017

SUBJECT: APPOINTMENT OF ALTERNATE COUNCILLOR REPRESENTATIVE TO THE HUNTER AND CENTRAL COAST JOINT REGIONAL PLANNING PANEL FOR CONSIDERATION OF DEVELOPMENT APPLICATION NOS. 8/2017/459/1 AND 8/2017/460/1

MOTION

Moved: Councillor Dagg
Seconded: Councillor Gray

RESOLVED

That Council nominate Councillor Lyons as an alternate Councillor representative to the Hunter and Central Coast Joint Regional Planning Panel to consider and/or determine Development Application Nos. 8/2017/459/1 and 8/2017/460/1, and advise the Joint Regional Planning Panel, Panel Secretariat of this appointment.

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

AGAINST
Councillor Olsen
Total (1)

CARRIED
MOTION

Moved: Councillor Dagg
Seconded: Councillor Sander

RESOLVED

That the report be received and the information noted.

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CARRIED UNANIMOUSLY
CORPORATE AND COMMUNITY NO. CC67/2017

SUBJECT: ELECTION OF DEPUTY MAYOR

RECOMMENDATION

1. That the election of Deputy Mayor be held and determined by open ballot for the term of office from October 2017 up and until October 2018.

2. That the Deputy Mayor fee of $800 be maintained.

The General Manager advised the meeting that two nominations had been received those being Councillors Olsen and Burke

Voting was conducted between Councillors Olsen and Burke by way of a show of hands.

The result of the vote is as follows:

For Councillor Olsen – Councillors Doherty, Dunn, Fagg, Olsen.

For Councillor Burke – Councillors Stapleford, Fitzgibbon, Gray, Dagg, Burke, Sander, Lyons, Mayor Pynsent.

The General Manager advised that Councillor Burke was the successful candidate and elected to the position of Deputy Mayor from October 2017 until October 2018.
Councillor Dagg declared a Non Pecuniary Interest – Significant Conflict for the reason that she is a member of the applicant organisation. Councillor Dagg left the chamber and took no part in discussion and voting.

Councillor Dagg left the meeting, the time being 6.51pm.

**MOTION**

**Moved:** Councillor Burke  **Seconded:** Councillor Gray

276

**RESOLVED**

1. That Council include the property at 13 John Street, Branxton, leased by Branxton Preschool in the listing of community groups receiving a subsidy under Policy “Rates Subsidy to Community Organisations”.

2. That Council provide a 50 percent rebate on general rates for 2017-18 and future rating years in accordance with the Policy.


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**CARRIED UNANIMOUSLY**

Councillor Dagg returned to the meeting, the time being 6.51pm.
CORPORATE AND COMMUNITY NO. CC69/2017

SUBJECT: EASEMENT FOR DRAINAGE OF WATER WITHIN 10 AND 12 COOPER STREET, HEDDON GRETA

MOTION  Moved: Councillor Dagg  Seconded: Councillor Stapleford
277

RESOLVED

1. That Council acquires an easement for the drainage of water being 7m wide and variable on the south eastern boundary of Lot 15 Section 20 DP 3816 and the northern boundary of Lot 16 Section 20 DP 3816 being 10 and 12 Cooper Street, Heddon Greta.

2. That Council authorise the General Manager to negotiate the terms of the easement and prepare the necessary documents for registration at Land and Property Information (LPI) NSW.

3. That Council authorise the Common Seal of Cessnock City Council to be affixed to the documents relating to the granting of the easement over Lots 15 and 16 Section 20 DP 3816.

4. That Council authorise the Mayor and/or General Manager to execute the documents relating to the granting of the easement over Lots 15 and 16 Section 20 DP 3816.

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

Total (12)  Total (0)

CARRIED UNANIMOUSLY
CORPORATE AND COMMUNITY NO. CC70/2017

SUBJECT: TENDER FOR THE PROVISION OF LINEMARKING

MOTION Moved: Councillor Dagg Seconded: Councillor Sander

RESOLVED

1. That Council accepts the Regional Procurement tender for the Provision of Linemarking (T301718HUN).

2. That Workforce Road Services Pty Ltd, Combined Traffic Management Pty Ltd and J & M Roadmarking Specialists Pty Ltd be accepted to a standing offer contract panel under the Regional Procurement Tender for the Provision of Linemarking (T301718HUN) for the period 1 October 2017 to 30 September 2019 with an option to extend the contract for a further 12 months based on satisfactory performance by the successful tenderers.

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

CARRIED UNANIMOUSLY
CORPORATE AND COMMUNITY NO. CC71/2017

SUBJECT: TENDER FOR THE PROVISION OF TRAFFIC CONTROL

MOTION Moved: Councillor Dagg  Seconded: Councillor Olsen

RESOLVED

1. That Council accepts the Regional Procurement tender for the Provision of Traffic Control (T311718HUN).

2. That Guardian Traffic Services Pty Ltd, Evolution Traffic Control Pty Ltd and Workforce Road Services Pty Ltd be accepted to a standing offer contract panel under the Regional Procurement Tender for the Provision of Traffic Control (T311718HUN) for the period 1 October 2017 to 30 September 2019 with an option to extend the contract for a further 12 months based on satisfactory performance by the successful tenderers.

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CARRIED UNANIMOUSLY
CORPORATE AND COMMUNITY NO. CC72/2017

SUBJECT: CONSULTANCY AND CONTRACTOR COSTS

MOTION

Moved: Councillor Dagg  Seconded: Councillor Gray

RESOLVED

That Council receive the report and note the information.

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CARRIED UNANIMOUSLY
Councillor Dagg declared a Non Pecuniary Interest – Significant Conflict for the reason that she is a member of the applicant organisation. Councillor Dagg left the chamber and took no part in discussion and voting.

Councillor Sander declared a Non Pecuniary Interest – Significant Conflict for the reason that she is a member of the North Rothbury Tidy Towns Committee. Councillor Sander left the chamber and took no part in discussion and voting.

Councillor Fagg declared a Non Pecuniary Interest – Significant Conflict for the reason that he is a member of the Tidy Towns Group. Councillor Fagg left the chamber and took no part in discussion and voting.

Councillors Dagg, Sander and Fagg left the meeting, the time being 6.52pm.

MOTION Moved: Councillor Burke Seconded: Councillor Gray

RESOLVED

That Council supports the North Rothbury Tidy Towns Twilight markets on Saturday 28 October and Saturday 25 November 2017 by waiving the associated fees and charges as detailed in the report with the exclusion of the market stall fees.

FOR
Councillor Olsen
Councillor Doherty
Councillor Dunn
Councillor Stapleford
Councillor Fitzgibbon
Councillor Gray
Councillor Burke
Councillor Lyons
Councillor Pynsent
Total (9)

AGAINST
Total (0)

CARRIED UNANIMOUSLY

Councillors Dagg, Sander and Fagg returned to the meeting, the time being 6.54pm.
WORKS AND INFRASTRUCTURE NO. WI75/2017

SUBJECT: MINUTES OF LOCAL TRAFFIC COMMITTEE
HELD 21 AUGUST 2017

MOTION Moved: Councillor Gray Seconded: Councillor Fitzgibbon

RESOLVED

That the recommendations of the Local Traffic Committee Meeting of 21 August 2017 be adopted as a resolution of the Ordinary Council being:

1. **TC23/2017** – That temporary regulation of traffic be approved for the Wollombi Public Holiday Markets in accordance with the enclosed Traffic Control Plan, as follows:
   - 40km/h speed limit on Paynes Crossing Road Wollombi;
   - 40km/h speed limit on Wollombi Road Wollombi;
   - 40km/h speed limit on Great North Road Wollombi;
   - 40km/h speed limit on Yango Creek Road Wollombi;
   - 90° ANGLE PARKING FRONT TO KERB on Paynes Crossing Road Wollombi; and
   - 90° ANGLE PARKING REAR TO KERB on Negro Street Wollombi.

2. **TC24/2017** – That a detailed design for a Channelised Right Turn (CHR S) on the intersection of Lovedale and Camp Roads, Lovedale, showing proposed regulatory signage and line marking be prepared.

3. **TC25/2017** – That a Channelised T-Junction (CHR) be installed on the intersection of Old Maitland Road and the Cessnock Waste Management Centre (CWMC) access road at East Cessnock, as follows:
   - Painted island and channelised right turn treatment on Old Maitland Road on the western leg of the intersection;
   - Painted island on Old Maitland Road on the eastern leg of the intersection;
   - Slip lane onto Old Maitland Road for left turning vehicles exiting the CWMC access road by installing the following:
     - STOP sign on the slip lane traffic island – applying to right turning vehicles; and
     - LEFT TURN AT ANY TIME WITH CARE sign on the south western corner of the intersection.
   - 660 metres of E1 edge line on Old Maitland Road;
   - 83 metres of E1 edge line on CWMC access road;
   - 100 metres of BB dividing line on Old Maitland Road;
   - 40 metres of BB dividing line on CWMC access road; and
   - 256 metres of C1 continuity line on Old Maitland Road.

4. **TC26/2017** – That parking restriction and bus zone signage be installed on Dalwood Road and Wyndham Street, East Branxton, as follows:
   - 90° ANGLE PARKING REAR TO KERB signs on the southern side of Dalwood Road;
   - Parking space disability user limited signs on the south eastern end of Dalwood Road;
   - NO PARKING (7am – 9:30am and 2:30pm – 4:30pm school days) signs at

This is Page 25 of the Agenda of the Ordinary Council Meeting of the Cessnock City Council to be held on 18 October 2017
5. **TC27/2017** – That Council note that installation of a marked pedestrian crossing in Keene Street cannot be undertaken, as the mandatory requirements of the RMS numerical warrant are not able to be satisfied, and

That a pedestrian refuge be installed in Keene Street in accordance with the previous recommendation (TC9/2017).

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*CARRIED UNANIMOUSLY*
BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BUSINESS WITH NOTICE NO. BN49/2017

SUBJECT: ABANDONED VEHICLES

MOTION
Moved: Councillor Fitzgibbon  Seconded: Councillor Sander

RESOLVED

1. That the General Manager investigates if Council can impound an abandoned vehicle immediately under Section 16 (5) of the Impounding Act 1993 if the impounding officer is satisfied that it may be vandalised or set on fire and is likely to be a danger to the public.

2. That the General Manager write to the NSW Police informing them of the abnormal high number of abandoned vehicles in the Cessnock Local Government Area.

3. That the following motion be submitted to the Local Government NSW Board for consideration for inclusion as an agenda item for the 2017 Local Government NSW Annual Conference:

   - That the NSW Government review Section 16(5) of the Impounding Act 1993 to enable the immediate removal of abandoned motor vehicles where the motor vehicles are likely to be set alight thereby causing potential bushfires.

4. That a report be considered by Council at its meeting of 18 October 2017.

FOR

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

Total (12)

AGAINST

Total (0)

CARRIED UNANIMOUSLY
ANSWERS TO QUESTIONS FOR NEXT MEETING

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ111/2017

SUBJECT: PLANNING AGREEMENT FOR ROSEHILL ESTATE MILLFIELD

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ112/2017

SUBJECT: POLICING OF LOADING ZONES

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ113/2017

SUBJECT: EVENTS AND SPORTING EVENTS AT BADDELEY PARK

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ114/2017

SUBJECT: CANCELLATION OF EVENTS AT BADDELEY PARK

The answer was noted.
QUESTIONS FOR NEXT MEETING

BMX TRACK CESSNOCK LGA
Councillor Olsen asked how soon it will be before Cessnock gets a BMX Track that is built to a decent standard.

Councillor Anthony Burke

ADVERTISING TENDERS/QUOTATIONS
Councillor Burke asked how local businesses know about upcoming tenders/quotations at Council.

Councillor Mark Lyons

PRESERVATION OF OLD VINEYARDS AND VINES
Councillor Lyons asked what heritage protections are actually involved to ensure that the old vineyards and vines are preserved for the future.

Councillor Paul Dunn

CLOCK IN CHAMBER
Councillor Dunn asked when the clock will be put back into the Chamber.

The General Manager advised that it would be done tomorrow.
CORRESPONDENCE

CORRESPONDENCE NO. CO25/2017

SUBJECT: POLICING RESOURCES - CORRESPONDENCE FROM THE PREMIER OF NSW, LOCAL AREA COMMANDER CENTRAL HUNTER AND THE MEMBER FOR CESSNOCK

MOTION  Moved: Councillor Dagg  Seconded: Councillor Burke

RESOLVED

That Council note the correspondence received.

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

Total (12)  Total (0)

CARRIED UNANIMOUSLY
Councillors Reports

Councillor Sander

Branxton Pool Staff

Appreciation to all staff at Branxton pool for getting ready for new season.

Councillor Gray

Local Health Advisory Committee Meeting 3 October 2017

Councillor Gray advised of his attendance at the Local Health Advisory Committee meeting on 3 October 2017 at Kurri Hospital and reported that the Operating Theatre at Kurri Hospital will be shut down from 8 December to 12 March 2018 and will be temporarily relocated to Cessnock for the duration.

Likewise the second operating theatre is set to open at Cessnock Hospital to compensate for Kurri Kurri’s temporary closure.

The Cessnock Mental Unit has been upgraded and will be utilised by identified patients displaying mental health issues and prisoners from the Correctional Centre.

Winter bed numbers are now being closed down due to lack of demand, this year’s flu strain was particularly bad and took its toll on the community and staff alike.

As part of a rapid response and continuous improvement program, our District hospitals have introduced a new REACH program for patient wellbeing and family/carer communications. Often carers and supporting family members pick up on things that might not be quite right within the care of a patient or quickly pick up on a worrying change in condition.

REACH stands for …

Recognise - a change or a concern
Engage – Nurses or Doctors regarding their concern
If not responded to adequately
Act – Ask to speak to the nurse in charge, ask for a clinical review – should occur within 30 minutes
If still not adequately responded to
Call – Using bedside phone emergency team (49365549)
Help – is on its way.

These calls are taken extremely seriously and outside of duty hours carers will talk directly to the Hospital Manager or the General Manager of the Lower Hunter Sector.

A quick snap shot of both Kurri Kurri and Cessnock District key performance indicators, shows that we are in a very good hands indeed. All our public health staff should be commended for their efforts.
Councillor Olsen

Censure Motion

At the Council meeting of 21 June 2017 Council moved a Censure Motion against myself after a prolonged investigation into my conduct and comments made by myself that offended some Councillors.

I was also required to attend mandatory training in the Code of Conduct and Meeting Practice plus education of acceptable standards of behaviour which may be considered misconduct or otherwise unacceptable.

On Friday 29 September 2017 I attended the training with Norm Turkington from NTA and we spent the afternoon discussing the Code of Conduct for Councillors, which I have a copy of his presentation available if any other Councillor would be interested in reviewing. At the end of the meeting it was agreed that I have a good understanding of the Code and what is required of me in my role and duties as a councillor.

On Tuesday 2 October 2017 I attended a meeting with the General Manager as per resolution 2 where I was to be counselled in relation to my behaviour and the consequences of further transgressions. We discussed many issues and agreed on many points where we could see how I get frustrated and how I can frustrate staff with some of my questions which I have taken on board. We agreed that moving forward and putting this behind us was best for all concerned.

I believe now that I have fulfilled my part of the motion and finalised as per all resolutions after a cost of over $10,000 to Council.

The Meeting Was Declared Closed at 7.13pm

CONFIRMED AND SIGNED at the meeting held on 18 October 2017

..........................................................CHAIRPERSON

..........................................................GENERAL MANAGER
SUBJECT: DISCLOSURES OF INTEREST
RESPONSIBLE OFFICER: Director Corporate and Community Services - Robert Maginnity

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: MOTIONS OF URGENCY

RESPONSIBLE OFFICER: Director Corporate and Community Services - Robert Maginnity

RECOMMENDATION

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

SUMMARY

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

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

ENCLOSURES

There are no enclosures for this report.
SUBJECT: MAJOR COOPERATIVE DESTINATION MARKETING CAMPAIGN FUNDING OPPORTUNITY

RESPONSIBLE OFFICER: Economic Development Manager - Jane Holdsworth

SUMMARY

Tourism and the visitor economy are critical industries to Cessnock Local Government Area (LGA) in terms of jobs and economic vitality.

It is therefore important to ensure a high level of continuing visitation and visitor spend to promote the Hunter Valley Wine Country as a premier destination.

A major and aggressive destination marketing campaign has been identified by the Hunter Valley Wine and Tourism Alliance as a solution to continue to drive and support growth of our destination.

RECOMMENDATION

1. That Council commit $5,000 towards the Destination NSW cost of preparing a major marketing campaign from the Tourism Related Project funding.

2. That Council commit $50,000 towards the Major Cooperative Destination Marketing Campaign from the Tourism Related Project funding on the proviso that:

   - Industry contribute a minimum of $200,000 towards the campaign.
   - The campaign funding be matched dollar for dollar by Destination NSW.

BACKGROUND

A recent survey of the Tourism Industry was undertaken by Council across both the Cessnock and Singleton LGA’s. Council received 111 responses representing 178 direct tourism businesses, both small and large across the Hunter Valley Wine Country. The survey showed that whilst 58% of businesses were growing, 42% were either maintaining or decreasing in both income and visitation.

Tourism and the visitor economy are critical industries to the current and future prosperity of the Cessnock LGA. In terms of employment, Tourism has been modelled by Remplan to be our largest employment sector, with 2,093 jobs (Dec 2016). Tourism is also our 4th largest industry sector in terms of economic output generating $471 million, of the total value added in the Cessnock LGA economy of $2.226 billion.

The decline of traditional industry and retraction of the mining sector in Cessnock LGA has caused extensive job losses over the previous decade, and the multiplier and consumption effects of this are deemed significant. Tourism is recognised as a growth industry for our current and future economic stability particularly in relation to employment therefore the continuing health of this industry is important for the region.
REPORT/PROPOSAL

The Hunter Valley Wine & Tourism Alliance (Alliance) will be approaching all tourism operators and businesses in the Cessnock and Singleton LGA’s to pledge nominal amounts towards a major and aggressive destination marketing campaign in partnership with Destination NSW to promote the Hunter Valley Wine Country and critically increase visitation to the region.

Destination NSW’s *Regional Cooperative Tourism* funding program will provide on approval $1 for $1 funding, meaning all stakeholders, including Council, will be able to deliver meaningful and measurable results.

The role of Destination NSW will be to develop a strategic marketing campaign, to drive optimal exposure, awareness and conversions, increasing visitor expenditure in Hunter Valley Wine Country. Destination NSW develop the KPI’s and upon approval of the campaign by the applicant fully implement the campaign and report back on the KPI’s set. The campaign is envisaged to take place within the first 6 months of 2018.

Destination NSW do charge a fee of $10,000 to develop the campaign. This is non-refundable whether the campaign is implemented or not. The $10,000 cost is to be shared between the campaign applicants, with Council being requested to commit $5,000.

The investment by Council of $50,000 towards the campaign will be utilised to encourage a minimum co-contribution from businesses of $200,000. The total scale and value of the cooperative marketing campaign would be subject to confirmed industry commitment.

N.B: Every $1 pledged from Councils, industry and Alliance partners will be matched by Destination NSW – none of the funding raised will be used for administration of the Council or contributing businesses or any other costs.

For example, should the following scenario of funding be sought, this opportunity can potentially generate $10 for every $1 of Council’s investment of $50,000 towards the marketing campaign:

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<th>Funding $ (unconfirmed)</th>
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<td>Cessnock City Council</td>
<td>$50,000</td>
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<td>Singleton Council</td>
<td>TBA</td>
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<td>Industry Co-Contributions</td>
<td>$200,000</td>
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<td>Destination NSW</td>
<td>$250,000</td>
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<td>Total potential campaign value</td>
<td>$500,000</td>
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Examples of successful Regional Cooperative Tourism Marketing programs that have been undertaken by Destination NSW include: Shoalhaven City Council, Eurobodalla Shire Council, Kiama Municipal Council, Tourism Shellharbour and Sapphire Coast Tourism Limited: 2016-17 ‘Unspoilt’ South Coast NSW Marketing Campaign.

Benefits

1. All three Alliance partners will be seen as spearheading a major campaign.
2. Council input is an enabler for all stakeholders to share contribution.

This is Page 36 of the Agenda of the Ordinary Council Meeting of the Cessnock City Council to be held on 18 October 2017
3. Operators will recognise leadership and support from the Alliance.
4. There are no staffing costs or resources required as Destination NSW do all the design
and implementation of the campaign, including development of the KPI’s and reporting.
5. The campaign would meet five out of the six objectives of the Alliance excepting (d) as
follows:
   a. Achieving unity between stakeholders and speaking with one voice;
   b. Increasing visitation;
   c. Sourcing appropriate levels of funding;
   d. Product and industry development;
   e. Lobbying/advocacy;
   f. Facilitating strategic alliances for the purpose of achieving the above.
6. Importantly the project will support the unification of the industry.
7. Destination NSW has proven to deliver successful outcomes (eg. South Coast) and
ensure the significant investment is doubled, and will be able deliver meaningful,
measurable results.
8. Leverages the unique advantages of each of the Alliance partners’ influence.
9. First major campaign for Hunter Valley Wine Country drives optimal exposure,
awareness and conversions, increasing overnight visitor expenditure.
10. Strengthens linkages with Destination NSW and Sydney North & Surrounds
Destination Network
11. Fosters a regional commitment for ongoing cooperative investment into marketing.

OPTIONS

Option 1:
1. That Council commit $5,000 towards the Destination NSW cost of preparing a major
marketing campaign from the Tourism Related Project funding;
2. That Council commit $50,000 towards the Major Cooperative Destination Marketing
Campaign from the Tourism Related Project funding on the proviso that:
   • Industry contribute a minimum of $200,000 towards the campaign.
   • The campaign funding is matched dollar for dollar by Destination NSW.

This is the preferred option.

Option 2:
That Council does not commit any funding towards the Major Cooperative Destination
Marketing Campaign.

Option 3:
That Council commits a differing amount towards the Major Cooperative Destination
Marketing Campaign on the proviso that:
   • Industry contribute a minimum of $200,000 towards the campaign.
   • The campaign funding be matched dollar for dollar by Destination NSW.
CONSULTATION

- Hunter Valley Wine and Tourism Alliance Partners
- Destination NSW and Sydney North & Surrounds Destination Network.
- Economic Development Unit
- General Manager
- Singleton Council Officers
- Hunter Valley Wine and Tourism Association
- Tourism operators.

STRATEGIC LINKS

a. Delivery Program

Objective 2.3: Increasing tourism opportunities and visitation in the area.

We have a range of diverse visitor experiences across the entire Local Government Area. Our Local Government Area is attractive to visitors.

2.3.1 Collaboratively identify markets and promote the Local Government Area's tourism industry.

b. Other Plans

Economic Development Strategy

3.1 Position Cessnock City Council as a leader and driver of economic development.
3.3. Continue to build strong relationships with local stakeholders and industry sectors.
12.7 Implement the DMP.

Hunter Valley Wine Country Destination Management Plan

Strategic Priority 1 - Grow destination appeal and Hunter Valley product awareness.
Strategic Priority 2 - Create a strong tactical presence in key markets to increase destination awareness.
Strategic Priority 6 - Forge strong partnerships to build alignment between NSW Government, Cessnock and Singleton Councils, regional partners (including Hunter Regional Organisation of Councils, Destination Networks and Hunter Valley Wine and Tourism Alliance), industry bodies and business associations, and businesses and operators to target industry and government investment, grants, support and sponsorship, and deliver the DMP priorities.
Strategic Priority 7 - Cultivate a stronger consumer market and competitor intelligence through up to date metrics in co-operation with DNSW, the destination network, Cessnock and Singleton Councils, and business stakeholders.

Hunter Valley Wine & Tourism Alliance – Terms of Reference

Established in 2015, the Hunter Valley Wine & Tourism Alliance (Alliance) is a partnership of the Cessnock City Council, Singleton Council and the Hunter Valley Wine & Tourism Association.
The purpose of the Alliance is for the three partners to work together in good faith for the promotion, advancement and development of the Hunter Valley Wine Country Region, including the following objectives:

a. Achieving unity between stakeholders and speaking with one voice;

b. Increasing visitation;

c. Sourcing appropriate levels of funding;

d. Product and industry development;

e. Lobbying/advocacy;

f. Facilitating strategic alliances for the purpose of achieving the above.

**IMPLICATIONS**

a. **Policy and Procedural Implications**

Nil

b. **Financial Implications**

Council would commit $50,000 from the Tourism Related Project funding set aside for tourism purposes only if the campaign was to proceed.

Council provide $5,000 funding for Destination NSW costs to prepare a major marketing campaign. This would be non-refundable once the development of the marketing campaign is undertaken, even if the campaign does not go ahead.

c. **Legislative Implications**

Nil

d. **Risk Implications**

Council’s $50,000 commitment is conditional and will not be at risk should the campaign plan developed by DNSW not be approved by the Alliance; or if Destination NSW determine the return on investment is too insignificant and the campaign does not proceed.

The reputational risk implications are great for both Council and all Alliance partners as there is currently fear of stagnation within industry stakeholders and an extensive period of marketing inactivity. To provide the seed funding for the campaign would be perceived as leading the region forward and driving positive and collaborative change. To not support the campaign may have unforeseen negative reputational implications.

e. **Environmental Implications**

N/A

f. **Other Implications**

Nil
CONCLUSION

The opportunity for Council to contribute to and pursue dollar for dollar funding from Destination NSW will maximise return on investment and enable opportunities for the economic health and prosperity of our region, ensuring local jobs remain now and into the future.

ENCLOSURES

1 NSW Campaign Process
SUBJECT: FUNDING REQUESTS FROM BRANXTON-GRETA BUSINESS CHAMBER AND RICHMOND VALE PRESERVATION CO-OPERATIVE SOCIETY LTD

RESPONSIBLE OFFICER: Economic Development Manager - Jane Holdsworth

SUMMARY
A report to update Councillors as to the status of funding requests by the Branxton-Greta Business Chamber and Richmond Vale Preservation Co-operative Society Ltd.

RECOMMENDATION
That Council receive and note the report.

BACKGROUND
Council received two funding request applications for consideration in the 2017/2018 year. The applicants are the Branxton-Greta Business Chamber and Richmond Vale Preservation Co-operative Society Ltd.

At its meeting, 17 May 2017, Council resolved:

1. That Council provides $10,000 (subject to the approval of the draft 2017/18 budget) to the Branxton-Greta Business Chamber for the 2017/18 year on a dollar for dollar basis for the Town Coordinator.

2. That Council officers report back on potential funding option, from both internal and external sources, for funding a further $15,000 towards the Town Coordinator in the 2017/18 financial year.

3. That Council undertakes a full review of all Town Coordinator arrangements, and bring back a report within one (1) month with the aim of standardising the role of the Coordinators, creating job descriptions and drafting KPIs to support these positions in all business hubs. In addition to this review, presentations be given to Councillors by all current Town Coordinators to give a greater understanding of their role and the benefits they deliver to the community.

4. That Council provides a further $750 in support of the Branxton Town Festival in 2018 and that Council approve this funding being sourced from the Tourism Related Projects fund.

5. That Council provides one-off funding to the Richmond Vale Co-operative Society Ltd in the sum of $5,636 (excl. GST) on a dollar for dollar basis, for the Richmond Vale Railway Marketing Program and that Council approve this funding being sourced from the Tourism Related Projects fund.
6. That Council approve the funding of $5,226, for signage for the Richmond Vale precinct if eligible, from Section 94 tourism signage funds and subject to the requirements of Council’s Signage Strategy.

7. That Council applies to the Department of Infrastructure and Development for grant funding through the Regional Growth Fund for the development of the Richmond Main Mining Museum and connectivity to the proposed Richmond Vale Rail Trail as an integrated tourism development of regional significance.

**REPORT/PROPOSAL**

Actions that have been implemented with regard to the resolution of 17 May 2017 are:

1. The Branxton-Greta Business Chamber has received the approved sum of $10,000 provided on a dollar for dollar basis.

2. A thorough review of operational budgets and grant opportunities has not identified any available funding, internally or externally for further financial support for the Branxton-Greta Chambers Town Coordinator role. A search of the Australian Department of Industry, Innovation and Science’s comprehensive grants portal, NSW government’s Community Builders grant portal did not identify any suitable funding programs.

   Investigation of external funding grants was also undertaken through the NSW Dept Premier & Cabinet, Federal Dept. of Employment. However, there is no funding available for roles such as town coordinators. External funding sources for programs such as the federal Building Better Regions Fund - Community Investments Stream also specify funding for staff wages within an organisation is an ineligible activity.

3. The Economic Development Manager has commenced a review with the aim of standardising the role of the coordinators. The Town Coordinators and associated business Chamber representatives have been invited to report to Councillors at an Councillor briefing on 11 October 2017.

4. The Branxton-Greta Business Chamber has received the approved sum of $750 for the Branxton Town Festival in 2018.

5. That Richmond Vale Cooperative Society Ltd has received the approved sum of $5,636 on a dollar for dollar basis for the Richmond Vale Railway marketing program.

6. Funding for signage for the Richmond Vale Rail (RVR) precinct from Section 94 tourism signage funds is in progress. A meeting was held with the Board of RVR on 23 August, wherein, specifications and designs of signage was to be undertaken and provided back to Council. However, with the events of the recent fire, this project has been put on hold.

7. Council applied to The Regional Growth – Environment & Tourism Fund for the development of the proposed Richmond Vale Rail Trail, with the submission being unsuccessful. Officers are continuing to search for funding in partnership with Newcastle and Lake Macquarie Councils who share the Richmond Vale Rail Trail.
OPTIONS

Nil

CONSULTATION

Economic Development Officer
General Manager
Design Delivery Manager
Towns With Heart
Branxton Greta Business Chamber
Cessnock Chamber of Commerce
Richmond Vale Cooperative Society Ltd

STRATEGIC LINKS

a. Delivery Program

1.2.8 Commence implementation of the LGA Signage Strategy.
1.4.3 Promote and participate in a range of cultural and heritage activities across the local government area.
2.1.4 Provide support for activation of commercial centres, business engagement, promotion and support for business growth
2.1.4.a Support main street programs.
2.3.1 Collaboratively identify markets and promote the local government area’s tourism industry.
2.3.3 Support major community events and festivals
4.1.1 Advocate for increased road, public and community transport and associated infrastructure funding
4.1.4 Commence implementation of the Cycling Strategy.
4.1.5 Contribute to the investigations and planning for the Richmond Vale Rail Trail.

b. Other Plans

Economic Development Strategy
Cessnock City and Wine Country Signage Strategies

IMPLIEDATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Council resolved at its meeting 17 May 2017, to provide Richmond Vale Cooperative Society Ltd the sum of $5,636; Branxton Greta Business Chamber $10,750. Investigations are underway to source section 94 funding of $5,226 for tourism signage at Richmond Vale Rail precinct.
c. Legislative Implications

Nil

d. Risk Implications

Nil

e. Environmental Implications

Nil

f. Other Implications

Nil

CONCLUSION

Council has supported the Branxton-Greta Business Chamber and Richmond Vale Preservation Co-operative Society Ltd with project funding in 2017-18.

ENCLOSURES

There are no enclosures for this report
SUBJECT: ANZAC DAY STREET BANNERS 2017
RESPONSIBLE OFFICER: Senior Media and Communication Officer - Annaleize Hambling

SUMMARY

The purpose of this report is to update Council on the progress of a grant application being prepared for ANZAC Day Street Banners and estimated costs associated with modifying existing poles to display banners.

RECOMMENDATION

That Council receive and note the information within the report.

BACKGROUND

Council considered a Notice of Motion at the 3 May 2017 Council meeting and resolved:

1. That the General Manager investigates grant funding from the Federal Government to support the purchase of ANZAC Day street banners for Cessnock and Kurri Kurri for 2018 and beyond.

2. That the General Manager investigate the modification of existing poles in Branxton, Weston, Abermain, Kearsley, Ellalong, Paxton, Millfield, Wollombi and Greta Cenotaphs.

REPORT/PROPOSAL

Investigations have been undertaken in accordance with the Council resolution and the following information is provided.

Cessnock and Kurri Kurri Street Banners

Investigation has been undertaken in relation to installing ANZAC Day street banners on the eight poles located on Victoria Street, Kurri Kurri and the seven poles located on Vincent Street, Cessnock. These banners will be designed with longevity in mind, in order for them to be displayed in future years. The cost per banner is $151.25 (GST exclusive).

Grant Funding

The Federal Government’s Anzac Community Grants Program (ACGP) has been identified as a funding opportunity to support the installation of promotional ANZAC Day street banners.

The Anzac Community Grants Program provides small grants for a range of projects that commemorate and educate New South Wales communities about the service and sacrifices of current and former military servicemen and women. Projects which support activities
benefiting the NSW veteran community are also eligible for funding. Small grants of up to $2,000 are available to educational institutions, ex-service organisations, community groups, local government associations, museums and historical societies.

An application is currently being prepared to apply for grant funding for the eight poles located in Kurri Kurri and the seven poles located in Cessnock and will be submitted ahead of the closing date of 11 November 2017.

**Modification of existing poles in Cessnock Local Government Area (LGA) Cenotaphs**

Council officers have identified 29 flagpoles located in the LGA including those which are placed at Cenotaphs around the region. It is considered that attaching ANZAC Day banners to these flag poles may put Council at risk of contravening the Australian National Flag protocols. The protocols stipulate that the Australian Flag takes precedence over all other national flags and should be flown in the position of honour.

After the Australian National Flag, the order of precedence of flags is: national flag of other nations, state and territory flags, other Australian flags prescribed by the Flags Act 1953, ensigns and pennants.


Council officers have also identified the risk of vandalism to flags displayed in isolated locations that have limited or no lighting.

**Modification of existing poles**

Investigations undertaken have included collating information around modifying existing electricity poles or light poles to display banners. The modification of these poles would require a specialised attachment and would rely on negotiations with the relevant stakeholders.

The cost per attachment is $1,145.00 (GST exclusive). It should be noted this does not include the cost of the banner.

**Installation of poles**

Investigation into this matter also included collating the cost of installing additional poles in the Cessnock LGA. To install a 6.5 metre pole that is compatible with Roads and Maritime Services standards would cost $2,725.00 per unit. The cost of installation and delivery would be in addition to this cost. The installation of poles would require the relevant approvals to be sought from the Roads and Maritime Services.

**OPTIONS**

1. That Council note a grant funding application is being prepared for ANZAC Day street banners and the relevant information included in this report.
2. That Council note a grant funding application is being prepared for ANZAC Day street banners and that if Council elects for the modification of existing poles or the installation of additional poles for the display of ANZAC Day street banners, then an appropriate funding source for associated costs is identified.

CONSULTATION

Kurri Kurri Towns with Heart
Graphic Designer
Bannerconda
Principal Community Planner
Manager of Open Spaces and Community Facilities

STRATEGIC LINKS

a. Delivery Program
   1.4.3 Promote and participate in a range of cultural and heritage activities across the local government area.
   2.3.3 Support major community events and festivals.

b. Other Plans
Nil

IMPLICATIONS

a. Policy and Procedural Implications
Nil

b. Financial Implications
To install ANZAC Day street banners on the existing 15 poles in Kurri, Kurri and Cessnock would cost $2,774.75. The application being prepared for the Federal Government’s Anzac Community Grants Program (ACGP) is for the value of $2,000. If Council’s grant application is successful the additional $774.75 will be resourced from within existing 2017/2018 budget.

Council would need to identify an appropriate funding source for costs associated with the modification of existing poles or the installation of new poles.

c. Legislative Implications

Flags Act 1953

d. Risk Implications
Nil
e. Environmental Implications

Nil

f. Other Implications

Nil

CONCLUSION

The Cessnock LGA currently has 15 street banner poles which can display ANZAC Day street banners. The ability to display ANZAC Day banners on existing poles in Cenotaphs is limited due to protocols set out in the Australian National Flag protocols and the heightened risk of vandalism banners may be subject to if displayed in more isolated areas.

However a number of other options are available to facilitate the display of more banners across the LGA including the modification of existing poles or the installation of new poles.

ENCLOSURES

There are no enclosures for this report
SUBJECT: HERITAGE LISTING PROCESS FOR WOLLOMBI PUBLIC SCHOOL (FORMER)

RESPONSIBLE OFFICER: Senior Strategic Land Use Planner - Keren Brown

SUMMARY

The purpose of this Report is to provide information on the process and costs involved in nominating the former Wollombi Public School for listing on the State Heritage Register.

The Report is in response to a Notice of Motion on the 14 December 2016 regarding the Wollombi Public School. The Report has been presented to Council twice, originally on 1 March 2017 and deferred for 6 weeks, and again on the 19 April 2017 and deferred for six months.

RECOMMENDATION

1. That Council determine its position on whether to pursue the State Heritage listing of the Wollombi Conservation Area given there is no funding available.

2. That in the event Council determines to pursue the State Heritage listing of the Wollombi Conservation Area, a further report be provided to Council investigating funding options.

CHRONOLOGY

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>14 December 2016</td>
<td>Notice of Motion BN20/2016 presented to Council</td>
</tr>
<tr>
<td></td>
<td>Council resolved to pursue National and State Heritage listing of the former Wollombi Public School.</td>
</tr>
<tr>
<td>16 February 2017</td>
<td>Nomination of the former Wollombi Public School for National Heritage Listing submitted to the Department of Environment and Energy.</td>
</tr>
<tr>
<td>1 March 2017</td>
<td>Report presented to Council on the process and costs involved in nominating an item for State Heritage Listing. Council resolved to defer the Report for at least six weeks.</td>
</tr>
<tr>
<td>19 April 2017</td>
<td>Report presented to Council</td>
</tr>
<tr>
<td></td>
<td>Council resolved to defer the matter for six months to give the community a chance to negotiate with the State Government for the land.</td>
</tr>
<tr>
<td>12 July 2017</td>
<td>Department of Environment and Energy advised that the nomination of the former Wollombi Public School for National Heritage listing was unsuccessful.</td>
</tr>
<tr>
<td>2 August 2017</td>
<td>Council Report to advise that the Department of Environment and Energy determined that the nomination of the former Wollombi Public School for National Heritage listing was unsuccessful.</td>
</tr>
</tbody>
</table>
PROGRESS SINCE COUNCIL MEETING ON 19 APRIL 2017

On 19 April 2017 Council resolved to defer the Report for six months to give the community a chance to negotiate with the State Government on the land. In this time, the Wollombi School Community Educational Trust (WSCET) have obtained an ongoing short-term licence agreement with the Department of Education. Under the agreement WSCET will be the booking contact, liaising directly with the Department of Education. WSCET is in further discussions with the government regarding options for community ownership.

The Department of Environment and Energy advised Council on 12 July 2017 that the Wollombi School would not be considered for assessment on the National Heritage Register (Enclosure 2). The Department of Environment and Energy noted that the Wollombi Public School is of significance to the people in the community however, there was insufficient evidence to determine that the school would be of “outstanding heritage significance to the nation”.

BACKGROUND

The Wollombi Public School ceased operating as a School in December 2014. Since then, the site has been used by Community groups in the Wollombi region. The site is currently owned by the NSW Department of Education. In late 2016, the Department of Education stated that a Property Disposal Plan was being prepared for the Wollombi Public School site.

At the Council Meeting on 14 December 2016, Council resolved:

1. That Council reinforces its resolution of 10 December 2014 that the Wollombi School should remain in public ownership in perpetuity for use by the community at no financial impost to the ratepayers of the Cessnock LGA.

2. That Council commences actions to have the Wollombi School site included on the National Heritage Register and the State Heritage Register.

3. That Council request the Minister for Education and the Education Department to delay any further action regarding disposal of the Wollombi School site and investigate opportunities for the retention of the site in community ownership.

4. That Council seeks the support of the Member for Cessnock Clayton Barr MP, the Parliamentary Secretary for the Hunter Scott McDonald MLC and the Member for Hunter, Joel Fitzgibbon MP in progressing the resolutions regarding retention of the Wollombi School in public/community ownership.

Part 3 and 4 of the Resolution from 14 December 2016 have now been completed with letters being sent to the following:

- Adrian Piccoli – Minister for Education
- Clayton Barr – State Member for Cessnock
- Scott McDonald – Parliamentary Secretary for the Hunter and Central Coast
- Joel Fitzgibbon – Federal Member for the Hunter
REPORT/PROPOSAL

The Wollombi Public School site is currently listed in the Cessnock Local Environmental Plan 2011 (LEP) as a Heritage Item of local significance and is located in the Wollombi Heritage Conservation Area. Being a Heritage Item of local significance and located in a Heritage Conservation Area means that any development application on the site needs to consider the effect a proposed development will have on the heritage significance of the item and the Conservation Area. A development application would be required for any modification to the building, including relocation or demolition. A comprehensive heritage report prepared by a suitably qualified Heritage Expert would need to be lodged with the application.

Heritage items can either be of Local, State or National significance. Each level of heritage significance has different criteria that must be met in order to be listed. Council resolved on 14 December 2016 to commence proceedings to have the Wollombi Public School listed on the State and National Heritage Register. State and National Heritage listing are two separate processes.

National Heritage Register
Nominations for National Heritage listing are coordinated by the Federal Department of Environment and Energy. Nominations for National heritage listing are open once a year, with 2017-2018 nominations opens from 13 December 2016 to 17 February 2017.

Ideally an expert Heritage Consultant would be engaged to prepare justification for the National Heritage listing. However, due to time constraints and nominations closing on 17 February 2017 there was no opportunity to engage a Heritage Consultant. In order to meet the 17 February closing date Council has completed the National Heritage listing nomination with the information already available to Council as part of the local heritage listing in the LEP (Enclosure 1). The nomination was submitted on 17 February 2017.

State Heritage Register
State Heritage listings are managed by the NSW Office of Environment and Heritage. Applications are open all year round and require an application form and supporting justification demonstrating that the item or area meets the criteria for State Heritage listing. Applications need to demonstrate that the site is of historical significance to the entire State. For example the Great North Road is an item of State Significance because of the important role it played in facilitating trade routes across New South Wales. Shepards Hill Military installations in Newcastle are an item of State Significance because of the role the site played in Australia’s coastal defence over six decades. It should be noted that the level of justification needed for a State Heritage listing is significant. To adequately justify that an item or area meets the State Heritage criteria an assessment needs to be completed by a qualified Heritage Consultant.

Preliminary advice indicates that it may be difficult to meet the high standard of State listing requirements if the school site is considered in isolation. However, if considered in the context of the role the Wollombi Village has played in the hierarchy of the State and the intact collection of buildings in Wollombi, there may be greater merit for a State listing as part of a broader listing. The boundary of the listing could be the same as that established by the current Heritage Conservation Area. The Wollombi Conservation Area is a broad cultural landscape that has the potential to address a number of the State Heritage criteria. Wollombi was a key administrative centre for trade on the Great North Road and a number of the key administrative buildings such as the post office and police station remain intact.
Nomination of the Wollombi Conservation Area would capture the significance of Wollombi Public School as part of a significant cultural landscape.

Ownership of the Site
The heritage listing of a site, whether it be of National, State or Local significance, does not prevent a site from being sold or changing ownership. A Heritage listed site can be sold through the same process as any parcel of land, regardless of the level of heritage significance.

As part of the nomination process for both National and State heritage listing the property owner will have the opportunity to comment.

OPTIONS
Council has the following options available to it:

Option 1
That Council determines whether it wishes to pursue the State Heritage listing of the Wollombi Conservation Area.

Given the specialised nature of the work required to pursue this option, the cost is estimated at approximately $55,000 to procure the resources needed to carry out the work. There is no funding provided in the adopted 2017/18 budget for this work. To carry out this work in the current financial year would require redirection of funds from an existing project and would impact on the adopted delivery of whichever project was identified to source the funding from. Staff do not recommend redirecting funds or delaying the existing program.

If Council was to pursue the listing of the conservation area, a further investigation on funding options would be needed for Council to consider. This is the preferred option.

Option 2
That Council resolves to pursue the State Heritage listing of the Wollombi Public School independent of the listing of the Conservation Area.

This is not recommended given preliminary reviews demonstrate it is unlikely to qualify as a stand-alone heritage item and consequently may be difficult to justify funding in that regard.

Option 3
That Council does not proceed with the nomination for State Heritage listing for the Wollombi School site or the Wollombi Conservation Area.

CONSULTATION
Community consultation regarding the State Heritage nomination has not yet been undertaken at this early stage of the process. If there is sufficient justification for the site to be considered as an item of State Heritage significance, the Office of Environment and Heritage will conduct community consultation.

The Department of Education has been advised in writing that Council has resolved to commence proceedings to have the site added to the State and National Heritage Register.
STRATEGIC LINKS

a. Delivery Program

The nomination of the Wollombi Public School or Wollombi Conservation Area to the State Heritage Register is consistent with the following objectives in the Community Strategic Plan:

A sustainable and prosperous economy
Objective 2.3 Increasing tourism opportunities and visitation to the area.

A sustainable and healthy environment
Objective 3.1 Protecting and enhance the natural environment and the rural character of the area.

A connected, safe and creative community
Objective 1.4 Fostering and articulate and creative community.

b. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

If Council resolves to proceed with the nomination for the State Heritage Register, a Heritage Consultant will be engaged to undertake an assessment of the site or area and prepare justification for the nomination. It is estimated that this would take a minimum of 19 weeks (Figure 1). The nomination application will then be submitted by Council to the NSW Office of Environment and Heritage. It is unknown when the application will be assessed.

The information in the nomination is then assessed by the Office of Environment and Heritage. If it is determined that the site or area should be of State significance, the property owners and community are consulted before the application is presented to the Heritage Council and Minister for Planning for a decision.
Figure 1: An estimate of the time required to prepare a Heritage Report in support for the nomination of Wollombi Public School to the State Heritage Register.

- Council Resolution to proceed with the State Heritage nomination
- Prepare a brief to engage a consultant to prepare the justification documents
  - 2 weeks
- Brief open to the public to submit quotations
  - 3 weeks
- Assessment of quotations and engage successful consultant
  - 2 weeks
- Heritage Consultant completes the brief and justification for State Heritage listing
  - 6 weeks
- Draft Report provided to Council staff to review
  - 2 weeks
- Final justification provided to Council
  - 2 weeks
- State Heritage Nomination form submitted by Council
  - 2 weeks
b. Financial Implications

Council does not have the in-house specialist skills to undertake the heritage assessment of Wollombi Public School, or the Wollombi Conservation Area for nomination to the State Heritage Register. An expert Heritage Consultant would be required for this project to provide the comprehensive justification for the State Heritage listing. Two initial quotes have been received to provide an indication of the costs for this specialised work to be undertaken (Table 1). It should be noted that due to the costs identified, additional quotes would be required under Council’s Procurement Policy.

Table 1: The cost associated with the preparation of justification for the State Heritage listing nomination.

<table>
<thead>
<tr>
<th>Item/area to be reviewed for nomination to the State Heritage Register</th>
<th>Cost to prepare justification documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wollombi Public School</td>
<td>$21,180 (exc GST)</td>
</tr>
<tr>
<td>Wollombi Heritage Conservation Area (including Wollombi Public School)</td>
<td>$33,540 (exc GST)</td>
</tr>
</tbody>
</table>

Funds have not been allocated in the Council Budget for the review of the heritage status of the Wollombi Public School or the Wollombi Conservation Area. There are no grants available for this project. Funds in the Strategic Land Use Planning Budget have already been committed through contracts to existing projects such as the Cessnock City Planning Strategy Project, Kurri Kurri District Strategy and Cessnock Commercial Precinct Project. Reallocation of funds in the Strategic Land Use Planning Budget will mean that these projects would be delayed. In addition to this, Staff time will have to be reallocated from these projects to manage the Wollombi Public School project.

For this project to proceed, additional funds will need to be allocated or projects such as the Cessnock City Planning Strategy Project and Kurri Kurri District Strategy will be impacted.

c. Legislative Implications

Sites or areas that are listed as Heritage Items of local significance are legally protected by the heritage provisions in the Cessnock Local Environmental Plan 2011. A development that affects a Heritage Item of local significance generally requires the approval of Council.

Sites or areas that are listed on the State Heritage Register are legally protected under the NSW Heritage Act 1977. Major development on a State Heritage listed site requires approval from the NSW Heritage Council. If Council proceeds with the nomination of the Wollombi Conservation Area for State Heritage listing, and is successful, it will mean that significant Development Applications in the Conservation Area will be referred to the NSW Heritage Council. This has the potential to increase the assessment time and add costs to a development.

d. Risk Implications

If Council proceeds with the nomination for State Heritage listing for either the Wollombi school or the Wollombi Conservation Area funds and staff resources will have to be reallocated which will potentially delay the delivery of the existing work program including Cessnock City Planning Strategy Project and Kurri Kurri District Strategy.
If the nomination for State Heritage listing is successful, it will not prevent the site from being sold. A Heritage listed site can be sold through the same process as any parcel of land, regardless of the level of heritage significance.

e. Environmental Implications

Nil

f. Other Implications

Nil

CONCLUSION

The Wollombi Public School is a Heritage Item of local significance and is located in the Wollombi Heritage Conservation Area. Following the Council Resolution on 14 December 2016 to nominate the School for listing on the State Heritage register, a further decision is needed from Council on how to proceed with the nomination. To have a comprehensive nomination completed, an expert Heritage Consultant is needed to prepare justification for the nomination. If Council proceeds with the State Heritage nomination, funds need to be sourced to engage a Heritage Consultant and works associated with the nomination will impact on the delivery of the Strategic Land Use Planning Work Program including the Cessnock City Planning Strategy Project and Kurri Kurri District Strategy.

ENCLOSURES

1 National Heritage Nomination for the Wollombi Public School
2 Correspondence from the Department of Environment and Energy advising that the National Heritage nomination for Wollombi Public School is unsuccessful
SUBJECT: PLANNING AGREEMENT - ROSEHILL ESTATE, MILLFIELD

RESPONSIBLE OFFICER: Senior Strategic Land Use Planner - Keren Brown
Infrastructure Manager - Katrina Kerr

SUMMARY

This Report provides information on the Planning Agreement for Rosehill Estate in Millfield and the delivery of associated works.

RECOMMENDATION

1. That Council note the information provided on the Rosehill Estate Planning Agreement.

2. That Council amends the current Delivery Program 2017-21 to include the construction of traffic and drainage works identified in the Rosehill Estate Planning Agreement as part of the 2017-18 Regional Road Renewal Program.

3. That Council reallocates $258,000 from the 2017-18 Local Road Renewal Program (being a portion of the allocated funds for the deferred Mt View Road, Cessnock project) to the Regional Road Renewal Program.

4. That Council considers the undertaking of the Recreation and Community Facilities projects identified in the Rosehill Estate Planning Agreement during the development of its 2018-19 Operational Plan and Budget.

BACKGROUND

At its Ordinary Meeting on 6 September 2017 a Notice of Motion was carried and Council resolved:

That the General Manager provide a report on the background of the Planning Agreement (PA) for the Rosehill development at Millfield and when approved Millfield community works associated for this PA intend to start.

REPORT/PROPOSAL

Council and Fame Cove Three Pty Ltd established a Planning Agreement in July 2014 to facilitate the delivery of infrastructure to meet the increased demand from the Rosehill Estate development. A Development Application for 100 lots was subsequently approved in 2014 (DAB/2014/347/1).

The Planning Agreement includes over $1.3million of infrastructure with the cost split between Council and the Developer. Infrastructure in the Planning Agreement is grouped into four categories;

- City wide contribution
- Traffic and drainage works
The developer is required to pay development contributions for 100 lots. As of 10 October 2017 contributions have been paid for 85 lots totaling $667,337.78. Development contributions are still required on 15 remaining lots.

A summary of the total contributions received up until 10 October 2017 and the contributions that are outstanding are shown in Table 1.

Table 1: Infrastructure included in the Rosehill Planning Agreement and development contributions that have been paid up until 10 October 2017.

<table>
<thead>
<tr>
<th>Infrastructure</th>
<th>Developers portion of the works</th>
<th>Council portion of the works</th>
<th>Amount paid by Developer</th>
<th>Amount outstanding</th>
<th>Number of lots paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>City wide contribution</td>
<td>$222,149.77</td>
<td>Combination of:</td>
<td>$188,087.23</td>
<td>$34,062.54</td>
<td>85</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Council funds,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>grant funds,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Developer contributions</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>levied under other Planning Agreements and Section 94 Contribution Plans</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Traffic &amp; Drainage</td>
<td>$334,489.28</td>
<td>$257,859.21</td>
<td>$283,201.41</td>
<td>$51,287.87</td>
<td>85</td>
</tr>
<tr>
<td>Recreation</td>
<td>$155,944.37</td>
<td>Nil</td>
<td>$132,033.20</td>
<td>$23,911.17</td>
<td>85</td>
</tr>
<tr>
<td>Community Facilities</td>
<td>$75,609.21</td>
<td>$347,496.85</td>
<td>$64,015.94</td>
<td>$11,593.27</td>
<td>85</td>
</tr>
<tr>
<td>Total</td>
<td>$788,192.63</td>
<td>$605,356.06 (excluding city wide contribution)</td>
<td>$667,337.78</td>
<td>$120,854.85</td>
<td>85</td>
</tr>
</tbody>
</table>

*City wide contributions are collected through a number of Development Contribution Plans and Planning Agreements.

City wide contributions

The Planning Agreement requires the developer to contribute $2,260.24 (indexed 10 October 2017) per lot for city wide facilities such as the District Indoor Sports Facility and the upgrading of bushfire facilities. These facilities are funded from a combination of development contributions, Council funds and grant funding.

Development contributions that are collected for city wide facilities are held until identified works can be fully funded and included in the Delivery Program.
Traffic and Drainage

The traffic and drainage works in the Plan include:

- Reconstruction of Wollombi Road/Eleventh Avenue Intersection with kerb and guttering and underground drainage
- Reconstruction of Eleventh Avenue – Wollombi Road to Millfield Road with kerb and underground drainage
- 2 indented bus bays with all-weather shelters
- Shared pedestrian footpath/cycle way to Millfield Community Hall and playground

$283,201.41 had been paid by the Developer for the above traffic and drainage works with $51,287.87 still outstanding for these works.

Stage 4 of the reconstruction of Wollombi Road, Millfield is currently in progress with a construction site already established. It would be cost effective for Council to continue the current works to join with the traffic and drainage work required by the Planning Agreement. It is also advantageous to complete the reconstruction work in Eleventh Street to address road safety issues raised by adjacent residents. Final Design for the intersection is complete.

Council officers will commence investigation on the design and location of the proposed bus shelters and shared pedestrian footpath/cycle way, with a view of undertaking these works in future years of the Delivery Program 2017-21.

Recreation

The PA requires a local playground and park embellishments at Crawfordville Park which will be fully funded by the Developer. A total of $132,033.20 has been received for these works with $23,911.17 outstanding. The embellishments at Crawfordville Park will be considered within the provisions of the Draft Recreation and Open Space Strategy.

Community Facilities

The PA allows for a community facility at Millfield valued at $400,000. The developer is required to pay $75,609.21 of this with Council funding the remaining portion. A total of $64,015.94 has been paid by the developer with $11,593.27. These funds will be held until the identified works are undertaken and Council is able to fund the remaining portion of the project, either through grant funding or future Operational Plan budgets.

OPTIONS

OPTION 1: Note the information provided on the Rosehill Estate Planning Agreement, and amend the current Delivery Program 2017-21 to include construction of the traffic and drainage works identified in the Planning Agreement; and that Council considers the undertaking of the Recreation and Community Facilities components of the Agreement during the development of the 2018-19 Operational Plan and Budget. This is the preferred option to take advantage of the construction works currently taking place along Wollombi Road, Millfield and to allow Council time to consider how it will program and fund the remaining works.
OPTION 2: Note the information provided on the Rosehill Estate Planning Agreement and do not amend the Delivery Program 2017-21. In this case reconstruction of the intersection and part of Eleventh Street, along with the undertaking of the recreation and community facilities works associated with the Agreement would be considered as part of a future Delivery Program.

CONSULTATION

In the preparation of this Report, internal consultation has occurred with:
- Strategic Planning
- Infrastructure Planning
- Open Space and Community Facilities
- Community Planning
- Director Works & Infrastructure

Consultation on individual infrastructure projects, such as works in Crawfordville Park, will be undertaken separately with the community.

STRATEGIC LINKS

a. Delivery Program

The adopted Delivery Program 2017-21 includes reconstruction of Wollombi Road Millfield Stage 4. Inclusion of additional reconstruction and the traffic and drainage works contained in the Planning Agreement requires an amendment to the current Program.

Provision of the bus bays and cycleway can be delivered when all funds are received as they are at full cost to the developer.

In order to co-ordinate cross department Section 94 issues, a governance group (Section 94 Steering Group), comprised of relevant managers across the organisation was established in 2015. One of the major roles of the Group is to determine Section 94 funded capital works for inclusion into the Capital Works Program. This occurs on an annual basis through the budget process. Incoming funding from planning agreements and contributions plan are monitored and reported to the Group monthly. The monthly review provides the mechanism to identify availability of funding and recommend amendments to the Delivery Plan when sufficient funds are available to commence works. It should be noted that this process was used to commence discussions on works identified in the Rosehill Planning Agreement prior to receipt of the Notice of Motion. The Audit Committee has been briefed and has endorsed the establishment of the Group and its Terms of Reference.

b. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

Nil
b. **Financial Implications**

Council's contribution of $238,260 to the traffic and drainage works may be achieved by the reallocation of funds from the existing Local Road Renewal Program to the Regional Road Renewal Program.

As Council resolved on 2 August 2017 to defer works on Mount View Road pending a final decision on the Cessnock Corrective Centre access, funding of $258,000 can be reallocated to the Regional Road Renewal Program to increase the scope of Wollombi Road Stage 4 works to join and include the reconstruction of the intersection with Eleventh Street and the Eleventh Street approach.

Subsequent budgets for Wollombi Road may be reduced accordingly and reallocated back to the Mount View Road project as and when required.

With regard to the undertaking of the recreation and community facilities works associated with the Rosehill Estate PA, it is recommended that Council considers the undertaking of these projects during the development of the 2018-19 Operational Plan and Budget.

c. **Legislative Implications**

Nil

d. **Risk Implications**

Nil

e. **Environmental Implications**

Nil

f. **Other Implications**

Nil

**CONCLUSION**

The Rosehill Planning Agreement collects monies for infrastructure works in the immediate vicinity of the development and for city wide projects such as libraries. To date the developer has contributed $667,337.78 (indexed 10 October 2017) with $120,854.85 (indexed 10 October 2017) still to be collected. Financially, it is an opportune time to bring the road works component of the Planning Agreement forward while Council is currently undertaking similar works in the area. These works will provide an immediate benefit to the community.

**ENCLOSURES**

There are no enclosures for this report
SUBJECT: ABANDONED VEHICLES
RESPONSIBLE OFFICER: Health & Building Manager - Colin Davis

This report is provided in response to Council’s resolution regarding Notice of Motion BN49/2017 – Abandoned Vehicles.

RECOMMENDATION
That Council receive the report and note the information.

BACKGROUND
Council resolved at its meeting of 4 October 2017:

1. That the General Manager investigates if Council can impound an abandoned vehicle immediately under Section 16 (5) of the Impounding Act 1993 if the impounding officer is satisfied that it may be vandalised or set on fire and is likely to be a danger to the public.

2. That the General Manager writes to the NSW Police informing them of the abnormal high number of abandoned vehicles in the Cessnock Local Government Area.

3. That the following motion be submitted to the Local Government NSW Board for consideration for inclusion as an agenda item for the 2017 Local Government NSW Annual Conference:
   - That the NSW Government review Section 16(5) of the Impounding Act 1993 to enable the immediate removal of abandoned motor vehicles where the motor vehicles are likely to be set alight thereby causing potential bushfires.

4. That a report be considered by Council at its meeting of 18 October 2017.

REPORT/PROPOSAL
In response to the above resolution a legal opinion has been obtained to specifically address point 1. The advice by Local Government Legal is provided in Enclosure 1.

The advice in summary states:

“We are therefore of the opinion that an impounding officer cannot immediately impound a motor vehicle under section 16(5) of the Impounding Act 1993 as it is likely to be a danger to the public because it may be vandalised and/or set on fire, thereby causing a bushfire. Furthermore, if an impounding officer does exercise power in this way, the Council, and the
officer personally, may be liable for damages suffered by the owner of the motor vehicle so impounded because the Councilor officer failed to act in good faith or with reasonable care”.

To specifically address the proprietary rights of citizens, the advice specifies that as the Impounding Act 1993 permits the serious invasion of the proprietary rights of citizens (and corporations) the powers granted by the Act must be exercised in accordance with the conditions expressly imposed by it, or fairly to be implied in it. Section 45(3) of the Impounding Act 1993 states:

“A person is not prevented from recovering damages from an impounding authority in respect of the sale or disposal of an item if the person establishes that the authority, or the person who effected the sale or disposal, did not act in good faith or acted without reasonable care”.

Local Government Legal has also advised that they are not aware of any other legislative provisions that would enable abandoned motor vehicles to be impounded immediately.

In reference to Resolutions 2 and 3, a letter has been sent to the NSW Police informing them of the high number of abandoned vehicles in the Cessnock Local Government Area. The Motion has been lodged with Local Government NSW.

CONSULTATION

Ranger Team Leader
Acting Director Planning and Environment
Local Government Legal

STRATEGIC LINKS

a. Delivery Program

This report is linked to Objective 1.3.2 of the Delivery Program “Carry out regulatory and education programs to protect residential amenity and community health and safety”.

b. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Nil
c. Legislative Implications

Council officers are authorised under the Impounding Act 1993 to investigate and impound abandoned motor vehicles. Requirements under the Act specify specific timeframes for investigating an abandoned vehicle to ensure procedural fairness is extended to vehicle owners to rectify the matter before Council takes action.

d. Risk Implications

Nil

e. Environmental Implications

Nil

f. Other Implications

Nil

CONCLUSION

Legal advice provided to Council states that under the provisions of the Impounding Act 1993 an impounding officer cannot immediately impound a motor vehicle under Section 16(5) as it is likely to be a danger to the public because it may be vandalised and/or set on fire, thereby causing a bushfire. The Advice also states that there are no other legislative provisions that would enable abandoned motor vehicles to be impounded immediately.

However Councils resolution of 4 October 2017 seeks through a motion to be submitted to the LGNSW Board for consideration for inclusion as an agenda Item for the 2017 Local Government NSW Annual Conference, a review of S16(5) of the Impounding Act 1993 by the NSW Government.

ENCLOSURES

1 Advice Regarding Abandoned Vehicles - Emergency Impound provisions - This matter is considered to be confidential under Section 10A(2) (g) of the Local Government Act, as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
SUBJECT: CODE OF CONDUCT REVIEW PANEL 2017
AUTHOR: Director Corporate and Community Services - Robert Maginnity

SUMMARY

In 2013 all NSW Councils were required to adopt the Model Code of Conduct and Procedures for the Administration of the Model Code of Conduct. A requirement of the Model Code of Conduct is that Councils must have determine a panel of conduct reviewers by 30 September 2013.

Council appointed a panel utilising the Code of Conduct Regional Review Panel as adopted by Hunter Councils in September 2013, with the appointments being for a four year term.

RECOMMENDATION


BACKGROUND

All Councils throughout NSW were required to adopt the Model Code of Conduct and Procedures for the Administration of the Model Code of Conduct by March 2013, and a requirement of the revised Model Code of Conduct is that Councils must have determined a panel of conduct reviewers by 30 September 2013.

Council elected to utilise the review panel established by Hunter Councils in September 2013, and a revision to the panel has now been provided for Councils consideration.

REPORT/PROPOSAL

At its Board Meeting of 10 August 2017, Hunter Councils Inc considered a report in relation to the revision of a Code of Conduct Regional Panel, and this revised panel is now available for individual council review in terms of its own Code of Conduct Panel.

Following the mandated adoption of the Model Code of Conduct Council in 2013, Council elected to utilise the Hunter Councils Review Panel (Report PM88/2013 18September 2013), with the appointments to the panel for a four year term.

In accordance with Part 3 of the Procedures for the Administration of the Model Code of Conduct, Hunter Councils Inc sought expressions of interest from qualified practitioners to become members of a Regional Review Panel and the panel listing includes 18 entities and/or individuals.

Given the diversity of matters that could be referred, Hunter Councils Inc has suggested that all the submitting entities / individuals be placed on the Regional Panel and that member Councils determine the degree to which any or all of the individuals / entities will be accessed at a local level either through confirmation of a Council specific Panel potentially drawn at
least in part from the Regional Panel or by simple access to the Regional Panel. The latter is the preferred approach.

**Procedures for the Administration of the Model Code of Conduct**

Part 3 provides for the engagement of a panel of conduct reviewers, as follows:

3.1 The Council must by resolution establish a panel of conduct reviewers.

3.2 The Council may by resolution enter into an arrangement with one or more other Councils to share a panel of conduct reviewers.

3.3 The panel of conduct reviewers is to be established following a public expression of interest process.

3.4 An expression of interest for members of the Council’s panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.

3.5 To be eligible to be a member of a panel of conduct reviewers, a person must, at a minimum, meet the following requirements:
   a) an understanding of Local Government, and
   b) knowledge of investigative processes including, but not limited to, procedural fairness requirements and the requirements of the Public Interest Disclosures Act 1994, and
   c) knowledge and experience of one or more of the following:
      i) investigations, or
      ii) law, or
      iii) public administration, or
      iv) public sector ethics, or
      v) alternative dispute resolution, and
   d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.7

3.6 A person is not eligible to be a member of the panel of conduct reviewers if they are:
   a) a Councillor, or
   b) a nominee for election as a Councillor, or
   c) an administrator, or
   d) an employee of a Council, or
   e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
   f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
   g) a person who has a conviction for an indictable offence that is not an expired conviction.

3.7 A person is not precluded from being a member of the Council’s panel of conduct reviewers if they are a member of another Council’s panel of conduct reviewers.

3.8 A panel of conduct reviewers established under this Part is to have a term of up to four years.

3.9 The Council may terminate the panel of conduct reviewers at any time by resolution.
3.10 When the term of the conduct reviewers concludes or is terminated, the Council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.

3.11 A person who was a member of a previous panel of conduct reviewers established by the Council may be a member of subsequent panels of conduct.

The proposed use of a regional panel for the purposes of complaints referral will satisfy the requirement of the Section 3.2 of the Procedure.

OPTIONS

1. Council adopt the recommendation.

2. Council call for new expressions of interest to appoint its own local Conduct Review Panel and request an extension of time from the Division of Local Government to facilitate this.

3. Council seek an extension of tenure for past members of its former Conduct Review Panel.

Option 1 is the preferred option.

CONSULTATION

Consultation has occurred through Hunter Councils Inc
General Manager
Code of Conduct Complaints Co-ordinator

STRATEGIC LINKS

a. Delivery Program

This reports links to the community’s desired outcome of “Civic Leadership and Effective Governance”.

b. Other Plans

Model Code of Conduct 2013
Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

IMPLICATIONS

a. Policy and Procedural Implications

Council is required to comply with the provisions of the Model Code of Conduct 2013.

b. Financial Implications

Costs will be in accordance with the time required to complete any reviews and the agreed hourly or daily rates nominated and reimbursement of expenses.
c. Legislative Implications

Section 440 of the Local Government Act 1993 requires Councils to comply with the provisions the *Model Code of Conduct* for Local Councils in NSW.

d. Risk Implications

Council is required to address risks associated with breaches of the Code of Conduct.

e. Other Implications

Independent assessment of referred *Code of Conduct* complaints and annual reporting of investigations undertaken complies with good governance requirements.

**CONCLUSION**

This report recommends the endorsement of the *Code of Conduct Regional Review Panel* as adopted by Hunter Councils Inc. and referral of any relevant Code of Conduct complaint to the Panel, in lieu of Council establishing its own *Independent Review Panel*.

**ENCLOSURES**

1. Review Panel - Commercial In Confidence - *This matter is considered to be confidential under Section 10A(2) (c) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*
SUBJECT: INVESTMENT REPORT - SEPTEMBER 2017
RESPONSIBLE OFFICER: Management Accountant - Paul Grosbernd

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

RECOMMENDATION
That Council receive the report and note the information.

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

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

General Investment Commentary
Following assessment of projected cash flow requirements, surplus funds are invested in accordance with Council’s Investment Policy.

The Reserve Bank of Australia (RBA) official cash rate as at 30 September 2017 was 1.50%. Scheduled RBA Board meetings are held on the first Tuesday of each month (excluding January) at which the official cash rate is one of the matters considered. The October meeting held on 3 October 2017 retained the official cash rate at 1.50%.

Investment revenues to the end of September 2017 exceeded the benchmark in the Investment Policy with an actual level of return 3.2% higher than budget.
Investment Portfolio Information

Total cash and investments held by Council as at 30 September 2017 are:

<table>
<thead>
<tr>
<th>Invest No</th>
<th>Financial Institution Held With</th>
<th>Invest Type</th>
<th>Interest Coupon Term</th>
<th>Maturity / Next Coupon Date</th>
<th>Current Coupon Rate</th>
<th>Par Value $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commonwealth Bank</td>
<td>CASH</td>
<td></td>
<td></td>
<td>1.15%</td>
<td>5,873</td>
<td></td>
</tr>
<tr>
<td>Commonwealth Bank</td>
<td>At Call</td>
<td></td>
<td></td>
<td>0.60%</td>
<td>41</td>
<td></td>
</tr>
<tr>
<td>1243</td>
<td>AMP Bank</td>
<td>At Call</td>
<td></td>
<td>2.05%</td>
<td>500</td>
<td></td>
</tr>
<tr>
<td>1233p</td>
<td>Suncorp Bank</td>
<td>TD</td>
<td>203</td>
<td>11-Apr-18</td>
<td>2.50%</td>
<td>700</td>
</tr>
<tr>
<td>1258n</td>
<td>ANZ Bank</td>
<td>TD</td>
<td>203</td>
<td>07-Mar-18</td>
<td>2.30%</td>
<td>700</td>
</tr>
<tr>
<td>1260i</td>
<td>National Bank</td>
<td>TD</td>
<td>251</td>
<td>17-Jan-18</td>
<td>2.53%</td>
<td>1,000</td>
</tr>
<tr>
<td>1263j</td>
<td>Westpac Bank</td>
<td>TD</td>
<td>184</td>
<td>23-Feb-18</td>
<td>2.52%</td>
<td>600</td>
</tr>
<tr>
<td>1264i</td>
<td>IMB Bank</td>
<td>TD</td>
<td>245</td>
<td>18-Oct-17</td>
<td>2.60%</td>
<td>600</td>
</tr>
<tr>
<td>1269h</td>
<td>Maitland Mutual Building Society</td>
<td>TD</td>
<td>119</td>
<td>10-Jan-18</td>
<td>2.40%</td>
<td>900</td>
</tr>
<tr>
<td>1270o</td>
<td>Bendigo &amp; Adelaide Bank</td>
<td>FRN</td>
<td>92</td>
<td>14-Nov-17</td>
<td>2.96%</td>
<td>500</td>
</tr>
<tr>
<td>1277n</td>
<td>Greater Building Society</td>
<td>FRN</td>
<td>92</td>
<td>24-Nov-17</td>
<td>3.17%</td>
<td>500</td>
</tr>
<tr>
<td>1281f</td>
<td>National Bank</td>
<td>TD</td>
<td>273</td>
<td>22-Nov-17</td>
<td>2.59%</td>
<td>700</td>
</tr>
<tr>
<td>1282f</td>
<td>Maitland Mutual Building Society</td>
<td>TD</td>
<td>218</td>
<td>03-May-18</td>
<td>2.50%</td>
<td>500</td>
</tr>
<tr>
<td>1284f</td>
<td>National Bank</td>
<td>TD</td>
<td>189</td>
<td>10-Jan-18</td>
<td>2.46%</td>
<td>800</td>
</tr>
<tr>
<td>1286g</td>
<td>IMB Bank</td>
<td>TD</td>
<td>182</td>
<td>14-Mar-18</td>
<td>2.45%</td>
<td>900</td>
</tr>
<tr>
<td>1287f</td>
<td>IMB Bank</td>
<td>TD</td>
<td>203</td>
<td>06-Dec-17</td>
<td>2.55%</td>
<td>700</td>
</tr>
<tr>
<td>1288f</td>
<td>Members Equity Bank</td>
<td>TD</td>
<td>161</td>
<td>21-Feb-18</td>
<td>2.50%</td>
<td>800</td>
</tr>
<tr>
<td>1292e</td>
<td>Suncorp Bank</td>
<td>TD</td>
<td>231</td>
<td>04-Apr-18</td>
<td>2.45%</td>
<td>700</td>
</tr>
<tr>
<td>1293d</td>
<td>Maitland Mutual Building Society</td>
<td>TD</td>
<td>213</td>
<td>08-Nov-17</td>
<td>2.65%</td>
<td>800</td>
</tr>
<tr>
<td>1295g</td>
<td>Newcastle Permanent Building Society</td>
<td>TD</td>
<td>196</td>
<td>04-Oct-17</td>
<td>2.50%</td>
<td>900</td>
</tr>
<tr>
<td>1297e</td>
<td>Members Equity Bank</td>
<td>TD</td>
<td>182</td>
<td>21-Mar-18</td>
<td>2.50%</td>
<td>900</td>
</tr>
<tr>
<td>1299h</td>
<td>Newcastle Permanent Building Society</td>
<td>VRD</td>
<td>92</td>
<td>03-Oct-17</td>
<td>3.11%</td>
<td>800</td>
</tr>
<tr>
<td>1301c</td>
<td>Maitland Mutual Building Society</td>
<td>TD</td>
<td>210</td>
<td>25-Oct-17</td>
<td>2.75%</td>
<td>800</td>
</tr>
<tr>
<td>1302d</td>
<td>Suncorp Bank</td>
<td>TD</td>
<td>209</td>
<td>24-Apr-18</td>
<td>2.50%</td>
<td>900</td>
</tr>
<tr>
<td>1303d</td>
<td>IMB Bank</td>
<td>TD</td>
<td>203</td>
<td>28-Mar-18</td>
<td>2.45%</td>
<td>700</td>
</tr>
<tr>
<td>1304c</td>
<td>AMP Bank</td>
<td>TD</td>
<td>203</td>
<td>11-Oct-17</td>
<td>2.75%</td>
<td>800</td>
</tr>
<tr>
<td>1305d</td>
<td>Commonwealth Bank</td>
<td>TD</td>
<td>217</td>
<td>29-Nov-17</td>
<td>2.51%</td>
<td>900</td>
</tr>
<tr>
<td>1306c</td>
<td>Suncorp Bank</td>
<td>TD</td>
<td>182</td>
<td>04-Oct-17</td>
<td>2.58%</td>
<td>900</td>
</tr>
<tr>
<td>1307e</td>
<td>Bankwest</td>
<td>TD</td>
<td>203</td>
<td>06-Dec-17</td>
<td>2.55%</td>
<td>800</td>
</tr>
<tr>
<td>1308e</td>
<td>Bankwest</td>
<td>TD</td>
<td>216</td>
<td>22-Nov-17</td>
<td>2.60%</td>
<td>900</td>
</tr>
<tr>
<td>1311c</td>
<td>Bankwest</td>
<td>TD</td>
<td>210</td>
<td>15-Nov-17</td>
<td>2.60%</td>
<td>600</td>
</tr>
<tr>
<td>1312b</td>
<td>Newcastle Permanent Building Society</td>
<td>TD</td>
<td>91</td>
<td>13-Dec-17</td>
<td>2.10%</td>
<td>700</td>
</tr>
<tr>
<td>1313a</td>
<td>Commonwealth Bank</td>
<td>TD</td>
<td>279</td>
<td>30-Jan-18</td>
<td>2.55%</td>
<td>800</td>
</tr>
</tbody>
</table>
The following table provides information on the level of funds held and the percentage invested with financial institutions in the investment portfolio:

<table>
<thead>
<tr>
<th>Financial Institution</th>
<th>Amount $'000</th>
<th>% of Portfolio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commonwealth Bank</td>
<td>7,614</td>
<td>19.84%</td>
</tr>
<tr>
<td>Bankwest</td>
<td>6,600</td>
<td>17.18%</td>
</tr>
<tr>
<td>Maitland Mutual Building Society</td>
<td>3,800</td>
<td>9.89%</td>
</tr>
<tr>
<td>IMB Bank</td>
<td>3,700</td>
<td>9.63%</td>
</tr>
<tr>
<td>National Bank</td>
<td>3,400</td>
<td>8.85%</td>
</tr>
<tr>
<td>Members Equity Bank</td>
<td>3,300</td>
<td>8.59%</td>
</tr>
<tr>
<td>Newcastle Permanent Building Society</td>
<td>3,200</td>
<td>8.33%</td>
</tr>
<tr>
<td>Suncorp Bank</td>
<td>3,200</td>
<td>8.33%</td>
</tr>
<tr>
<td>AMP Bank</td>
<td>1,300</td>
<td>3.38%</td>
</tr>
<tr>
<td>ANZ Bank</td>
<td>700</td>
<td>1.82%</td>
</tr>
<tr>
<td>Westpac Bank</td>
<td>600</td>
<td>1.56%</td>
</tr>
<tr>
<td>Greater Building Society</td>
<td>500</td>
<td>1.30%</td>
</tr>
<tr>
<td>Bendigo &amp; Adelaide Bank</td>
<td>500</td>
<td>1.30%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>38,414</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>Term Deposits</td>
<td>Low Low</td>
<td>30,200</td>
<td>78.62%</td>
</tr>
<tr>
<td>Cash/At Call Deposits</td>
<td>Low Low</td>
<td>6,414</td>
<td>16.70%</td>
</tr>
<tr>
<td>Variable Rate Deposit</td>
<td>Low Low</td>
<td>800</td>
<td>2.08%</td>
</tr>
<tr>
<td>Floating Rate Notes</td>
<td>Low Low</td>
<td>1,000</td>
<td>2.60%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>38,414</strong></td>
<td><strong>100.00%</strong></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 (year to date)</td>
<td>2.35%</td>
<td>2.59%</td>
</tr>
<tr>
<td>BBSW Average Interest Rate (year to date) *</td>
<td>1.71%</td>
<td>1.81%</td>
</tr>
<tr>
<td>Actual Investment Interest Earned (year to date)</td>
<td>$212,891</td>
<td>$233,239</td>
</tr>
<tr>
<td>Budget Investment Interest (year to date)</td>
<td>$206,250</td>
<td>$206,250</td>
</tr>
<tr>
<td>Original Budget Investment Interest (Annual)</td>
<td>$825,000</td>
<td>$825,000</td>
</tr>
<tr>
<td>Revised Budget Investment Interest (Annual)</td>
<td>$825,000</td>
<td>$825,000</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 as at 1 July</td>
<td>$36,277,000</td>
<td>$37,684,000</td>
</tr>
<tr>
<td>Month End Current Balance</td>
<td>$38,414,484</td>
<td>$38,295,476</td>
</tr>
</tbody>
</table>

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

The following graph compares actual interest earned to budget for this year and last year.
The following graph compares current year portfolio performance to prior year performance.

![Performance Measurement - Average Interest Rate Compare to Benchmark](image)

**OPTIONS**

N/A

**CONSULTATION**

Financial Accountant  
Director Corporate & Community Services

**STRATEGIC LINKS**

a. **Delivery Program**

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

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

b. **Other Plans**

N/A

**IMPLICATIONS**

a. **Policy and Procedural Implications**

Investments are held in accordance with Council’s Investment Policy which accords with the Ministerial Investment Order.
b. **Financial Implications**

Investment returns are included in Council’s Delivery Program and Operational Plan. Amendments are effected through the Quarterly Budget Review process. Investment portfolio performance is detailed within the report with comparisons to prior year and budget.

A portion of the portfolio and its associated investment income is restricted as it relates to funds held from Developer Contributions, Domestic Waste Management and Property Investment Reserve and is not available for operational projects.

c. **Legislative Implications**

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

d. **Risk Implications**

Investment risks are detailed within this report.

e. **Other Implications**

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

**CONCLUSION**

The report details investments held and meets statutory and policy reporting obligations.

**ENCLOSURES**

There are no enclosures for this report.
SUBJECT: RESOLUTIONS TRACKING REPORT
RESPONSIBLE OFFICER: Director Corporate and Community Services - Robert Maginnity

SUMMARY

The enclosure contains pending actions from previous meetings as well as completed actions for the month of September 2017.

RECOMMENDATION

That Council receive the report and note the information.

ENCLOSURES

1  Completed Actions
2  Outstanding Actions
SUBJECT: PETITION - RENAMING PART OF ACACIA STREET KURRI KURRI

RESPONSIBLE OFFICER: Strategic Infrastructure Project Officer - Bruce Hughes

SUMMARY

The purpose of this report is to address a petition received by Council from the residents of the southern section of Acacia Street, Kurri Kurri regarding renaming of the street.

RECOMMENDATION

That the name Acacia Street be retained for both sections of Acacia Street, Kurri Kurri.

BACKGROUND

Council received a request from a resident of Acacia Street, Kurri Kurri to have one section of the street renamed citing concern that emergency services may attend the wrong section of the street, wasting time that may be vital in a life threatening circumstance.

Acacia Street comprises two unconnected sections of road that are part of a Landcom residential development. It appears that in a later stage, it was intended to complete the connection between the two sections. Crown Lands advise that there is no intention of completing the road at this time and expressed doubt that it would be connected in the foreseeable future. The existing street name blades provide house numbers in the relevant section of the road in a reduced font size.

As part of the consultation process, the property owners along Acacia Street were contacted and invited to make submissions and provide comment on the proposal. A petition, signed by 16 of the residents, representing 9 of the 11 households that would need to be re-addressed, was received by Council. The petition was against any change in the street name.

The purpose of this report is for Council to formally consider and respond to the petition.

REPORT/PROPOSAL

Location: The subject sections of Acacia Street, Kurri Kurri are shown in Figure 1 Street Location Plan, below.
Property Location: Acacia Street
KURRI KURRI NSW 2327

Date Produced: 30 May 2017
Designed By: Cessnock City Council
Scale: 1:2,000
Reference: 31 June 2017, Acacia Street, Kurri, N. Hughes - CSM 0365-2017.wor

Coordinate System: Map Grid of Australia (MGA)

Disclaimer: The map has been prepared to assist the community in understanding the location of Acacia Street, Kurri, NSW 2327. This information is for general purposes only and should not be used for legal, engineering, or surveying purposes. The accuracy and completeness of the information are not guaranteed and should be verified with the appropriate authorities.
Figure 1 – Street Location Plan

Renaming of Street

The Australian/New Zealand Standard, Rural and urban addressing (AS/NZS 4819:2011) notes that:

“Unconnected navigable sections, such as where separated by an unabridged stream, pedestrian segment, railing, etc. shall be assigned separate road names”.

and

“The name element of a road name, regardless of any difference in the road type, shall not be—

(a) The same as an existing road name

In the circumstance where two unconnected sections of road have the same name, the Geographical Names Board (GNB) of NSW recommends one section to be renamed and renumbered.

Renaming the northern section of the street would require the southern section to be renumbered resulting in all residents of both sections needing to correct their addresses. Given the northern section is numbered from one onwards, it may be more efficient to rename and number the southern section numbered 44 to 77. A change in name of either end of Acacia Street would reduce the chance of confusion and delay for emergency services, deliveries and the broader community.

While there are numerous historical name duplications in the Cessnock Local Government Area, the GNB will not allow any further duplications. As such, the GNB will not allow the road to be renamed Acacia Close.

CONSULTATION

Property Owner Consultation

Written notification seeking comment on the possible renaming and renumbering of the southern section of Acacia Street was sent to affected property owners. Five submissions were received, including the subject petition. The submissions are summarised below:

1. Support suggesting name Amber Street as the housing estate is called Amber Lane Estate;

2. Support suggesting name in keeping with the current theme of Australian native tree species such as Tea Tree or Eucalypt which have not been used elsewhere. Subsequent withdrawal based on considerable objection of neighbours and use of sophisticated GPS equipment. Further email reporting confusion as a next door neighbor had an expensive delivery made to the top section of the street instead of the correct address;

3. Objection as the original complaint was now seen as an overreaction, however, suggesting if changed, the southern section should be renamed Acacia Close;

4. Objection to change citing the cost to change addresses, inconvenience and the use of GPS navigation solving past issues;
5. Objection in the form of a petition signed by 16 residents, representing 9 of the 11 households that would need to be re-addressed. The petition regarded change as unnecessary and counter-productive, citing emergency services ability to navigate the large number of other existing unconnected streets, and the cost and inconvenience caused to residents.

Emergency Services Consultation
The Ambulance Service of NSW and Fire & Rescue NSW were emailed seeking input and asking questions regarding their use of GPS equipment. Neither Service replied however a resident reported in a telephone call that he was a retained Fire Fighter and that GPS equipment guided them to correct locations.

Kurri Kurri Police Station were telephoned and an officer advised that the PoliceCAD computer assisted dispatch system guides Police to required locations. The Officer advised many streets were blocked by fences, bridges or the like but any delay is generally only a few more seconds.

Relevant Authorities will be notified in accordance with Section 7 of the Roads Regulation 2008 in the event that Council resolves to rename the street.

OPTIONS

Option 1 – That the name Acacia Street be retained for Acacia Street, Kurri Kurri. This is the preferred option as it is favoured by a majority of the residents.

Option 2 – That the southern section of Acacia Street, Kurri Kurri be renamed to Amber Street in accordance with the Roads Act 1993. This is not the preferred option as it is not favoured by the majority of residents. If this is Council’s preferred option the resolution may be as follows:

That Council:

1. Advertise the proposed renaming of the southern section of Acacia Street Kurri Kurri to Amber Street in accordance with the provisions of the Roads Act 1993 and the Roads Regulation 2008;

2. Comply with the provisions of Section 162 of the Roads Act 1993 and the provisions of Regulations 7 – 10 of the Roads Regulation 2008 regarding notifications and advertising;

3. Provided that no submissions are received following notification and advertising, delegate authority to the General Manager to proceed with the proposed naming as required by the provisions of the Roads Regulation 2008.

Option 3 – That the southern section of Acacia Street, Kurri Kurri be renamed to another name yet to be chosen. This is not the preferred option, however if Council elects this option the name should be selected from Policy No. S35. 2 - Streets – Listing of names for use in naming of streets.
STRATEGIC LINKS

a. Delivery Program

This matter is a routine road administrative function and as such is not a specific action within the Delivery Program 2017-2021.

b. Other Plans

This matter broadly aligns with the Community Strategic Plan – Objective 4.2 Improving the Road Network.

It also broadly aligns with the Community Strategic Plan - Civic Leadership and Effective Governance.

IMPLICATIONS

a. Policy and Procedural Implications

Policy No. S35. 2 - Streets – Listing of names for use in naming of streets: Council has a pre-approved road names list. Those names associated with Kurri Kurri include: Bickmore, Craik, Crumblin, Dark, Fairs, Maughan and Meffan. A suitable road type would also need to be chosen eg. Street, Road, Grove, Crescent, etc.

Any road renaming would be done in accordance with Council's operational procedure: Road Naming Procedure – Public Roads.

b. Financial Implications

Should Council resolve to rename the road it's estimated to cost $1,000. This cost includes administration costs, advertising in the local paper, notifications and new road name blades. These costs would be absorbed in existing operational budgets.

c. Legislative Implications

Council as the Roads Authority and in accordance with s162 of the Roads Act 1993, may name and number Council public roads. The Roads Regulation 2008 also sets out the process to name or rename public roads.

d. Risk Implications

At present, naming of the road may be considered confusing and could lead to:

- poor response times from emergency services as they rely on ambiguous street naming; and
- frustration of the travelling public and suppliers when trying to navigate using street signs, GPS's and maps with multiple non-contiguous sections of road.
Renaming may lead to:

- potential complaints from affected property owners fronting the road sections to be renamed; and
- neighbourhood tension as the majority of resident do not support any change.

e. Environmental Implications

N/A

f. Other Implications

Nil

CONCLUSION

A petition was received from residents of Acacia Street, Kurri Kurri against the renaming of the street. Emergency services have not reported any need to rename the street and combined with the majority of public opinion, the preferred option is for the name to remain Acacia Street.

ENCLOSURES

There are no enclosures for this report
SUBJECT: PATHWAY - WINE COUNTRY DRIVE, NULKABA BETWEEN THE CORNERS OF KERLEW STREET AND LOMAS LANE

RESPONSIBLE OFFICER: Infrastructure Manager - Katrina Kerr

SUMMARY

This report responds to Council's resolution of 19 July 2017 (BN33/2017) regarding the provision of a pathway on Wine Country Drive, from Kerlew Street to Lomas Lane, Nulkaba.

RECOMMENDATION

1. That Council notes the outcome of concept planning and cost estimates for the extension of a pathway on Wine Country Drive, from Kerlew Street to Lomas Lane, Nulkaba in two stages.

2. That Council notes the outcome of investigations into potential grant and other current funding opportunities.

3. That Council considers amending the Pathways Construction Program within the adopted Delivery Program 2017-21 to include the proposed shared pathways along Wine Country Drive subject to Council receiving grant funding and/or sufficient s94 funding to undertake the project.

BACKGROUND

At its Ordinary Meeting of 19 July 2017, Council resolved the following:

1. That Council undertake appropriate planning for construction and the associated costs for the extension of the footpath along Wine Country Drive, Nulkaba between the corners of Kerlew Street and Lomas Lane;

2. That the project be considered in two separate stages. The first being from Kerlew Street to Fletcher Street and the second stage from Fletcher Street to Lomas Lane, pending the intersection treatment at the Fletcher Street intersection.

3. That potential grant funding and other funding arrangements be investigated;

4. That a report come back to Council no later than three months time, for consideration of the projects inclusion within Council's 2017-2021 Delivery Plan.

REPORT/PROPOSAL

Planning: Initial planning has been undertaken for construction of a concrete shared path along Wine Country Drive, Nulkaba between the corners of Kerlew Street and Lomas Lane. The project planning has considered construction in two separate stages as shown in Figure 1.
Initial planning has included:

- preliminary investigations,
- preparation of a Concept Option, and
- calculation of Concept Cost Estimates.

Preliminary investigations have been based on a desktop review of features shown on MapInfo and Dial Before You Dig, and a visual site inspection. Further detailed site investigation, yet to be carried out, would include full survey of environmental constraints and depth of underground services.
A Concept Option has been prepared as shown above in Figure 1. The Concept Option comprises a 2.5m wide shared path for 2.6kms on the western side of Wine Country Drive, crossing over to the eastern side, adjacent to St Phillips School grounds. The proposed scope of work aligns with:

1. Council’s adopted Pedestrian Access and Mobility Plan (PAMP) and Cessnock Cycling Strategy;
2. Grant funding criteria for Active Transport grant.

**Costs:** Concept Cost estimates for construction, including site clearing and preparation, formwork and concreting, based on unit rates and a contingency are as follows:

<table>
<thead>
<tr>
<th>Stage</th>
<th>Construction</th>
<th>Contingency</th>
<th>Concept Cost Estimate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stage 1</td>
<td>$655,000</td>
<td>$50,000</td>
<td>$705,000</td>
</tr>
<tr>
<td>Stage 2</td>
<td>$760,000</td>
<td>$50,000</td>
<td>$810,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td>$1,400,000</td>
</tr>
</tbody>
</table>

**Potential Grant Funding:** A number of Federal and State funding sources have been considered. The proposed shared cycleway partially meets the criteria of a current funding opportunity, as detailed below:

<table>
<thead>
<tr>
<th>Grant</th>
<th>Date Closed</th>
<th>Completion</th>
<th>Eligibility Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Active Transport Program</td>
<td>20 Oct 2017</td>
<td>Within 12 months</td>
<td>• Shared pathway&lt;br&gt;• Identified as high priority in Council Community Strategic Plan&lt;br&gt;• Link major trip attractors&lt;br&gt;• Located within 5km of catchment&lt;br&gt;• Feasibility of the project</td>
</tr>
</tbody>
</table>

Applications for funding under the Active Transport Program are being prepared for projects currently listed in the adopted Delivery Program 2017-21. Council can elect to prepare and submit an application for the subject project, however, it must be noted that the project is not a high priority project in the adopted PAMP and / or Cycling Strategy. With this in mind it would not fully meet the eligibility criteria for the Active Transport Program (as detailed in the right side column).

**S94 Funds:** Future growth in the Nulkaba area is expected to see a change in pedestrian volumes along Wine Country Drive. Accordingly, s94 Plans for the Nulkaba area identify the need for an extension of a shared pedestrian path/cycleway between Cessnock and Nulkaba to cater for population growth, and an apportionment factor has been applied to the s94 contributions from these Plans to help fund the proposed shared path extension.

**Current Pathway Construction Program 2017-21:** Council’s adopted Delivery Program allocates a total of $1,100,000 to renew/construct 19 high priority walking and cycle pathways as shown below:
OPTIONS

Option 1: Council resolves to amend the current Pathways Construction Program within the Delivery Program 2017-21 and defer the current listed projects to allow Council to undertake Stage 1 of the proposed shared path along Wine Country Drive in 2018/19, 2019/20 and 2020/21. This is not the preferred option as the current Pathways Construction Program is based on priorities stemming from the PAMP and Cessnock Cycling Strategy.

Option 2: Council resolves to amend the current Pathways Construction Program within the Delivery Program 2017-21 to include the additional shared path in the Delivery Program, subject to success of future grant funding applications and collection of sufficient S94 funds. This is the preferred option.

CONSULTATION

This report has been prepared in consultation with the following Council officers:

- Director Works and Infrastructure
- Infrastructure Manager
- Open Space and Community Facilities Manager
- Principal Strategic Planner
- Strategic Recreation Planner
- Economic Development Manager
- Infrastructure Accountant
STRATEGIC LINKS

a. Delivery Program

This activity aligns with the Community’s Desired Outcome of Accessible Infrastructure, Service and Facilities – Objective 4.1 ‘Better transport links’

b. Other Plans

This activity aligns with other key strategic documents including:

Road Safety Strategy;
Cessnock Cycling Strategy;
Pedestrian Access Mobility Plan;
Draft Cessnock LGA Traffic and Transport Strategy 2016;
Recreation and Open Space Strategic Plan 2009; and
Nulkaba Section 94 Contribution Plan.

IMPLICATIONS

a. Policy and Procedural Implications

Changes to the Pathways Construction Program within the adopted Delivery Program 2017-21 requires a resolution of Council.

b. Financial Implications

The estimated Concept Cost of $650,000 for Stage 1 and $760,000 for Stage 2, being a total estimate of $1,410,000 is currently unfunded.

Council’s adopted Pathways Construction Program for the next 4 years (2017-21) allocates a total of $1,100,000 to renew/construct 19 high priority walking and cycle pathways identified in the Cessnock Cycling Strategy and/or Pedestrian Access and Mobility Plan.

c. Legislative Implications

The Nulkaba s94 Contribution Plan is consistent with Council’s statutory responsibilities under the Environmental Planning and Assessment Act 1979.

d. Risk Implications

There is a risk that grant applications will not be successful as Council’s adopted strategies, being Cessnock Cycling Strategy and Pedestrian Access and Mobility Plan do not identify the subject project as a high priority.

There is also a risk of limited community support, as community consultation was part of the engagement process for preparation of these strategies.

There is a potential safety implication in facilitating a crossing of Wine Country Drive by installing the pathway. This may require a traffic facility. Wine Country Drive is a classified
road that forms part of State Route MR220. Installation of any traffic facilities on Wine Country Drive will require concurrence of Roads and Maritime Services.

The cost of any traffic facility, if required, has not been included in the concept cost estimate.

e. **Environmental Implications**

Nil

f. **Other Implications**

Nil

**CONCLUSION**

While provision of a shared path on Wine Country Drive is not included in the current Pathways Construction Program, Stage 1 of the project may be undertaken if Council elects to defer the current pathway projects listed in the Delivery Program 2017/21 or if grant funding and/or sufficient s94 contributions are received.

**ENCLOSURES**

There are no enclosures for this report
WORKS AND INFRASTRUCTURE

SUBJECT: RAISING THE FUNDING RATIO FOR WORKS AND INFRASTRUCTURE

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

SUMMARY

This report responds to a Council resolution seeking a suite of options for Council to consider with respect to the funding of its road renewal programs at an optimum level that was referred to at a Councillor Briefing session on 12 April 2017.

RECOMMENDATION

That the General Manager coordinates a Councillor Briefing on options for Infrastructure Funding and that it be held in conjunction with a Briefing on funding opportunities to improve Council’s overall sustainable position for the immediate and longer term future.

BACKGROUND

At its Ordinary Meeting of 21 June 2017, Council adopted the Community Strategic Plan 2017/21, Delivery Program, Resourcing Strategy and 2017-18 Operational Plan and Budget. In deciding to adopt these plans, Council also resolved the following:

- That the General Manager report back to Council on or before 18 October 2017, a suite of options for Council to consider on raising the funding ratio for Works and Infrastructure as a percentage resembling that optimum level referred to in the 12 April Roads Briefing Report, which was in the order of a $10M per annum spend on roads;
- That a road prioritisation list be included in the report.

REPORT/PROPOSAL

COUNCILLOR BRIEFING

On 12 April 2017 a Briefing was provided to Councillors with information on the processes and data used to generate road renewal projects for Council’s four year Delivery Program and annual Operational Plan.

The Briefing included a presentation by Council’s consultant, Pavement Management Systems (PMS), who undertook Council’s road condition data collection in 2015. This data was collected as part of the 2014/15 road revaluation exercise.

PMS provided an overview of the road data capture, the type of data collected and how it is analysed to produce draft road programs. PMS also presented a range of road network deterioration models based on various funding scenarios and suitable treatments to match existing funding.
This report focuses on the results of the deterioration modelling and provides discussion on options to fund recurrent road network expenditure at an optimum level.

**DETERIORATION MODELLING**

The PMS Deterioration modelling is based on World Bank Highway Design and Maintenance (HDM) models for cracking, roughness, rutting, potholes and aggregate loss. There is considerable interaction between the models, with roughness dependent upon the input of three other models to predict the future condition.

**NETWORK FUNDING SCENARIOS**

Five funding scenarios were investigated by PMS, being as follows:

1. Council’s current road renewal budget of $4 million approximately (on average);
2. $7.5 million per annum budget aligned with current Asset Management Plan’s (AMP’s);
3. $10 million per annum budget;
4. $15 million per annum budget;
5. $15 million for the first three years, then current $4 million recurrent budget.

Note: All Scenarios assumed a targeted 60/40 split resurfacing/rehabilitation, with funding distributed between urban and rural areas based on need.

The results of the road network deterioration modelling for each of the funding scenarios is presented in Figures 1, 2 and 3, below. Figure 1 relates to Pavement Condition Index, while Figures 2 and 3 relate to Surface Condition Index and Roughness respectively.

![Figure 1 - Deterioration Model for Pavement Condition Index](image-url)
Based on the modelling results shown in Figures 1, 2 and 3 the recommended annual optimum spend on Council’s road renewal / rehabilitation works to maintain the network in its current condition is in the order of $10M.
HISTORICAL EXPENDITURE ON ROADS

Council has historically funded the maintenance, renewal and upgrade of its road network through a range of Operating and Capital funded programs, with the funding being sourced from Council’s General Revenue (primarily rates) and a mix of other Grants and Contributions.

Table 1, below, provides a breakdown of expenditure relating to Council’s road network over the past three years. It should be noted that the PMS modelling only considers the recurrent annual funding relating to road renewal / rehabilitation works. These are listed in Table 1 as Local Road Renewal Program and Regional Road Renewal Program.

Table 1 – Breakdown of Historical Expenditure on Council’s Road Network (includes Bridges)

<table>
<thead>
<tr>
<th>Roads and Bridges - Expenditure</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roads and Bridges Programs (Operating)</td>
<td>8,014,608</td>
<td>8,866,752</td>
<td>9,119,089</td>
</tr>
<tr>
<td>North Area Maintenance Program</td>
<td>1,848,627</td>
<td>2,418,988</td>
<td>2,219,830</td>
</tr>
<tr>
<td>South Area Maintenance Program</td>
<td>1,924,877</td>
<td>2,357,866</td>
<td>2,075,230</td>
</tr>
<tr>
<td>Works Delivery Private Works</td>
<td>787,442</td>
<td>795,262</td>
<td>45,720</td>
</tr>
<tr>
<td>RMS State Rds MtcE-Single Invitation Program</td>
<td>520,740</td>
<td>620,897</td>
<td>527,891</td>
</tr>
<tr>
<td>RMS IP Work Order Program</td>
<td>1,578,480</td>
<td>1,189,866</td>
<td>3,109,456</td>
</tr>
<tr>
<td>RMS Regional Rd Mtc Block Grant Program</td>
<td>366,337</td>
<td>615,897</td>
<td>498,501</td>
</tr>
<tr>
<td>RMS Regional Rds Bridge Mtc Program</td>
<td>71,048</td>
<td>125,061</td>
<td>25,263</td>
</tr>
<tr>
<td>RMS Traffic Facilities Block Grant (CFT)</td>
<td>149,538</td>
<td>151,420</td>
<td>187,587</td>
</tr>
<tr>
<td>Traffic Facilities Program (CFT)</td>
<td>68,605</td>
<td>153,168</td>
<td>83,737</td>
</tr>
<tr>
<td>Bridge Maintenance Program</td>
<td>698,915</td>
<td>437,328</td>
<td>345,874</td>
</tr>
<tr>
<td>Roads and Bridges Programs (Capital)</td>
<td>17,175,153</td>
<td>11,925,385</td>
<td>14,684,333</td>
</tr>
<tr>
<td>Gravel Rehab &amp; Resheeting Program</td>
<td>69,519</td>
<td>408,079</td>
<td>426,823</td>
</tr>
<tr>
<td>Local Road Renewal Program (RRL)</td>
<td>3,233,563</td>
<td>1,681,243</td>
<td>3,031,089</td>
</tr>
<tr>
<td>Pre-Construction Design</td>
<td>182,404</td>
<td>304,754</td>
<td>120,231</td>
</tr>
<tr>
<td>Local Urban Rd Construction Program</td>
<td>114,207</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Local Road Construction Program (CRL)</td>
<td>168,941</td>
<td>299,720</td>
<td>581,800</td>
</tr>
<tr>
<td>Natural Disaster</td>
<td>1,826,278</td>
<td>1,016,665</td>
<td>9,928</td>
</tr>
<tr>
<td>Regional Road Construction Program</td>
<td>136,146</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Regional Road Renewal Program (RRR)</td>
<td>1,053,995</td>
<td>2,247,513</td>
<td>1,924,875</td>
</tr>
<tr>
<td>Vineyard Roads Construction Program</td>
<td>8,650,297</td>
<td>2,313,284</td>
<td>496,516</td>
</tr>
<tr>
<td>Resources For Regions Program</td>
<td>-</td>
<td>1,586,022</td>
<td>5,380,119</td>
</tr>
<tr>
<td>RMS Blackspot or Safer Roads Program (CRR)</td>
<td>10,700</td>
<td>14,472</td>
<td>894,265</td>
</tr>
<tr>
<td>Bridge Construction Program (CBS)</td>
<td>1,729,104</td>
<td>2,053,633</td>
<td>1,818,689</td>
</tr>
<tr>
<td>Roads and Bridges Programs Total</td>
<td>25,189,761</td>
<td>20,792,137</td>
<td>23,803,423</td>
</tr>
</tbody>
</table>

As shown in Table 1 the average annual expenditure on road renewal works across the Cessnock LGA over the past 3 years is $4.3M.

HISTORICAL REVENUE SOURCES FOR ROADS

In order to effectively evaluate options for funding road infrastructure shortfall, it is important to have an understanding of Council’s overall revenue sources.
An illustrative breakdown of Council’s overall Operating Revenue for 2016-17 is provided in Figure 4, below.

As shown in Figure 4, 48% of Council’s revenue is from Rates and Charges, with a further 20% and 17% coming from Capital and Operating grants and contributions respectively. Importantly these grants and contributions support a significant portion of Council's road network expenditure.

A breakdown of the revenue obtained from grants and contributions over the past three years, which relate to roads and bridges, is presented in Table 2 below.
Table 2 – Breakdown of revenue obtained from Grants and Contributions over the past three years for roads and bridges.

<table>
<thead>
<tr>
<th>Grants and Contributions - Income</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grants and Contributions (Operating)</td>
<td>(7,978,772)</td>
<td>(6,363,644)</td>
<td>(5,349,919)</td>
</tr>
<tr>
<td>Financial Assistance Grant - Local Roads</td>
<td>(1,451,404)</td>
<td>(1,409,800)</td>
<td>(2,119,828)</td>
</tr>
<tr>
<td>Financial Assistance Grant - Bridges</td>
<td>(159,346)</td>
<td>(184,175)</td>
<td>(268,844)</td>
</tr>
<tr>
<td>RMS State Rds - Grants 3 x 3 Council Determined</td>
<td>(117,000)</td>
<td>(117,000)</td>
<td>(133,750)</td>
</tr>
<tr>
<td>Natural Disaster Reimbursement - Dept Commerce</td>
<td>(70,000)</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Natural Disaster Reimbursement - Restoration Works - RMS</td>
<td>(417,487)</td>
<td>(1,142,000)</td>
<td>(21,850)</td>
</tr>
<tr>
<td>Federal Govt - Road Grants - Roads to Recovery Program</td>
<td>(700,000)</td>
<td>(2,170,389)</td>
<td>(1,504,405)</td>
</tr>
<tr>
<td>Local Road Bridges Income - LIRS Subsidy</td>
<td>(53,281)</td>
<td>(53,412)</td>
<td>(48,346)</td>
</tr>
<tr>
<td>RMS Regional Road Mice Block Grant</td>
<td>(995,000)</td>
<td>(1,015,000)</td>
<td>(1,035,000)</td>
</tr>
<tr>
<td>RMS Regional Roads Grants Disaster Relief Work</td>
<td>(119,000)</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>RMS Traffic Facilities Block Grant</td>
<td>(176,000)</td>
<td>(180,000)</td>
<td>(167,250)</td>
</tr>
<tr>
<td>RMS Road Classification - Hunter Exp/Way</td>
<td>(3,610,000)</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Road Reinstatements</td>
<td>(110,254)</td>
<td>(91,868)</td>
<td>(50,646)</td>
</tr>
<tr>
<td>Grants and Contributions (Capital)</td>
<td>(8,853,606)</td>
<td>(4,196,899)</td>
<td>(8,904,432)</td>
</tr>
<tr>
<td>Federal Govt - Road Grants - Resources for Regions</td>
<td>-</td>
<td>(1,591,330)</td>
<td>(5,864,035)</td>
</tr>
<tr>
<td>Bridges Renewal Program - Frame Dr Bridge</td>
<td>-</td>
<td>-</td>
<td>(1,500,000)</td>
</tr>
<tr>
<td>RMS Regional Roads Repair Program</td>
<td>(127,025)</td>
<td>(200,000)</td>
<td>(200,000)</td>
</tr>
<tr>
<td>RMS Vineyards Roads McDonald &amp; Broke Rd Intersection</td>
<td>(7,401,158)</td>
<td>(1,523,000)</td>
<td>-</td>
</tr>
<tr>
<td>RMS Vineyards Roads Broke Rd West Stage 1</td>
<td>(1,263,586)</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>RMS Vineyards Roads Broke Rd West Stage 2 - 5th Project</td>
<td>-</td>
<td>(703,695)</td>
<td>-</td>
</tr>
<tr>
<td>RMS Vineyards Roads Broke Rd West Stage 2</td>
<td>(48,637)</td>
<td>(6,000)</td>
<td>-</td>
</tr>
<tr>
<td>RMS Duffie Drive Blackspot Funding</td>
<td>-</td>
<td>(107,471)</td>
<td>(503,000)</td>
</tr>
<tr>
<td>RMS Great North Road Blackspot Funding</td>
<td>(13,200)</td>
<td>(14,472)</td>
<td>(803,800)</td>
</tr>
<tr>
<td>Kerb &amp; Gutter Contributions</td>
<td>-</td>
<td>(50,931)</td>
<td>(33,596)</td>
</tr>
<tr>
<td>Roads and Bridges - Income - Total</td>
<td>(16,832,378)</td>
<td>(10,560,543)</td>
<td>(14,254,351)</td>
</tr>
</tbody>
</table>

As shown in Table 2, grants and contributions are valuable funding sources. A large portion of these funds, however, are for specific purposes. Funds that are discretionary, and potentially could be used to support additional road renewal works are limited.

**FINANCIAL PLANNING CONTEXT**

Long Term Financial Planning is an integral part of the Integrated Planning and Reporting (IP&R) framework at Council. It is a critical component of the Resourcing Strategy that supports Council’s 10 Year Community Strategic Plan. Council adopted its current Resourcing Strategy 2017-21 at its meeting of 17 June 2017. This Strategy contains Council’s adopted Long Term Financial Plan (LTFP).

**COUNCIL’S ADOPTED LONG TERM FINANCIAL PLAN**

The LTFP projects financial forecasts for the Council over the next ten years, and is updated annually as part of the development of the Operational Plan.

The LTFP is used by Council to inform its decision-making during the finalisation of the Community Strategic Plan and the development of the Delivery Program and annual Operational Plans.

Council’s LTFP is part of the adopted Resourcing Strategy, helping to ensure that the community’s long term goals and objectives, as expressed in the Cessnock 2027 Community Strategic Plan are met. The LTFP links directly with the Cessnock City Council Delivery Program by providing a financial projection that quantifies the cost of Council’s services for the next ten years.
The LTFP is more comprehensive than a budget and includes, in addition to financial statements, a written commentary, sensitivity analysis and scenario options. It examines the impact of Council’s revenue, operational and capital expenditure forecasts, taking into account assumptions for economic factors and changes to service delivery levels.

The LTFP provides the following benefits for Council:

- establishes greater transparency and accountability of Council to the community;
- provides an opportunity for early identification of financial issues and any likely impacts in the longer term;
- provides a mechanism to solve financial problems as a whole, see how various plans fit together and understand the impact of some decisions on other plans or strategies;
- provides a means of measuring Council’s success in implementing strategies; and
- confirms that Council can remain financially sustainable in the longer term.

The LTFP does not provide any specific recommendations on what or how Council should provide in terms of its services and capital works, this is addressed by the Delivery Program. Instead, the Plan helps identify the potential impact of the operational and capital decisions that Council may make as part of the budget process.

**LTFP SCENARIOS**

The adopted LTFP provides an indication of Council’s future financial position if it elects to follow the path outlined in its Community Strategic Plan. The LTFP currently presents two scenarios, with each scenario presenting a different financial result depending on the underlying assumptions. The scenarios were developed by varying budgeted revenues and expenditures. A summary of each is provided below:

- Scenario 0
  Base Case – based upon the 2017-18 adopted budget with continuation of ‘business as usual’. This is the financial forecast based on the 2017-18 adopted budget, indexed for forecast movements in the major areas of cost impacts for every year out to 2026. This scenario does not include the proposed impacts from Council’s Fit for the Future Improvement Proposal.

- Scenario 1
  Preferred Case – based upon the 2017-18 adopted budget. This is the financial forecast based on the 2017-18 adopted budget indexed for forecast movements in the major areas of cost impacts for every year out to 2026. This scenario includes the optimum expenditures on Council’s infrastructure assets, consistent with the projections in Council’s Asset Management Plans (AMPs).

Scenario 0 is a continuation of the status quo and financially sustainable, however this comes with a potential deterioration of Council’s asset condition, particularly Council’s road network.

Scenario 1 incorporates additional asset funding requirements as identified in Council’s adopted AMPs, which highlight critical funding shortfalls.
This report will concentrate on **Scenario 1** as this scenario explores the financial implications associated with addressing Council’s Infrastructure shortfall.

**LTFP SCENARIO 1: PREFERRED CASE**

Attachment 1 shows the financial statements for Scenario 1.

In modelling the financial statements provided in Attachment 1 the following assumptions have been adopted (for years 3 to 10):

**Operating Revenue**

- General Rates have been increased by 0.4% less than prior year CPI plus rate base growth of 0.3%;
- Statutory Fees and Charges have been increased by CPI;
- Commercial Activity Revenue has been increased by CPI;
- General Purpose Grants (including the Financial Assistance Grant) have been increased by 1% p.a.;
- Specific Purpose Grants have not been increased.

**Operating Expenses**

- Salaries have been increased by 2.0% from year 3 in-line with anticipated Award increases;
- Electricity, insurance and other expenses have been increased by CPI;
- Materials and contracts have been increased by 1.0% less than CPI.

**Capital Expenditure**

- Major planned expenditures are from Council’s Delivery Program, asset management plans and development contributions plans.

**Summary**

- In this scenario, revenue is not sufficient to meet the total operating and capital expenditure throughout the forecast period;
- This scenario does not meet the Fit for the Future benchmark for the Operating Performance Ratio;
- This scenario does not provide sufficient funds for the asset expenditure requirements identified in Council’s adopted Asset Management Plans;
- As highlighted by the gradually increasing deficit position, council is unable to fully fund its infrastructure requirements without significant additional revenue being received;
- In order to fully fund infrastructure shortfall a Special Rate Variation (SRV) will be required.

Scenario 1 of the LTFP indicates that further analysis and consultation would need to be undertaken to quantify the exact level and timeframes of any SRV so that Council is able to fully fund its infrastructure shortfall. For the purpose of the current adopted LTFP, a SRV equal to the identified asset funding shortfall has been included in Scenario 1. Funding for this scenario is dependent on a special rate variation exceeding 17%.
Given a 1% SRV equates to approximately $354,000 in revenue, a 17% SRV would deliver approximately $6M annually in additional income for Council.

Other sources of funding can be considered to facilitate the undertaking of specific and/or short term critical infrastructure renewal works. These include:

**GRANTS**

Grants and contributions are critical sources of income for Council. Over the past 3-5 years Council has been able to attract funding to undertake a number of specific road and bridge projects. A summary list of these is provided below in Table 3.

**Table 3** – A Summary of recent grants for large road and bridge projects.

<table>
<thead>
<tr>
<th>No.</th>
<th>Project Name</th>
<th>Successful Grant</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Broke Road</td>
<td>$20 million – HIIF</td>
</tr>
<tr>
<td>2.</td>
<td>Upgrade of links to the Hunter Expressway (HEX)</td>
<td>$4.6 million – Restart NSW</td>
</tr>
<tr>
<td>3.</td>
<td>Frame Drive Bridge</td>
<td>$2 million – Bridges Fund</td>
</tr>
<tr>
<td>4.</td>
<td>Fosters Bridge, Mulbring (Sandy Creek Road)</td>
<td>$2.2 million – Bridges Fund</td>
</tr>
<tr>
<td>5.</td>
<td>Wollombi Road, Millfield</td>
<td>$600,000 – Regional Road Repair</td>
</tr>
<tr>
<td>6.</td>
<td>Great North Road, Bucketty</td>
<td>$835,000 – Black Spot Fund</td>
</tr>
<tr>
<td>7.</td>
<td>Broke &amp; Hermitage Roads, with cycleways</td>
<td>$8.6 million – Roads Fund</td>
</tr>
<tr>
<td>8.</td>
<td>Lomas Lane Bridge, Nulkaba</td>
<td>$285,000 – Roads Recovery Funding</td>
</tr>
<tr>
<td>9.</td>
<td>Paynes Crossing Bridge</td>
<td>$667,700 – Bridges Fund</td>
</tr>
<tr>
<td>10.</td>
<td>Whitings Bridge</td>
<td>$437,525 – Bridges Fund</td>
</tr>
</tbody>
</table>

As shown in Table 3, grants and contributions play a significant role in closing the funding gap for Council’s road network, however Council’s LTFP scenarios only include recurring grants and capital grants that have already been awarded.

It must be noted also that there are a number of grants not highlighted in Table 3 that are currently funding specific programs. Grants and contributions that relate to roads and bridges have been provided in more detail in Table 2. What is important to this report is the fact that a number of programs may not be able to be offered by Council if specific grants were eliminated. For example the general purpose component of Council’s Financial Assistance Grant (FAG) exceeds $5M (the total FAG normally equates to around 10% of total revenues for a year). If this grant was eliminated Council would need to reduce service levels and/or decrease infrastructure expenditure.

**COUNCIL RESERVES**

Council has a number of cash reserves for specified purposes. These externally restricted reserves represent monies that Council is required by law to hold separate to Council’s own funds as they can only be spent for specified purposes. These reserves include;
Report To Ordinary Meeting of Council - 18 October 2017

Works and Infrastructure
Report No. WI78/2017

Works and Infrastructure

- Developer Contributions (s94);
- Domestic Waste Management;
- Environmental Stormwater Management;
- Specific Purpose Unexpended Grants;
- Special Rates raised by Council for a specific purpose under the Local Government Act 1993;
- Funds held in Trust by Council either on behalf of other parties or under a Trust arrangement.

Council also has a number of other internally restricted reserves that are set aside for specific purposes by Council including:

- Employee Leave Entitlements;
- Unexpended Loan Funds;
- Insurance Reserve;
- Information Technology Reserve Funds;
- Plant and Equipment;
- Waste Disposal Plant, Depot and Rehabilitation;
- Lawn Cemetery and Columbariums;
- Bridge Replacement;
- Property Investment Fund;
- Single Invitation Contracts (RMS Works);
- Special Projects;
- Rezoning Fees.

Council can use internal reserves however this is would be a one-time use only and may impact on the ability to fund the works for which the reserves were originally intended.

**LOAN BORROWINGS**

Council has traditionally taken out loan borrowings each year to supplement the Drainage Construction Program. A continuation of the drainage loan borrowings of $500,000 per year has been included in the LTFP. It is important to note that in the current LTFP no borrowings are proposed to fund Council’s road network, apart from $1.217M to fund specific bridge renewal projects.

Whilst borrowing for long life projects (e.g. bridges) is a valid funding opportunity, Council needs to be mindful of repayment requirements if borrowings are considered for significant recurrent road funding (i.e. additional $6M per annum). For example, for each $1M borrowing, an annual repayment (principal and interest) of $126,000 needs to be provided for in Council’s Operational budget.

**ROAD PRIORITISATION**

At the 12 April 2017 Councillor Briefing, PMS provided an overview of the Treatment Selection Matrix used by PMS to help develop a suitable road works program to match existing funds. The Treatment Selection Matrix is presented below in Table 4.
Table 4 – Treatment Selection Matrix

<table>
<thead>
<tr>
<th>Treatment Classification</th>
<th>Urban Type</th>
<th>Surface Type</th>
<th>Minimum Age</th>
<th>Crocodile Cracking</th>
<th>Roughness</th>
<th>Rut Depth</th>
<th>Treatment Number</th>
<th>Treatment</th>
<th>Associated Treatment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>&lt;120</td>
<td>&lt;12</td>
<td>8</td>
<td>Reseal</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>&gt;12</td>
<td>&gt;12</td>
<td>10</td>
<td>Stabilise &amp; Reseal</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>120 - 180</td>
<td>&gt;12</td>
<td>10</td>
<td>Stabilise &amp; Reseal</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>&gt;180</td>
<td>&gt;12</td>
<td>16</td>
<td>Reconstruct</td>
<td>4</td>
</tr>
<tr>
<td>Redesign</td>
<td>Urban</td>
<td>Seal</td>
<td>&gt;Min</td>
<td></td>
<td>&lt;120</td>
<td>&lt;12</td>
<td>10</td>
<td>Stabilise &amp; Reseal</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>&gt;120</td>
<td>&gt;12</td>
<td>10</td>
<td>Stabilise &amp; Reseal</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>&gt;10</td>
<td></td>
<td>120 - 180</td>
<td>&gt;12</td>
<td>10</td>
<td>Stabilise &amp; Reseal</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>&gt;10</td>
<td></td>
<td>&gt;180</td>
<td>&gt;12</td>
<td>16</td>
<td>Reconstruct</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Seal</td>
<td>&lt;Min</td>
<td></td>
<td>&lt;120</td>
<td>&lt;12</td>
<td>9</td>
<td>Mill &amp; Resheet</td>
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<td></td>
<td></td>
<td>&gt;120</td>
<td>&gt;12</td>
<td>11</td>
<td>Stabilise &amp; AC</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>&gt;10</td>
<td></td>
<td>120 - 180</td>
<td>&gt;12</td>
<td>11</td>
<td>Stabilise &amp; AC</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>&gt;10</td>
<td></td>
<td>&gt;180</td>
<td>&gt;12</td>
<td>16</td>
<td>Reconstruct</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Asphalt</td>
<td>&gt;Min</td>
<td></td>
<td>&lt;120</td>
<td>&lt;12</td>
<td>11</td>
<td>Stabilise &amp; AC</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>&gt;120</td>
<td>&gt;12</td>
<td>11</td>
<td>Stabilise &amp; AC</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>&gt;10</td>
<td></td>
<td>120 - 180</td>
<td>&gt;12</td>
<td>22</td>
<td>Stabilise &amp; AC</td>
<td>5</td>
</tr>
<tr>
<td></td>
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<td>&gt;10</td>
<td></td>
<td>&gt;180</td>
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<td>Reconstruct</td>
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<td></td>
<td></td>
<td>Concrete</td>
<td>&lt;Min</td>
<td></td>
<td>&lt;Min</td>
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<td>Do Nothing</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>&gt;10</td>
<td>&gt;12</td>
<td>2</td>
<td>Do Nothing</td>
<td>2</td>
</tr>
</tbody>
</table>

A list of road renewal priorities for the next 4 year Delivery Program 2017-21 is provided in Attachment 2 to this report.

When developing the works program using the PMS modelling tools, a prioritised weighting method is adopted for road hierarchy. The hierarchy weighting matrix is provided below in Table 5.

Table 5 – Hierarchy Weighting Matrix

<table>
<thead>
<tr>
<th>Road Hierarchy</th>
<th>Distress Weighting</th>
<th>Roughness Threshold (counts/km)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 (Sub Arterial)</td>
<td>3.0</td>
<td>100</td>
</tr>
<tr>
<td>7 (Collector)</td>
<td>2.5</td>
<td>120</td>
</tr>
<tr>
<td>8 (Local)</td>
<td>2.0</td>
<td>160</td>
</tr>
<tr>
<td>9 (Laneway)</td>
<td>1.0</td>
<td>350</td>
</tr>
</tbody>
</table>

FINANCIAL SUSTAINABILITY WORKSHOP

Council has also resolved that a briefing be held where the General Manager presents on funding opportunities to improve Council’s overall sustainable position for the immediate and longer term future. The options presented in this report have a direct correlation to sustainability and it is proposed that both issues are addressed at the one briefing.
OPTIONS

1. Council maintains its current level of service and funding for its road network, while continuing to seek all available funding sources through grant opportunities and that a Councillor Briefing be held in conjunction with a Briefing on funding opportunities to improve Council's overall sustainable position for the immediate and longer term future.

   This the preferred option;

2. Council considers loan borrowings to increase funding for its road network. This is not a preferred option as the funding required for roads is recurrent and recurrent loan borrowings of the magnitude required is not a financially sustainable solution;

3. Council alters the Treatment Selection Matrix (Table 4) for its road network to match existing available funds. This is not a preferred option as the road deterioration modelling indicates that over time the condition of Council’s road network will decline by adopting this position.

CONSULTATION

Director Corporate and Community Services (Acting General Manager)
Director Planning & Environment
Management Accountant
Financial Accountant

STRATEGIC LINKS

a. Delivery Program

Community’s Desired Outcome - Accessible Infrastructure Services and Facilities
Objective 4.2 – Improving the Road Network

This report also links with the community’s desired outcome of: "Civic Leadership and Effective Governance."

b. Other Plans

Cessnock City Council’s Resourcing Strategy 2017-21 and Long Term Financial Plan
Cessnock City Council’s Asset Management Plans / Strategy

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Road network deterioration modelling has indicated that the optimum annual spend on the renewal of Council’s road network is $10M.
Historically Council has allocated approximately $4M annually to road renewal works.

Council's adopted LTFP has modelled a scenario that accounts for required additional infrastructure funds. This model, termed Scenario 1, identifies a funding shortfall of approximately $6M per annum. The LTFP commentary suggests that this shortfall could be met by a Special Rate Variation (SRV) in the order of 17%.

Council is currently meeting a large portion of its road funding through grants and contributions and Council officers will continue to explore all opportunities in this regard.

Council currently has a loan borrowings program for its Drainage Construction Program and a number of other specific projects. However, Officers do not recommend the use of loan borrowings as a means to fund large recurrent road expenditure.

If Council elects to consider loan borrowings, for each $1M borrowed an amount of $126,000 needs to be set aside annually for repayments.

c. Legislative Implications

Nil

d. Risk Implications

There is potential for Council’s road network condition to steadily decline over time if road renewal works are not undertaken at an optimum level.

Risk will be managed through annual reviews of Council’s AMP’s and Road Renewal Programs.

e. Environmental Implications

Nil

f. Other Implications

Nil

CONCLUSION

Road deterioration modelling indicates that the annual optimum spend on road renewal works across the LGA is $10M. Council has historically allocated in the order of $4M per annum for road renewal works.

Council's adopted LTFP includes a scenario that considers the infrastructure funding shortfall. In modelling this scenario it has been determined that to fully fund the infrastructure shortfall a Special Rate Variation (SRV) will be required.

A road renewal prioritization list has been developed to align with the current funding allocations for Council’s road renewal program. The priority list from Council’s 4 Year Delivery Program is provided as Attachment 2.
ENCLOSURES

1. Financial Statements for Council's Adopted Long Term Financial Plan (LTFP) Scenario
2. Road Renewal Priorities for the Next 4 Year Delivery Program 2017-21
NOTICES OF MOTION No. BN50/2017

SUBJECT: STRATEGIC WEEKEND
COUNCILLOR: Mark Lyons

MOTION

That the General Manager organise in February 2018, a strategic weekend for Councillors and Management to discuss the future of Cessnock LGA facilitated by a professional facilitator.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 18 October 2017.

RATIONALE

This is a very new Council with a huge agenda to plan. Many Councillors felt they were thrown in the deep end. While comprehensively briefed at the beginning of the term it was too much information to digest and properly evaluate. Now after a year in the job, most Councillors have an understanding of their role and a vision for the future. The time is ripe to harness eagerness with experience to put our mark on the future of the LGA.

An independent facilitator will be essential in harnessing the ideas of Councillors and fit them into Council’s program without having any appearance of bias, be it political or professional.

Sgd: Mark Lyons
Date: 6 October 2017

ENCLOSURES

There are no enclosures for this report
NOTICES OF MOTION No. BN51/2017

SUBJECT: PUBLIC TOILETS
COUNCILLOR: Ian Olsen

MOTION
That the General Manager bring a report back to Council within three months regarding the number of Council owned public toilets in the Local Government Area with a view to plan for future needs for the people of Cessnock and tourist especially in our main shopping precinct.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 18 October 2017.

RATIONALE
Currently we have no public toilets in our main street and rely on shopping centres to supply them to the general public. If we are trying to improve our community for locals and tourists alike we must be able to supply facilities needed by all.

We have an issue in outlying communities as well where we have no available facilities so workers and tourists are using the local hotels and making a mess with no return for the hotel owners. This is an issue that needs to be addressed.

Sgd: Ian Olsen
Date: 9 October 2017

ENCLOSURES
There are no enclosures for this report
NOTICES OF MOTION No. BN52/2017

SUBJECT: DISABLED PARKING ADJACENT TO KURRI KURRI CENTRELINK

COUNCILLOR: Darrin Gray

MOTION

That the General Manager investigates within 3 months the establishment of disabled parking spaces in Barton Street, adjacent to the Centrelink Building in the CBD of Kurri Kurri.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 18 October 2017.

RATIONALE

The reason for this motion is that Centrelink is the primary facilitation hub for Aged Pension and Disability Services within the country. Most Senior Citizens and People with a Disability require attendance at Centrelink at some point and many of these people have to frequent the Office.

Currently there is no Disability parking within easy access to the Centrelink building, making it difficult for Centrelink clients to access.

This motion is for the General Manager to investigate the logistics and cost to Council to establish such parking within the vicinity and report back to Council for deliberation.

Sgd: Darrin Gray

Date: 9 October 2017

ENCLOSURES

There are no enclosures for this report.
SUBJECT: BMX TRACK CESSNOCK LGA
RESPONSIBLE OFFICER: Manager Open Space & Community Facilities - Nicole Benson

Q105/2017 – BMX Track Cessnock LGA

Asked by Councillor Olsen at the Ordinary Meeting of Council held on 4 October 2017.

“How soon it will be before Cessnock gets a BMX Track that is built to a decent standard.”

The answer to the question will be provided in an upcoming report that will respond to the following resolution.

On 1 February 2017 Council resolved the following:-

1. That a report be brought back to Council, immediately after the 2017 Recreation & Open Space Strategic Plan is delivered to Council on the implementation of the Key Recommendations from the Cessnock Skate and BMX Facilities Needs Assessment 2020 that was undertaken in 2011 and any recommendations from the 2017 Recreation & Open Space Strategic Plan, specifically pertaining to the Charmichael Park BMX Track precinct.

2. That the report outline what works have been completed and what is planned, as well as timeframes and sources of funding for all skate and BMX facilities, especially Bellbird BMX Track.

ENCLOSURES

There are no enclosures for this report.
Q106/2017 – Advertising Tenders/Quotations

Asked by Councillor Burke at the Ordinary Meeting of Council held on 4 October 2017.

“How local businesses know about upcoming tenders/quotations at Council”.

Council is required to comply with section 55 of the Local Government Act 1993 and part 7 of the Local Government (General) Regulation 2005. Under the legislation and regulations, Council can call for open or selective tenders. Any procurement process for tenders/quotations needs to also comply with Council’s adopted Procurement Policy and the associated Procurement Procedures.

The method that Council uses to advertise these tenders/quotations is dependent on the nature of the product or service required, however at a minimum Council advertises all tenders/quotations in the Newcastle Herald and on Council’s website. If it is determined that there is likely to be suitable local providers, then Council will also place the advertisement in The Advertiser. Additionally, all tenders are placed on Tenderlink and applicants are required to submit their submission via Tenderlink.

ENCLOSURES

There are no enclosures for this report
SUBJECT: HERITAGE PROTECTION FOR VINEYARDS AND VINES
RESPONSIBLE OFFICER: Principal Strategic Land Use Planner - Wonona Fuzzard

Q107/2017 - Heritage protection for vineyards and vines.

Asked by Councillor Lyons at the Ordinary Meeting of Council held on 4 October 2017.

“What heritage protections are actually involved to ensure that the old vineyards and vines are preserved for the future?”

Cessnock Local Environmental Plan 2011 Schedule 5 Environmental Heritage lists ten wineries and associated vineyards as items of local significance. Generally a development application would be required for works to a heritage item or within the immediate vicinity of a heritage item.

Clause 5.10 (5) of the Cessnock Local Environmental Plan 2011 requires a heritage management document to be prepared to assess the impact of proposed development on the heritage item concerned. This document is then used by Council in assessing the Development Application. For further information please access the following link: Cessnock Local Environmental Plan 2011

ENCLOSURES

There are no enclosures for this report
SUBJECT: POLICING RESOURCES - CORRESPONDENCE FROM THE
HON. TROY GRANT MP, MINISTER FOR POLICE AND
MINISTER FOR EMERGENCY SERVICES

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

RECOMMENDATION

That Council note the correspondence received.

At its Ordinary Meeting of 16 August 2017 Council considered a Notice of Motion regarding Police and resolved as follows:

1. That the General Manager write to the Central Hunter Command thanking them for their continuous efforts in our local community.

2. That the General Manager writes to the NSW Premier The Hon. Gladys Berejiklian MP, Minister for Police The Hon. Troy Grant MP and the Member for Cessnock Clayton Barr MP calling on the State Government to provide a new Police Station in both Cessnock and Kurri Kurri, and:

   i. That the letter also questions what resources will be provided to Central Hunter Command to support the strain on the Cessnock Community with the expansion of Cessnock Correctional Facility.

   ii. That the letter question when will the State Government provide more police officers and resources to the Cessnock LGA to continue to allow Cessnock area to be a safer community.

   iii. That the letter include up to date crime statistics to support points i. & ii.

3. That in corresponding with the Premier and Police Minister, the issue of Greta and Branxton townships being included in the Central Hunter Command be included.

4. That the General Manager promote this campaign.

Council has received correspondence from the Hon. Troy Grant MP, Minister for Police and Minister for Emergency Services, with a copy provided for Council's information.

At the 4 October 2017 meeting replies from the Premier, Member for Cessnock and Central Hunter Command were received.

ENCLOSURES

1 Policing Resources - Correspondence from the Hon. Troy Grant, MP