



13 May 2016

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 May 2016 at 6.30 pm, for the purposes of transacting the undermentioned business.

AGENDA:

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Council's Charter

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

Council's Values

- | | | |
|-------------|--------------|--------------|
| • Respect | • Innovation | • Teamwork |
| • Integrity | • Fairness | • Commitment |

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 MAY 2016, COMMENCING AT
6.30 PM**

PRESENT: His Worship the Mayor, Councillor R Pynsent (in the Chair) and Councillors Gibson, Doherty, Hawkins, Smith, Campbell and Parsons.

IN ATTENDANCE: General Manager
Director Planning and Environment
Director Corporate and Community Services
Director Works and Infrastructure
Manager Governance and Business Services
Strategic Land Use Planning Manager
Sustainability Officer
Corporate Administration Officer

APOLOGIES:

MOTION **Moved:** Councillor Parsons
Seconded: Councillor Smith

1664

RESOLVED that the apologies tendered on behalf of Councillors Stapleford, Troy, Olsen, Wrightson & Ryan, for unavoidable absence, be accepted and leave of absence granted.

FOR	AGAINST
Councillor Gibson	
Councillor Doherty	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
Total (7)	Total (0)

CARRIED UNANIMOUSLY

MINUTES:

MOTION

Moved: Councillor Doherty

Seconded: Councillor Gibson

1665

RESOLVED that the Minutes of the Ordinary Meeting of Council held on 20 April 2016, as circulated, be taken as read and confirmed as a correct record.

FOR

AGAINST

Councillor Gibson
Councillor Doherty
Councillor Hawkins
Councillor Smith
Councillor Campbell
Councillor Parsons
Councillor Pynsent

Total (7)

Total (0)

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI7/2016

SUBJECT: DISCLOSURES OF INTEREST

MOTION **Moved:** Councillor Campbell **Seconded:** Councillor Smith
1666
RESOLVED

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

WI24/2016 – Closure of Part of Public Road Adjacent to 1200 Old Maitland Road, Sawyers Gully – Councillor Parsons declared a Non Pecuniary – Significant Conflict for the reason that she is the Secretary of A.H.P.S. who is referred to in the report. Councillor Parsons advised that she would leave the Chamber and take no part in discussion and voting.

FOR	AGAINST
Councillor Gibson	
Councillor Doherty	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
Total (7)	Total (0)

CARRIED UNANIMOUSLY

PROCEDURAL MOTION**Moved:**

Councillor Gibson

Seconded:

Councillor Campbell

1667

RESOLVED

That Item WI24/2016 be moved to the meeting of 18 May 2016 as a quorum would not be met if Councillor Parsons left the Chamber.

FOR**AGAINST**

Councillor Gibson
Councillor Doherty
Councillor Hawkins
Councillor Smith
Councillor Campbell
Councillor Parsons
Councillor Pynsent
Total (7)

Total (0)**CARRIED UNANIMOUSLY**

PETITIONS

NIL

ADDRESS BY INVITED SPEAKERS

NIL

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU7/2016

SUBJECT: MOTIONS OF URGENCY

RECOMMENDATION

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

Councillor Gibson

Bat Problem – East Cessnock

That Council request the General Manager to make appropriate arrangements to meet with the Minister concurrently with representatives from Singleton Council on 19 May in relation to our bat problem.

FOR	AGAINST
Councillor Gibson	
Councillor Doherty	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
Total (7)	Total (0)

The Mayor ruled the Motion as Urgent and will be dealt with at the conclusion of the Ordinary meeting.

GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU5/2016

**SUBJECT: MINUTES OF THE ECONOMIC DEVELOPMENT STRATEGY
COMMITTEE MEETING HELD 19 APRIL 2016**

MOTION **Moved:** Councillor Campbell **Seconded:** Councillor Parsons
1668
RESOLVED

1. That the Minutes of the Economic Development Strategy Committee of 19 April 2016 be adopted as a resolution of the Ordinary Council.
2. That the draft Terms of Reference for the Economic Development Strategy Committee be adopted.
3. That the current membership is maintained for the life of the Economic Development Strategy Committee.
4. That Council thank the applicants that submitted an Expression of Interest to become a member of the Economic Development Strategy Committee and invite them to apply again, if appropriate, following the September 2016 council elections.

FOR	AGAINST
Councillor Gibson	
Councillor Doherty	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
Total (7)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE32/2016

SUBJECT: 18/2015/6: PLANNING PROPOSAL - HUNTLEE B4 MIXED USE ZONE -
ADDITIONAL PERMITTED USES

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Smith
1669
RESOLVED

That Council endorse the Planning Proposal, '18/2015/6: Huntlee B4 Mixed Use Zone Additional Permitted Uses', as provided at Enclosure 1 and exercise delegated authority provided by the Minister for Planning and Environment under Section 59 of the Environmental Planning and Assessment Act 1979, to make the amendment to the *Cessnock Local Environmental Plan 2011*.

FOR	AGAINST
Councillor Gibson	
Councillor Doherty	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
Total (7)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC24/2016

SUBJECT: LOCAL GOVERNMENT NSW - BOARD OF DIRECTORS ELECTIONS

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Campbell
1670
RESOLVED

That Council re-confirms voting delegates as Councillors Pynsent, Smith, Stapleford and Ryan for the election of Local Government NSW Board of Directors.

FOR	AGAINST
Councillor Gibson	
Councillor Doherty	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
Total (7)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI22/2016

SUBJECT: OPERATION OF THE REUSE CENTRE - CESSNOCK WASTE MANAGEMENT CENTRE

MOTION **Moved:** Councillor Gibson **Seconded:** Councillor Parsons
1671
RESOLVED

1. That Council decline to accept any of the tenders;
2. That Council cancel the proposal for the contract for the Operation of the Reuse Centre;
3. That 3 months' notice of termination of the current License Agreement for the site is given to the current Reuse Centre Operator.
4. Should circumstances improve with regard to global commodity prices for recycled metals, the operation of a future Reuse Service Centre be reconsidered by Council.

FOR	AGAINST
Councillor Hawkins	Councillor Gibson
Councillor Smith	Councillor Doherty
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
Total (5)	Total (2)

CARRIED

WORKS AND INFRASTRUCTURE NO. WI23/2016

SUBJECT: PEDESTRIAN ACCESS AND MOBILITY PLAN (PAMP)

MOTION **Moved:** Councillor Campbell **Seconded:** Councillor Parsons

1672

RESOLVED

1. That Council place the draft Pedestrian Access and Mobility Plan on exhibition for 28 days.
2. That a report on the outcomes of the exhibition be provided to Council prior to adopting the final Pedestrian Access and Mobility Plan.
3. That a Councillor Briefing be held prior to the closure of the Exhibition period for the draft Pedestrian Access and Mobility Plan.
4. That a briefing to the Access Advisory Committee be held prior to the closure of the Exhibition period for the draft Pedestrian Access and Mobility Plan.

FOR

Councillor Hawkins
Councillor Smith
Councillor Campbell
Councillor Parsons
Councillor Pynsent
Total (5)

AGAINST

Councillor Gibson
Councillor Doherty

Total (2)

CARRIED

WORKS AND INFRASTRUCTURE NO. WI24/2016

**SUBJECT: CLOSURE OF PART OF PUBLIC ROAD ADJACENT TO 1200 OLD
MAITLAND ROAD SAWYERS GULLY**

This matter will be dealt with at the meeting 18 May 2016

WORKS AND INFRASTRUCTURE NO. WI25/2016

SUBJECT: FRAME DRIVE BRIDGE

MOTION Moved: Councillor Smith **Seconded:** Councillor Campbell
1673
RESOLVED

That Council receives and notes the report.

FOR	AGAINST
Councillor Gibson	
Councillor Doherty	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
Total (7)	Total (0)

CARRIED UNANIMOUSLY

ANSWERS TO QUESTIONS FOR NEXT MEETING

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ33/2016

SUBJECT: DISABLED PARKING - ABERMAIN HALL

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ34/2016

***SUBJECT: COMMUNICATION FROM NEWCASTLE MUSLIM ASSOCIATION
REGARDING INSPECTION OF PREMISES AT WALLSEND***

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ35/2016

SUBJECT: STERN TALER DEVELOPMENT - 814 BUCHANAN ROAD, BUCHANAN

The answer was noted.

QUESTIONS FOR NEXT MEETING

Councillor Graham Smith

HEDDON GRETA TRAFFIC ISSUES

Can Councillors be provided with information/timelines on the following issues which have been repeatedly raised by Heddon Greta residents:-

1. Installation of signalised intersections at Traders Way and Heddon Street.
2. Access to Main Road from Bowden Street.
3. Limitation/elimination of dangerous U-Turns between Hunter Expressway and Earp Street.
4. Formalisation of a commuter carpark near the Hunter Expressway roundabout.
5. Opening of the gate at the northern end of Radford Street to allow through traffic.

Councillor Catherine Parsons

ROUGH SURFACE IN BOUNDARY STREET, KURRI KURRI

Councillor Parsons referred to the rough surface in Boundary Street, Kurri Kurri and asked for a date when the work will be carried out.

Councillor Catherine Parsons

POND AT PEACE PARK

Councillor Parsons asked whether it was Council or a community group that cleans the pond at Peace Park as it has quite a lot of rubbish in it and is quite unsightly to visitors to that area.

COUNCILLOR'S REPORTS

NIL

MOTION OF URGENCY

MOTION

1674

Moved: Councillor Gibson

Seconded: Councillor Smith

RESOLVED

That Council request the General Manager to make appropriate arrangements to meet with the Minister concurrently with representatives from Singleton Council on 19 May in relation to our bat problem.

FOR	AGAINST
Councillor Gibson	
Councillor Doherty	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
Total (7)	Total (0)

CARRIED UNANIMOUSLY

The Meeting Was Declared Closed at 6.54pm

CONFIRMED AND SIGNED at the meeting held on 18 May 2016

.....**CHAIRPERSON**

.....**GENERAL MANAGER**

Disclosures Of Interest

Report No. DI8/2016

Corporate and Community Services



SUBJECT: *DISCLOSURES OF INTEREST*

RESPONSIBLE OFFICER: *Manager Governance and Business Services - Kim Appleby*

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.

In accordance with the revised Model Code of Conduct 2016, Councillors are required to complete the Special Declaration of Pecuniary Interest form (Schedule 3A).

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

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

ENCLOSURES

There are no enclosures for this report.

Motions of Urgency

Report No. MOU8/2016

Corporate and Community Services



SUBJECT: *MOTIONS OF URGENCY*

RESPONSIBLE OFFICER: *Manager Governance and Business Services - Kim Appleby*

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.

Works and Infrastructure

Report No. WI24/2016

Works and Infrastructure



SUBJECT: *CLOSURE OF PART OF PUBLIC ROAD ADJACENT TO 1200 OLD MAITLAND ROAD SAWYERS GULLY*

RESPONSIBLE OFFICER: *Strategic Asset Planning Manager - Stephen Long*

At its Ordinary Meeting of 4/05/2016 Council resolved that the matter be deferred to a future meeting

SUMMARY

Council has received an application for the closure of a portion of the public road adjoining 1200 Old Maitland Road Sawyers Gully.

RECOMMENDATION

That Council not approve the application for road closure or give consent for the Applicant to lodge an application for road closure with Crown Lands for that portion of Old Maitland Road Sawyers Gully adjacent to the north east boundary of Lot 11 DP 755231 and west of the constructed Old Maitland Road.

BACKGROUND

Council received an application from the property owner (the Applicant) of 1200 Old Maitland Road, Sawyers Gully for the closure and subsequent purchase of a portion of the public road adjoining the owner's property.

The Applicant states that his property (Lot 67, number 1200 Old Maitland Road) has been in his family's ownership since around 1960. The existing physical access to this property is across the subject road reserve (see plan below titled "Lodgement Plan Tourist Information Shelter" for the approximate location).

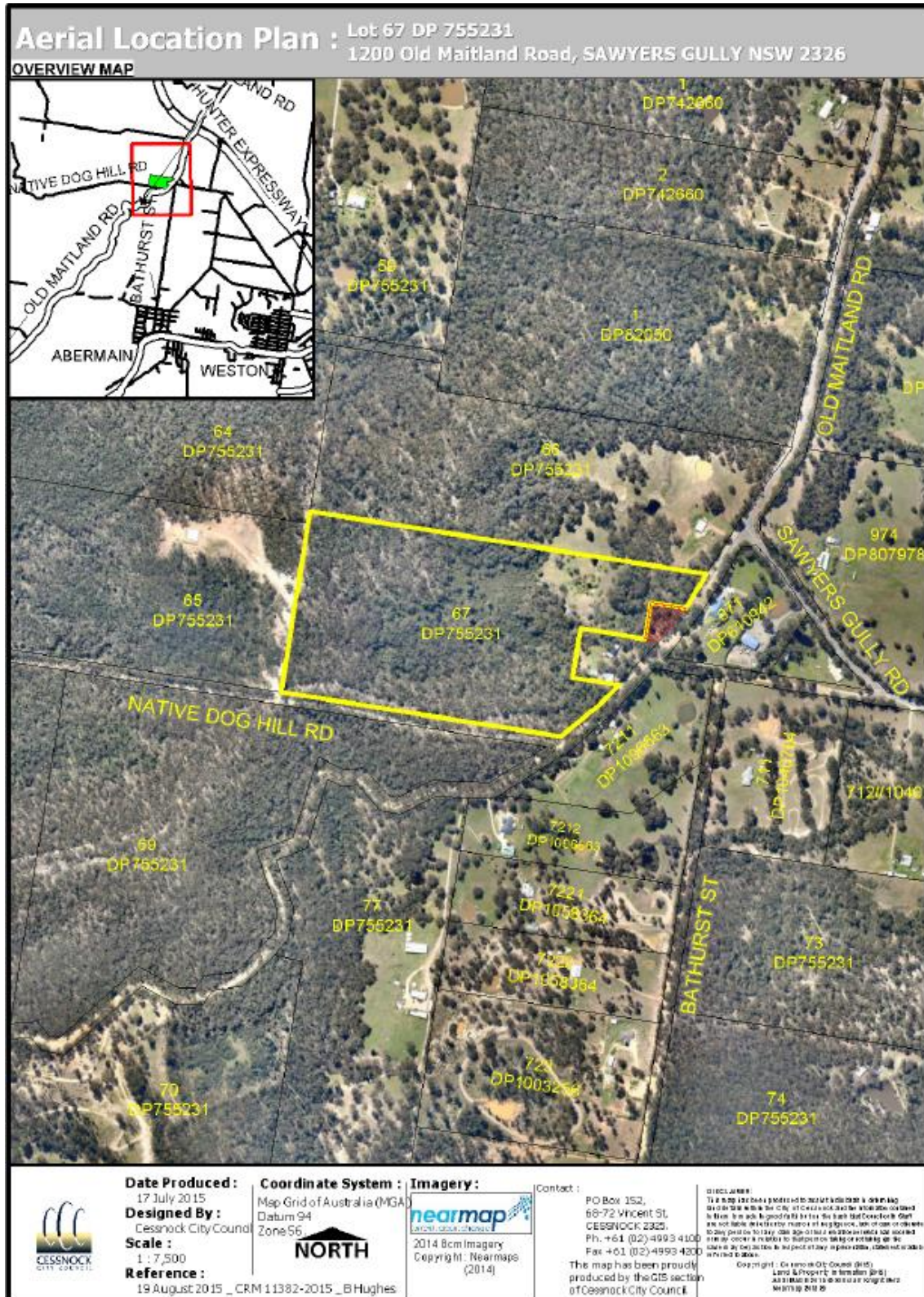
Historical records show that Old Maitland Road was formed as part of the Great North Road which was constructed between 1826 and 1836. The 1889 Heddon Parish Map shows Lot 67 and the adjacent widened road reserve in this location. A map dated 1895, adds the notation "spring" which appears to refer to what is now a small dam at the location. It is likely that the wider reserve was to enable the watering of travelling stock. The location is not listed as a heritage site but may have local historical value.

The report provides information to enable Council to determine the road closure application.

Works and Infrastructure
Report No. WI24/2016
Works and Infrastructure



Aerial View



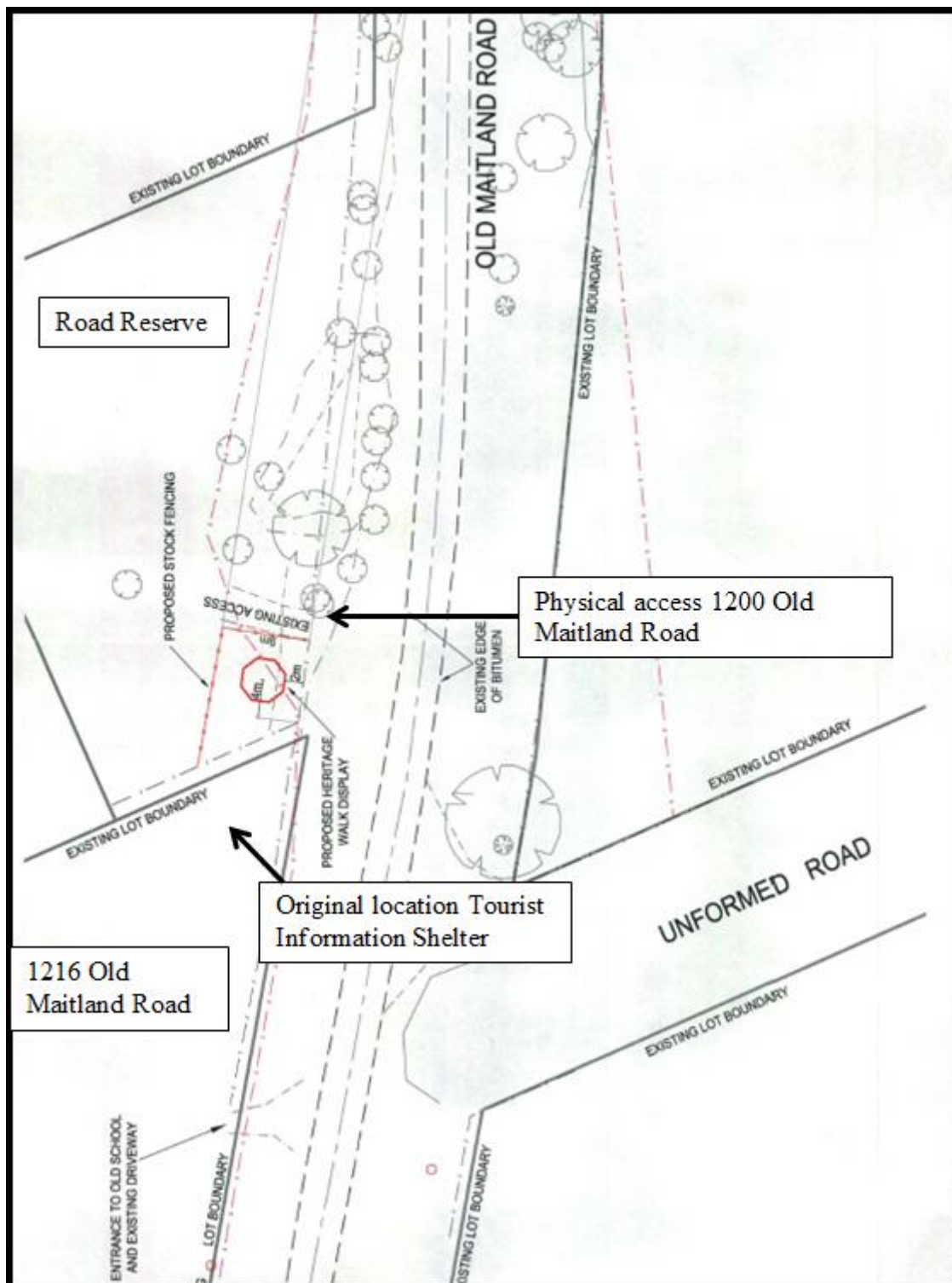
Works and Infrastructure

Report No. WI24/2016

Works and Infrastructure



Lodgement Plan Tourist Information Shelter



Works and Infrastructure

Report No. WI24/2016

Works and Infrastructure

**REPORT/PROPOSAL**

The Applicant's request is to close part of the road reserve as shown by the red hatching in the Location Plan above (total area of approximately 2375m², subject to survey). The area shown is not a separate lot but is part of the overall road reserve for Old Maitland Road.

Council's records show that the Applicant applied for closure of the section of road reserve on 1 November 2012. It is understood that the closure application did not proceed as the Abermain Heritage Preservation Society (AHPS) had submitted a S.138 Roads Act Application to construct a Tourist Information Shelter on the site, approximately 5 months earlier on 8 June 2011. The S.138 application was subsequently approved by Council on 15 January 2013.

Table 1. Summary of Issues relating to this site

Date	Action
11 Aug 2004	The Abermain Heritage Preservation Society (AHPS) lodged a development application (DA 8/2004/956/1) with Council to construct a Tourist Information Shelter on the adjacent property at 1216 Old Maitland Road Sawyers Gully.
24 Sep 2004	DA 8/2004/956/1 approved.
26 Aug 2009	The owner of 1216 Old Maitland Rd objected to the structure which was larger than they were expecting.
10 Nov 2010	The AHPS lodged a development application (DA 8/2010/730/1) with Council to construct a Tourist Information Shelter on the adjacent road reserve approximately 20 metres to the north of the initial location.
23 Nov 2010	All adjoining landowners were notified.
20 Apr 2011	Council records show the development application was withdrawn as the site is unzoned and a Development Consent could not be issued for the development.
8 Jun 2011	The AHPS completed a S.138 Roads Act Application to construct the Tourist Information Shelter.
1 Nov 2012	The Applicant applied for Council to proceed with the closure of a portion of the road reserve.
15 Jan 2013	Council granted conditional consent under S.138 of the Roads Act 1993 to AHPS to carry out works and erect structures in the road reserve subject to conditions of consent.
17 Apr 2013	A report was included in the agenda for the Council meeting seeking Council's determination of the road closure application. This report was withdrawn as a result of the S.138 consent.
17 Apr 2015	The Applicant telephoned querying the status of the application to close part of the road reserve. (The applicant has indicated that "My application was to purchase the whole parcel of land. This remains my intention".)
20 April 2015	The Applicant emailed Council notifying that their fence and gate (Officer Comment: the fence and gate were located on the road reserve) had been removed and fill placed across their access track, organised by the AHPS.

Works and Infrastructure

Report No. WI24/2016

Works and Infrastructure



Abermain Heritage Preservation Society were contacted in January 2016 and the Treasurer advised that their preferred location for the rotunda was as per the S.138 lodgement plan. The Treasurer expects that the adjoining landowner will have access along the pre-existing access at the completion of the project.

In view of the existence of the s138 approval Council may wish to:

- Revoke the s138 approval to the AHPS and close the entire part of the road reserve requested. This action is expected to create additional issues and may be counter-productive in respect to Council supporting community initiatives.
- Retain the s138 approval but make only part of the road reserve requested by the applicant available for closure. The actual area to be defined by survey.
- Not consent to the road closure.

It should be noted, that if Council consents to close the section of unformed/unconstructed road, it is expected that the land will vest in the Crown (as Crown Land), for disposal by the Department of Primary Industries. Any monetary payment for that land will also go to the Department of Primary Industries - Lands (Crown Lands).

Heritage Considerations

The retention of the road reserve around the small “spring” may be of benefit from a historical perspective as the site formed part of the Great North Road and the significance or otherwise of the site may need to be further investigated.

Council’s Heritage Advisor has noted that *“the proximity of this site to the listed area of The Great North Road could mean that this site does have remnants of convict structures”*.

The Advisor has also advised that any proposed road closure would not affect the potential heritage value of the site, providing that all new work in this area requires a DA and is assessed in a Statement of Heritage Impact. The Statement of Heritage Impact should be prepared by a qualified heritage consultant and should include:

- An assessment of the impact on the heritage items in the vicinity; and
- Advice on the requirements for archaeological assessment of the remnants of the Great North Road.

OPTIONS

Council has the following options:

1. Not consent to the road closure. This is the preferred option;
2. Council consents to the closure of part of the road reserve and retains an area for the works in the current S.138 approval;
3. Consent to the road closure as requested by the Applicant. Should Council wish to close the road reserve, the plan of road closure documents require the Council Seal to be affixed and executed.

Works and Infrastructure

Report No. WI24/2016

Works and Infrastructure



CONSULTATION

Consultation has taken place with:
Council's Senior Property Officer;
Heritage Advisor;
Abermain Heritage Preservation Society;
The Applicant.

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.

b. Other Plans

IMPLICATIONS

a. Policy and Procedural Implications

Should Council wish to close the road reserve, the plan of road closure documents require the Council Seal to be affixed and executed. Council has a procedure for the use of Council's Seal and also has an Execution of Documents Matrix.

b. Financial Implications

If the subject road reserve area was to be closed all costs associated with the closure and sale of the land would be borne by the Applicant.

c. Legislative Implications

Section 33 – 38 and Section 43 Roads Act relate to the closure of public roads.

d. Risk Implications

Nil

e. Other Implications

Nil

Works and Infrastructure

Report No. WI24/2016

Works and Infrastructure



CONCLUSION

Council has the option to agree to the road closure however, retention of the road in the location would enable future consideration of the historical value and retention of the area under Council ownership and management. The erection of the proposed Tourist Information Shelter by the Abermain Heritage Preservation Society adjacent to the spring may provide additional interest to people stopping at the shelter. The report recommends that Council not approve the application for road closure.

ENCLOSURES

There are no enclosures for this report.

Planning and Environment

Report No. PE33/2016

Planning and Environment



SUBJECT: *MINUTES OF ENVIRONMENTAL STRATEGY AND MANAGEMENT COMMITTEE 21 APRIL 2016*

RESPONSIBLE OFFICER: *Principal Natural Environment Planner - Ian Turnbull*

RECOMMENDATION

1. That the Minutes of the Environmental Strategy and Management Committee held 21 April 2016 be adopted as a resolution of the Ordinary Council with the exception of recommendations relating to quarterly community collaboration planning sessions (ENVCGB2/2016) and the Draft Cycling Strategy the (ENVCGB3/2016).
2. That Council consider the Environmental Strategy and Management Committee recommendation relating to ENVCGB2/2016 and determine whether Council should investigate the hosting of quarterly community collaboration planning sessions for cross fertilisation of activities and to improve grant access and opportunities.

BACKGROUND

The minutes of the Environmental Strategy and Management Committee are presented to Council for consideration. It is noted that the recommendation provided to Council excludes two items specifically relating to quarterly community collaboration planning sessions (ENVCGB2/2016) and the Draft Cycling Strategy (ENVCGB3/2016).

Recommendation 2 provides for Council to consider its own position before determining a course of action.

The Committee's recommendation to Council regarding Item EMVCGB3/2016 is considered to leave Council no alternative to consider other higher priorities in the Draft Cycling Strategy and has been excluded for that reason.

MINUTES OF ENVIRONMENTAL STRATEGY AND MANAGEMENT COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL HELD IN ANTE ROOM ON THURSDAY, 21 APRIL 2016, COMMENCING AT 10.00 AM

PRESENT: The Mayor, Councillor Bob Pynsent (in the Chair)
Steve Meadows
Bernice Brown
John Goswell
Kelly Moylan
Julianne Cripps Clark
Craig Schultz
Joanne Smith
Lynn Benn

Planning and Environment

Report No. PE33/2016

Planning and Environment



IN ATTENDANCE:

Mr Ian Turnbull – Principal Natural Environment Planner
Mr Martin Johnson – Acting Director Planning and Environment
Michelle Lindsay – Sustainability Officer (until 10.45am)

INVITEES:

Nil

APOLOGIES

APOLOGIES:

RECOMMENDED That the apologies tendered on behalf of Councillor Ryan, Margaret Roberts and Michelle Gould for unavoidable absence, be accepted and leave of absence granted.

CONFIRMATION OF MINUTES

MINUTES:

MOTION

Moved: Bernise Brown

Seconded: John Goswell

RECOMMENDED that the Minutes of the Environmental Strategy and Management Committee held on 17 February 2016, as circulated, be taken as read and confirmed as a correct record.

CARRIED UNANIMOUSLY

LISTED MATTERS

LISTED MATTERS - COMMITTEE NO. ENVCLM4/2016

SUBJECT: MEETING DATES 2016

Action for committee to note that the meeting time will be 10.00am on the below scheduled dates.

MOTION **Moved:** Bernise Brown **Seconded:** John Goswell

RECOMMENDATION

That the Committee adopt the schedule of Environmental Strategy & Management Committee meeting dates as follows:

- Thursday 16 June 2016
- Thursday 18 August 2016

LISTED MATTERS - COMMITTEE NO. ENVCLM5/2016

SUBJECT: WASTE UPDATE - WASTE SERVICES

Council's Sustainability Officer Michelle Lindsay gave an update to the Committee on the activities of the Waste and Environment section.

MOTION **Moved:** Bernise Brown **Seconded:** John Goswell

RECOMMENDATION

That the Committee note the information.

LISTED MATTERS - COMMITTEE NO. ENVCLM6/2016

SUBJECT: WEEDS UPDATE - RECREATION SERVICES

MOTION ***Moved:*** Bernise Brown ***Seconded:*** John Goswell

That the Committee note the information.

CORRESPONDENCE

Nil

GENERAL BUSINESS

GENERAL BUSINESS - COMMITTEE NO. ENVCGB1/2016

SUBJECT: FLYING FOX CAMP MANAGEMENT PLAN

MOTION ***Moved:*** Lynn Benn ***Seconded:*** John Goswell

RECOMMENDATION

That the Committee note the information.

GENERAL BUSINESS - COMMITTEE NO. ENVCGB2/2016

SUBJECT: GRANTS COMMUNITY COLLABORATION - JULIANNE CRIPPS CLARK

MOTION **Moved:** Julianne Cripps Clark **Seconded:** Joanne Smith

RECOMMENDATION

That Council investigate the hosting of quarterly community collaboration planning sessions for cross fertilisation of activities and to improve grant access and opportunities.

GENERAL BUSINESS - COMMITTEE NO. ENVCGB3/2016

SUBJECT: LGA TRAILS STRATEGY - JULIANNE CRIPPS CLARK

MOTION **Moved:** Julianne Cripps Clark **Seconded:** John Goswell

RECOMMENDATION

That Council, when adopting the Draft Cycling Strategy, gives the proposed LGA Trail Strategy (Strategic Action 5.2) the highest priority within the document.

The Meeting Was Declared Closed at 11.27am

CONFIRMED AND SIGNED at the meeting held on 16 June 2016

.....**CHAIRPERSON**

.....**GENERAL MANAGER**

ENCLOSURES

There are no enclosures for this report



SUBJECT: ***MARCH 2016 QUARTER REVIEW OF 2013-17 DELIVERY PROGRAM AND FIT FOR THE FUTURE IMPROVEMENT PROPOSAL***

RESPONSIBLE OFFICER: ***Integrated Planning & Strategic Property Manager - Bronwyn Rumbel***

SUMMARY

Update of progress against Council's 2013-17 Delivery Program.

RECOMMENDATION

1. That Council note the progress in implementing the 2013-17 Delivery Program as at 31 March 2016.
2. That Council endorse the following change to the 2015-16 Capital Works Program:
 - a. Remove: CFR-2015-001 Bridges Hill Park Cessnock Playground Replacement
3. That Council note the inclusion of individual projects in the Capital Works Miscellaneous Minor Drainage program.
4. That Council note the progress in the implementation of Council's Improvement Proposal and the updated forecasts against the Fit for the Future benchmarks.

BACKGROUND

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

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

Council adopted the 2013-17 Delivery Program in June 2013 and then adopted the revised 2013-17 Delivery Program in February 2014. The 2015-16 Operational Plan was adopted in June 2015.

The Delivery Program outlines the activities that Council will undertake to implement the strategies identified in the community strategic plan. The Delivery Program is a single point of reference for all principal activities undertaken by an elected Council during its term in office.

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**REPORT****Executive Summary March 2016 Quarter**




An Executive Summary has been prepared summarising the progress against Delivery Program actions and the Capital Works Program. Refer to **Enclosure 1**.

Some highlights of the March 2016 quarter included:

- Organised a program of Australia Day activities.
- Hosted a program of school holiday activities in Council's Libraries attended by 296 children and carers during January.
- Held a Library Lovers' Day including a talk at both Cessnock and Kurri Kurri Libraries by local author, D.J Blackmore.
- Showcased the Cessnock Performing Arts Centre 2016 program at the season launch event.
- Installed a new 15x12m shade structure over the popular playground at Carmichael Park Bellbird (funded by a grant from the Cancer Institute NSW).
- Secured grant funding for Floodplain Risk Management Plan priority projects at Wollombi and at Swamp/Fishery Creek.
- Completed the design and documentation for the Reuse Centre component of the Cessnock Waste and Reuse Centre project.

2013-17 Delivery Program

At 31 March 2016, 48 (or 80 percent) of the deliverables (from the Delivery Program) were on-track.

	Status of Deliverables	Number	%
	On Track	48	80%
	At Risk	12	20%
	Not achieved	-	-
	Total Actions	60	100%

At the end of this quarter, 12 deliverables were classified as "At Risk" because the actions from the adopted 2013-14 and/or 2014-15 Operational Plan have not yet been achieved. While there has been some slippage associated with these 2013-14 and/or 2014-15 actions; there is still the opportunity for this to be made up and for these deliverables to be achieved over the life of the Delivery Program (i.e. by 30 June 2017).

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Details of these “At Risk” deliverables are below:

Ref.	“At Risk” Deliverables
1.1.4	Commence implementation of the Cessnock City Bicycle Plan.
	<i>The 2014-15 Action: “Finalise the Cessnock City Cycle Strategy and Action Plan” is not yet completed. The Cycleway Strategy was on public exhibition during February-March 2016 and will be reported to Council in May for adoption. Expected completion: May 2016.</i>
2.1.1	Continue to update marketing material for the Local Government Area.
	<i>The 2013-14 Action: “Develop an Investment Prospectus for the Cessnock Local Government Area” is not yet completed. This project is dependent on the Business Capability Study (which has been completed); a Gap Analysis (in progress) and the Employment Lands Study (in progress). Expected completion: 2016-17.</i>
2.1.3	Commence implementation of the Economic Development Strategy.
	<i>The 2014-15 Action: “Develop a Business Investment Program” is not yet completed. The Business Capability Study has been completed and the Gap analysis has commenced to determine what businesses need to be attracted to Cessnock, followed by development of an Investment Program. Expected completion: 2016-17.</i>
2.1.5	Prepare a Kurri Kurri CBD Masterplan.
	<i>The 2014-15 Action: “Commence development of the Kurri Kurri CBD Masterplan” is not yet completed. A study area has been identified and a detailed project plan is being developed.</i>
3.1.4	Commence implementation of Council’s Trunk Stormwater Drainage Strategy.
	<i>The 2013-14 Action: “Complete Trunk Stormwater Drainage Strategy” and the 2014-15 Action “Complete the Trunk Stormwater Drainage Needs Analysis component of the City Wide Infrastructure Strategy” is not completed. A consultant has been engaged to prepare the Needs Analysis during 2015-16. Following that, the Trunk Stormwater Drainage Strategy will identify the priority sub-catchments for further work. Expected completion: 2016-17.</i>
3.1.6	Continue to efficiently and effectively process development applications and respond to planning-related enquiries.
	<i>The 2013-14 Action: “Implement on-line applications relating to development assessment” is not yet completed. A working group has been formed to implement the online lodgement of applications. Expected completion: 2016-17.</i>
4.1.3	Complete all components of the City Wide Infrastructure Strategy.
	<i>The 2014-15 Action: “Complete the Transport & Land Use Planning Needs Analysis component of the City Wide Infrastructure Strategy” is not yet completed. A consultant has been engaged and the strategy is in progress. Expected completion: 2016-17.</i>

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4.2.5	Adopt the City Wide Section 94 Contributions Plan.
	<i>The 2014-15 Action: "Continue preparation of the City Wide Section 94 Contributions Plan" is not yet completed. A Section 94A Plan is being investigated as a priority.</i>
4.3.1	Advocate for health services on behalf of the community.
	<i>The 2014-15 Action: "Finalise the development of a Health Strategic Plan for the Cessnock Local Government Area" is not yet completed. A preliminary draft plan has been prepared with stakeholder review to commence in April. Expected completion: June 2016</i>
5.2.2	Improve Council's use of technology to inform and engage the community.
	<i>The 2013-14 Action: "Implement on-line customer requests" is not yet completed. The system infrastructure has been implemented and tested however, accompanying business processes need to be developed prior to any roll-out to the public. Expected completion: 2016-17.</i>
5.3.2	Implement systems and strategies to improve productivity across the organisation.
	<i>The 2013-14 Actions: "Implement the Performance Management System" and "Implement a new remuneration system" are not yet completed. In June 2015 Council commenced the industrial negotiations associated with implementing a new remuneration system at Council. This industrial negotiation involves a project group representative of Council's workforce, including management, union, and union delegates and facilitated by the NSW Industrial Relations Commission. The project team continued to meet in the March quarter. Expected completion: June 2016.</i>
5.3.3	Develop and implement a strategic and operational internal audit program.
	<i>The 2014-15 Action: "Implement the annual internal audit program" is not yet completed. Following the recruitment of a new Internal Auditor, the scheduled Environmental Management Systems audit will be finalised in 2016. The Records Management audit is incorporated into the 2015-16 program. Expected completion: June 2016.</i>

At 31 March 2016, 12 (or 71 percent) of the Delivery Program measures were on-track.

	Status of Measures	Number	%
	On Track	12	71%
	At Risk	5	29%
	Not achieved	-	-
	Total Actions	17	100%

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Five measures have been classified as “At Risk” as there has been some slippage in the results. There is the opportunity to make this up over the life of the Delivery Program (i.e. by 30 June 2017).

Details of the “At Risk” measures are below:

Library Utilisation	
Target: >235,000 p.a. combined visits and hits Year to date: 142,407	Due to a change in data collection software for website hits; it appears unlikely that the Delivery Program target is going to be met.
Cessnock Performing Arts Centre Audience	
Target: 18,500 p.a. Actual: 17,528 (2015)	The 2015 audience numbers exceeded both the 2013 (11,835) and 2014 (16,262) results.
Grants secured for the community	
Target: 94 applied for, 46 secured, >\$2.3m secured. Actual: 61 applied for, 35 (\$14.75m) secured during the 18 months between July 2014 to December 2015.	As Council no longer has a Grants Officer, the number of grants applied for and secured is unlikely to meet the Delivery Program target.
Response to Telephone Calls	
Target: 90% Year to date: 87%	The year-to-date result is an improvement on the previous year's result (of 86.6%).
Response to Customer Requests	
Target: 80% Actual: 75% Sept Qtr	For the first 27 months of the Delivery Program the response rate was 77%.

Details of progress against each action and measure in the 2013-17 Delivery Program are included in **Enclosure 2** to this report.

2011-13 Delivery Program – carried forward deliverables

At its meeting of 21 August 2013, Council resolved to continue to monitor the incomplete deliverables from the 2011-13 Delivery Program in future quarterly reviews.

Ten deliverables were carried forward from the 2011-13 Delivery Program and during the March 2016 quarter one further deliverable was completed. Of the remaining five deliverables, a majority of them (three) were substantially (over 85 percent) complete.

Details of the remaining carry-forward deliverables, along with progress comments, are included in **Enclosure 2** to this report.

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2015-16 Capital Works Program

In the March quarter, the annual Capital Works Program has been expanded to reflect the individual projects in the miscellaneous minor drainage program. This has resulted in 13 individual projects being separately reported in place of the overall program.

Also, in the March quarter, grant funding applications were successful for Wollombi Flood Risk Management Plan Priority Recommendations, Swamp/Fishery Creek Flood Risk Management Plan Priority Recommendations, and Black Creek (Stage 2) Flood Study - so the status of these projects has been updated from "deferred"/"unconfirmed" to "in progress"/"complete".

Following a review of the Capital Works Program during the quarter, the following change is recommended:

Defer: CFR-2015-001 Bridges Hill Park Cessnock Playground Replacement (grant funding dependent) - as the draft Convent Hill, Bridges Hill and East End Oval Masterplan is currently on public exhibition seeking community feedback. As the masterplanning process involves reviewing existing physical location, analysing site issues and constraints and developing a strategic plan for the site, it is prudent to await the adoption of the plan (anticipated in the June quarter) before commencing any major works at the site. Grant funding has been secured (through the National Stronger Regions Fund) and works are scheduled to commence in the first quarter of 2016-17 as part of the implementation of the Cessnock Civic Precinct Revitalisation project.

During the March quarter, 31 projects were completed. At the end of the quarter funding for on capital works projects remained unconfirmed and two projects were at risk.

	<i>Planning</i>	<i>Construction</i>	<i>Renewal</i>	<i>Total Projects</i>	<i>%</i>
Completed	-	12	17	29	33
In progress	-	4	5	9	11
On Track	-	21	10	31	36
New *	-	13	1	14	16
Deferred	-	1	-	1	1
At risk	-	2	-	2	2
Unconfirmed	1	-	-	1	1
Total Works	1	53	33	87	100
Planning	4	-	-	4	
Total Program	5	53	33	79	

* Of the 14 new projects – 11 are completed, one is in progress and two are on track.

The works finalised during the March quarter included:

- Deakin & Stanford Street Kurri Kurri pathway construction
- Doyle Street Bellbird pathway construction
- Long Street Cessnock pathway construction
- Mulbring Street Aberdare pathway construction
- Black Creek (Stage 2) Flood Study

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- Water Street Greta drainage construction
- Mulbring Oval grandstand renewal
- War Memorial upgrades
- Great Skate Park upgrade – Stage 3
- Carmichael Park (Bellbird) fencing and playground shade construction
- Cessnock Sportsground bird proofing
- Greta Central Oval Amenities plumbing works
- Kurri Kurri Sportsground toilet block renewal – Stage 4
- Mount View Basin amenities' roof replacement
- Kurri Kurri Tennis Courts verandah renewal
- Branxton Community Hall internal hall renewal
- Pokolbin Community Hall verandah renewal
- Weston Civic Centre roof renewal – Stage 2

In addition, four capital works projects carried forward from 2014-15 were also completed during the March quarter including:

- Vincent Street Pedestrian Crossing Retrofit
- Wollombi Road Millfield Rehabilitation Stage 1
- Miscellaneous Small Drainage Works
- Wollombi Croquet Club Fencing Improvements

Detailed information on the capital works program is included in **Enclosure 2**.

Fit for the Future Improvement Proposal

Council's Improvement Proposal was based on the adopted Financial Sustainability Initiative – an umbrella initiative for a series of projects that will contribute to securing Council's fiscal future by focusing on reducing costs, increasing revenues and improving value-for-money. A fourth objective, to improve governance, was also included in the Improvement Proposal because a robust governance framework is an essential part of an organisation having the capacity to be fit for the future.

The *Fit for the Future* Improvement Proposal noted that a central theme was to address “*the Operating Performance Ratio without compromising the other benchmarks – the key focus is incremental advances commencing with a service review and the identification of productivity improvements and efficiencies underpinned by a continuous improvement culture change program.*”

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The Improvement Proposal noted that monitoring of the implementation of the identified projects would be embedded into Council's Integrated Planning and Reporting Framework (and this commenced in the December 2015 quarter).

As at March 2016, most of the Improvement Proposal projects had commenced. During the March quarter, a resource was engaged to manage the Service Review project, and the project setup phase (including development of templates and plans) is currently underway. Detailed information on progress against the Improvement Proposal is included as **Enclosure 3**.

The Finance Section has updated the *Fit for the Future* criteria forecasts based on the actual results for 2014-15, the March 2016 quarterly budget review forecast for 2015-16, and the draft 2016-17 budget while retaining the forecasts from 2017-18 (and in some cases from 2016-17) onwards from the adopted Long-Term Financial Plan.

Summary of when Fit for the Future benchmarks will be met as at 31 March 2016

Ratio	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20
Operating Performance	Yes	Yes	Yes	Yes	Yes	Yes
Own Source Revenue	Yes	Yes	Yes	Yes	Yes	Yes
Building & Infrastructure Asset Renewal	Yes	Yes	Yes	Yes	Yes	Yes
Infrastructure Backlog	Yes	Yes	Yes	Yes	Yes	Yes
Asset Maintenance	-	-	-	Yes	Yes	Yes
Debt Service	Yes	Yes	Yes	Yes	Yes	Yes
Real Operating Expenditure per capita	N/A	-	-	Yes	Yes	Yes

Detailed information on progress against each of the *Fit for the Future* criteria forecasts is included as **Enclosure 3**.

OPTIONS

N/A

CONSULTATION

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

Project Managers provided updates on the status of the adopted Council Improvement Proposal projects; and Council's Financial Accountant provided the financial forecasts for inclusion in **Enclosure 3** to this report.

STRATEGIC LINKS

Delivery Program

a. Delivery Program

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

In addition, the key actions in the Improvement Proposal have been incorporated into Action 5.3.7.a of the adopted 2015-16 Operational Plan.

b. Other Plans

Council's *Fit for the Future* Improvement Proposal is consistent with Council's adopted Financial Sustainability Initiative.

IMPLICATIONS

a. Policy and Procedural Implications

As part of Council's plan to become *Fit for the Future* there may be policy and procedural implications and, if these arise, they will be separately reported to Council.

b. Financial Implications

The December Quarterly Budget Review Statement is reported separately to Council.

The IPART assessment of Council's fitness has been predicated on the assumption that the strategies (in the proposal) would be implemented and financial projections realised.

The Office of Local Government will monitor and publicly report on Councils' performance against projections.

The financial implication of this is that annual budgets must be closely aligned with the Long-Term Financial Plan forecasts that formed the basis of Council's *Fit for the Future* Improvement Proposal.

c. Legislative Implications

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

d. Risk Implications

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

e. Other Implications

N/A

CONCLUSION

The review of the Delivery Program for the quarter ended 31 March 2016, along with the progress in implementation of Council's Improvement Proposal and updated forecasts against the *Fit for the Future* benchmarks are submitted for Council's consideration.

ENCLOSURES

- 1 Enclosure 1 - March Quarter Review Executive Summary
- [2](#) Enclosure 2 - March 2016 Quarter Review of progress against 2013-17 Delivery Program
- 3 Enclosure 3 - March 2016 Quarter Review of progress against Financial Sustainability Initiative and Fit for the Future Improvement Proposal

SUBJECT: *QUARTERLY BUDGET REVIEW STATEMENTS - MARCH 2016*

RESPONSIBLE OFFICER: *Chief Financial Officer - John Oliver*

SUMMARY

The purpose of this report is to present the March 2016 Quarterly Budget Review Statements (QBRS) for Council's consideration, as per the requirements of Clause 203 of the *Local Government (General) Regulation 2005*.

RECOMMENDATION

1. That Council endorse the March 2016 Quarterly Budget Review Statements were presented to and endorsed by the Audit Committee on 3 May 2016.
2. That Council approve the variations to the income, expenditure and capital budgets as detailed in the March 2016 Quarterly Budget Review Statements.

BACKGROUND

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

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

The QBRS for March 2016 are presented to the Council for consideration and adoption. The Audit Committee has endorsed the report prior to referral to Council.

REPORT/PROPOSAL

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

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

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

Corporate and Community

Report No. CC25/2016

Corporate and Community Services



General Budget Commentary

The QBRS as provided at **Enclosure 1** are showing on a cash basis a surplus of \$18,526. In light of past budget reviews, Council's financial position and the Council adopted remedial measures to improve this financial position, the surplus is recommended for retention as a buffer against future deteriorations and to help improve Council's unrestricted cash position.

Profit and Loss Statement Commentary

The Income & Expenses Budget Review Statement (Profit & Loss) shows a net increase of approximately \$327,000. The major items altered in this review are:

- User Charges and Fees Income – an increase in internal garbage tipping fees \$420,000 and a decrease in Town Planning and Building fees \$197,028.
- Interest and Investment Revenues – an increase in expected interest on investments \$100,000 and Investment Impairment reversal of \$300,788.
- Grants and Contributions Income – Operating – an approved RMS Natural Disaster grant for \$1,172,000 has been brought to account. This will offset expenditure already incurred as a result of the natural disaster in April 2015 and included in materials and contracts.
- Grants and Contributions Income – Capital – increase in RMS grants totalling \$365,000 for Great North Rd and Buchanan Culvert works, and community recycling centre grant for \$180,000.
- Depreciation Expense – reduction in depreciation expense of \$2,900,000 to reflect expected expense for 2015/16.
- Other Expenses – an increase in S88 State Government Waste Levy of \$254,727.
- Net Loss from Disposal of Assets – expected loss on disposals for 2015/16 \$3,500,000 not previously budgeted.

Road and Infrastructure Programs

Additional funds of \$7,462 have been included for expenses incurred in the Postie Bike GP in Cessnock. Funds of \$50,000 have been transferred from the Bridge Maintenance Program to the Bridge Construction Program for Sale St Greta footbridge. Blackspot works at Great North Rd \$335,000 and Buchanan Culvert works \$30,000 have been included and are funded from RMS grants (as mentioned above).

Director's Comments

In the presentation of the March 2016 Quarterly Budget Review it is again highlighted to the Council that while the adopted balanced budget strategy has been preserved through a cash surplus, current operations and future commitments as outlined in past reports and the Delivery Program (inclusive of the Operational Plan and Long Term Financial Plan) continued to exert considerable pressure on our capacity to manage our financial position, particularly in the medium to long term.

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The review shows a surplus on a cash basis, however in light of Council's financial position and the adopted remedial actions of past budget reviews it is recommended that the surplus be retained for purposes of improving Council's unrestricted cash position.

The ability to adequately fund budget variations without impacting on the operational budget or Council's financial position is an ongoing concern. Budget commitments and associated processes will continue to undergo careful reassessment with a view to identifying opportunities for improvement.

Responsible Accounting Officer Statement

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

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

In making this statement and the presentation of the QBRS it is highlighted that while the adopted balanced budget strategy has been preserved through a cash surplus, current operations and future commitments as outlined in past reports and the Delivery Program (inclusive of the Operational Plan and Long Term Financial Plan) continued to exert considerable pressure on our capacity to manage our financial position, particularly in the medium to long term. The ability to adequately fund budget variations without impacting on the operational budget or Council's financial position remains a concern.

Budget commitments and associated processes continue to undergo careful reassessment with a view to identifying opportunities for improvement. These actions are particularly important with the need to improve Council's financial position in response to past TCorp ratings, Fit for the Future reform package and Council's Financial Sustainability Initiatives.

It is for these reasons that the required Responsible Accounting Officer statement on the financial position of Council whilst considered satisfactory for the current financial year also contains a qualifying statement which highlights longer term concerns.

Continued Improvement Strategies

1. Continuation of the remedial actions as identified in previous Quarterly Budget Review Statements.
2. That Council continue the review of all expenditure commitments to identify projects or programs that can be reduced or delayed while at the same time identifying additional income opportunities.

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3. That any additional revenues identified be quarantined for the purpose of improving Councils cash position.
4. That any loan repayment commitments not required from loans not drawn down be quarantined for the purpose of improving Councils cash position.

CONSULTATION

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

- Directors
- Managers
- Senior finance staff

STRATEGIC LINKS

a. Delivery Program

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

IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

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

c. Legislative Implications

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

d. Risk Implications

N/A

e. Other Implications

N/A

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Corporate and Community Services



CONCLUSION

The QBRS for March 2016 are submitted for consideration and adoption.

ENCLOSURES

- [1](#) March 2016 Quarterly Budget Review Statement

Corporate and Community

Report No. CC26/2016

Corporate and Community Services



SUBJECT: *INVESTMENT REPORT - APRIL 2016*

RESPONSIBLE OFFICER: *Chief Financial Officer - John Oliver*

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 on investments held.

BACKGROUND

The Local Government Act 1993, the Local Government (General) Regulation 2005 and Council's Investment Policy require 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 April 2016 was 2.00 percent. 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 May 2016 meeting held on 3 May reduced the official cash rate to a record low of 1.75 percent.

Actual investment revenues to the end of April 2016 exceeded budget with Council's investment return consistently higher than the adopted benchmark in the Investment Policy with an actual level of return of 13.6 percent more than budget.

Councils' investment balances include \$3.6m received from the Roads and Maritime Services in June 2015 relating to the reclassification of roads following the opening of the Hunter Expressway, higher than anticipated Section 94 and Voluntary Planning Agreement funds being received and the later than expected landfill extension capital works expenditure.

These have contributed to higher investment balances and higher than anticipated interest return. An adjustment is proposed in the March 2016 Quarterly Budget Review.

Corporate and Community

Report No. CC26/2016

Corporate and Community Services

**Investment Portfolio Information**

Total cash and investments held by Council as at 30 April 2016 are:

Invest No	Financial Institution Investment Held With	Invest Type	Interest Coupon Term	Maturity / Next Coupon Date	Current Coupon Rate	Par Value \$'000
	Commonwealth Bank	Cash			1.65%	2,036
	Commonwealth Bank	At Call			1.60%	691
1243	AMP Bank	At Call			2.55%	500
1233m	Suncorp Bank	TD	188	14-Sep-16	3.10%	700
1236l	Maitland Mutual BS	TD	183	2-Jun-16	2.75%	600
1255l	ANZ Bank	TD	152	20-Jul-16	2.95%	800
1256h	National Australia Bank	TD	182	05-May-16	2.85%	900
1258k	ANZ Bank	TD	182	11-Aug-16	2.95%	700
1260g	National Australia Bank	TD	186	11-Oct-16	3.10%	1,000
1262k	Newcastle Permanent BS	TD	91	2-Jun-16	3.00%	600
1263f	Westpac Bank	TD	182	24-May-16	2.76%	600
1264h	IMB Bank	TD	182	17-Aug-16	2.90%	600
1266g	Westpac Bank	TD	91	11-May-16	2.78%	700
1269e	Maitland Mutual BS	TD	183	21-Sep-16	3.10%	900
1270i	Bendigo & Adelaide Bank	FRN	91	16-May-16	3.56%	500
1272f	ANZ Bank	TD	183	7-Jun-16	3.00%	900
1273e	Members Equity Bank	TD	182	27-Jul-16	3.05%	600
1276i	Newcastle Permanent BS	TD	91	9-Jun-16	3.00%	800
1277h	Greater Building Society	FRN	90	24-May-16	3.58%	500
1281d	National Australia Bank	TD	167	3-Aug-16	3.03%	700
1282c	Maitland Mutual BS	TD	196	19-Oct-16	3.10%	700
1284d	National Australia Bank	TD	197	5-Oct-16	3.10%	800
1285c	National Australia Bank	TD	189	15-Jun-16	2.97%	600
1286c	IMB Bank	TD	188	2-Jun-16	2.80%	900
1287e	IMB Bank	VRD	88	13-May-16	3.04%	700
1288c	Members Equity Bank	TD	182	17-Aug-16	2.95%	800
1289b	Suncorp Bank	TD	182	27-May-16	3.00%	800
1290e	Newcastle Permanent BS	VRD	91	6-Jun-16	3.11%	700
1292b	Suncorp Bank	TD	182	11-Aug-16	3.07%	700
1293b	Maitland Mutual BS	TD	211	13-Jul-16	2.95%	800
1294b	Commonwealth Bank	TD	91	2-Jun-16	2.95%	800
1295d	Newcastle Permanent BS	TD	91	21-Jun-16	3.00%	900
1297b	Members Equity Bank	TD	189	8-Sep-16	2.95%	900
1298c	Newcastle Permanent BS	VRD	91	4-Jul-16	3.08%	800
1300b	Members Equity Bank	TD	183	8-Sep-16	2.95%	800
1301a	Maitland Mutual BS	TD	196	28-Sep-16	3.10%	800
1302a	Suncorp Bank	TD	182	24-Aug-16	3.05%	900
1303a	IMB Bank	TD	181	25-Aug-16	2.90%	700
1304a	AMP Bank	TD	181	22-Aug-16	3.00%	800
1305a	Commonwealth Bank	TD	184	3-Aug-16	2.92%	900

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Invest No	Financial Institution Investment Held With	Invest Type	Interest Coupon Term	Maturity / Next Coupon Date	Current Coupon Rate	Par Value \$'000
1306a	Suncorp Bank	TD	183	15-Sep-16	2.95%	900
1307a	Bankwest	TD	105	11-May-16	2.95%	800
1308a	Bankwest	TD	110	18-May-16	2.95%	900
1310	Bankwest	TD	151	3-May-16	3.00%	700
1311	Bankwest	TD	183	21-Jun-16	3.00%	600
TOTAL						35,027

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

Financial Institution	Amount \$'000	% of Portfolio
Commonwealth Bank of Australia	4,427	12.64%
National Australia Bank	4,000	11.42%
Suncorp Bank	4,000	11.42%
Bankwest	3,000	8.56%
Newcastle Permanent Building Society	3,800	10.85%
Maitland Mutual Building Society	3,800	10.85%
IMB Bank	2,900	8.28%
Members Equity Bank	3,100	8.85%
ANZ Bank	2,400	6.85%
Westpac Bank	1,300	3.71%
AMP Bank	1,300	3.71%
Bendigo & Adelaide Bank	500	1.43%
Greater Building Society	500	1.43%
TOTAL	35,027	100.00%

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

Investment Type	Risk Assessment		Amount \$'000	% of Portfolio
	Capital	Interest		
Term Deposits	Low	Low	28,600	81.65%
Cash/At Call Deposits	Low	Low	3,227	9.22%
Variable Rate Deposit	Low	Low	2,200	6.28%
Floating Rate Notes	Low	Low	1,000	2.85%
TOTAL			35,027	100.00%

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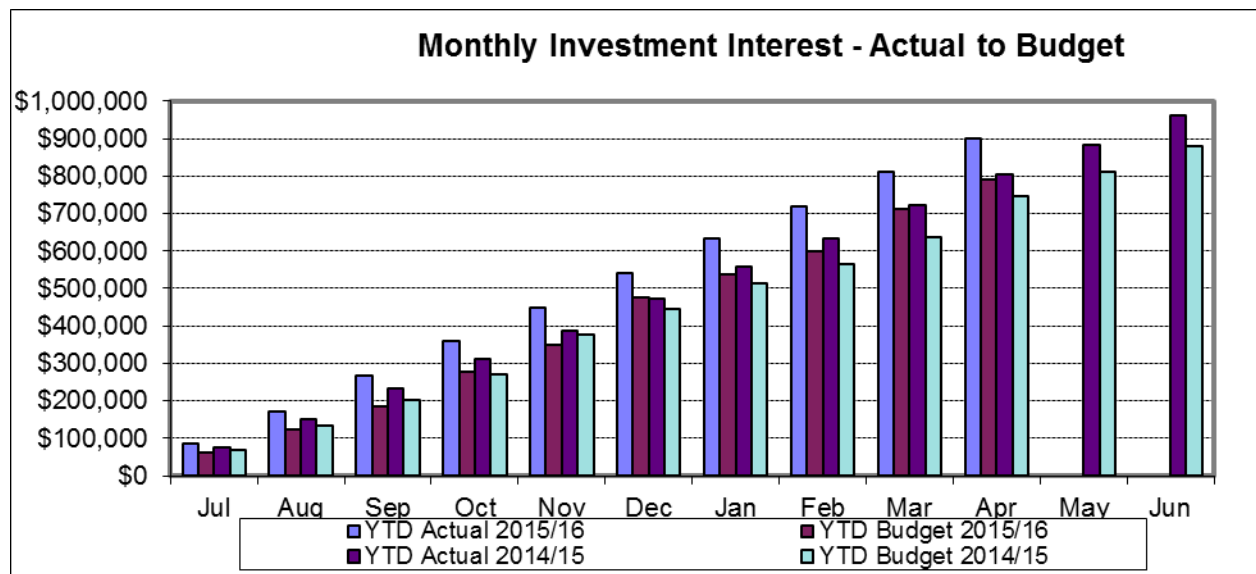
The following table provides information on interest rates and earnings this year compared to last year as well as a comparison of investment balances from this year to last year:

Performance Measures	This Year	Last Year
Portfolio Average Interest Rate (year to date)	2.77%	3.28%
BBSW Average Interest Rate (year to date) *	2.23%	2.43%
Actual Investment Interest Earned (year to date)	\$899,327	\$805,655
Budget Investment Interest (year to date)	\$791,660	\$745,000
Original Budget Investment Interest (Annual)	\$650,000	\$880,000
Revised Budget Investment Interest (Annual)	\$950,000	\$850,000

Investment Balances (Par Value)	This Year	Last Year
Opening Balance as at 1 July	\$37,253,000	\$30,576,000
Month End Current Balance	\$35,027,000	\$30,282,000

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

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



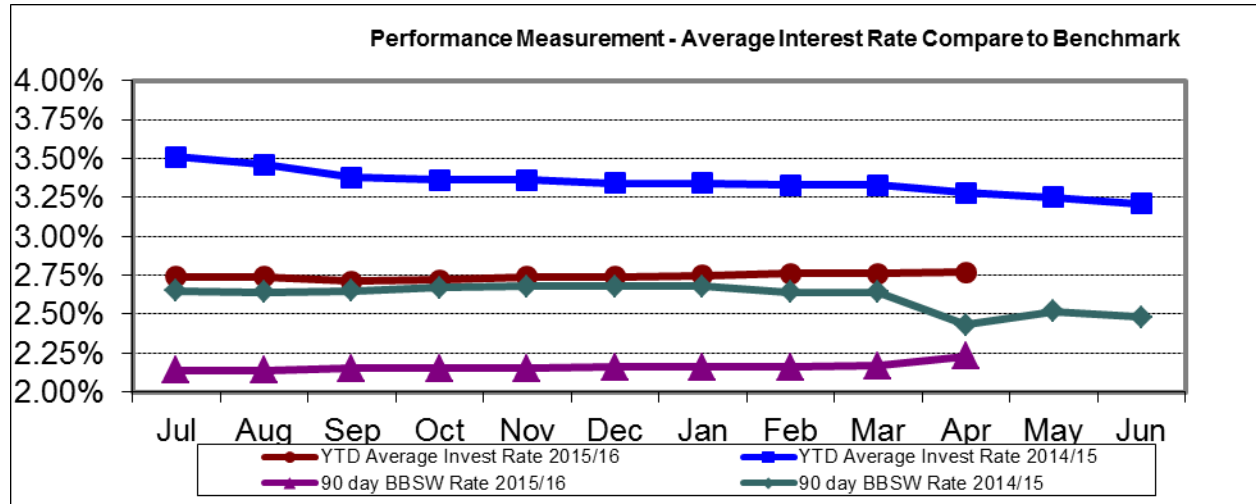
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The following graph compares current year portfolio performance to prior year performance.

**OPTIONS**

N/A

CONSULTATION

Financial Accountant

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.

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.

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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.

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Corporate and Community Services



SUBJECT: *RESOLUTIONS TRACKING REPORT*

RESPONSIBLE OFFICER: *Manager Governance and Business Services - Kim Appleby*

SUMMARY

The enclosure contains pending actions from previous meetings as well as completed actions for the month of April 2016

RECOMMENDATION

That Council receive the report and note the information.

ENCLOSURES

- 1 Completed Actions - April 2016
- 2 Outstanding Actions

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Corporate and Community Services



SUBJECT: *MEETING NOTES OF THE INQUORATE CESSNOCK CITY YOUTH COUNCIL COMMITTEE MEETING HELD 3 MAY 2016*

RESPONSIBLE OFFICER: *Community & Cultural Engagement Manager - Simon Eade*

RECOMMENDATION

That Council notes the summaries of the topics discussed at the inquorate Cessnock City Youth Council Committee meeting held on 3 May 2016.

A Meeting of the Cessnock City Youth Council Committee was scheduled to be held on 3 May 2016. The meeting was inquorate, but given that a number of the Committee members had been able to attend and there was also a guest speaker present, the meeting proceeded on an informal basis. This Report summarises the topics discussed for Council's information as follows.

MEETING NOTES OF THE INQUORATE CESSNOCK CITY YOUTH COUNCIL COMMITTEE MEETING OF CESSNOCK CITY COUNCIL HELD ON 3 MAY 2016, COMMENCING AT 5:30PM

PRESENT: Ms Gabrielle Brooks, Ms Kaitlin Earl, Ms Lucy Long

IN ATTENDANCE: Mr Will Doran (CYCOS Co-ordinator)
Mr Simon Eade (Community and Cultural Engagement Manager)

APOLOGIES: The Mayor Councillor Bob Pynsent, Mr James Brooks, Ms Madeline Burgess, Mr Hayden Gray, Mr Shane Rodger-Wilson, Ms Hannah Rye, Ms Belinda Wells

It was agreed that Ms Lucy Long would chair the meeting.

The Minutes of the previous meeting held on 22 March 2016 were noted.

There were no disclosures of interest or deferred business.

Listed Matters

2016-02 Youth Week 2016 – report back

The CYCOS Co-ordinator reported Youth Week 2016 was the most successful to date, with approximately 1,840 attendances at the 18 events.

2016-07 Multiculturalism and racism

The Community and Cultural Engagement Manager provided a historical timeline of European migration to the Cessnock Local Government Area from the 1820s to date, including an overview of the 2011 Census data.

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Guest speaker: Mr Paul Szumilas

Mr Paul Szumilas, local resident, provided an overview of his experiences as a child growing up in the Greta Migrant Camp.

The Community and Cultural Engagement Manager provided an overview of the services provided to migrants by Northern Settlement Services. A representative from that organisation had been invited to speak, but was unable to attend without a longer period of notice.

2016-08 Possible Future Discussion Topics

Mental Health, focusing on the services that are currently available locally and an update on Headspace Maitland, will be the topic of discussion at the next meeting.

There was nil correspondence or general business.

Next meeting date

The next meeting will be held at 5.30pm on Tuesday 14 June 2016.

The Meeting Was Declared Closed at 6.25pm.

ENCLOSURES

There are no enclosures for this report.

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Corporate and Community Services



SUBJECT: *USE OF FACILITY FOR 2016 LOCAL GOVERNMENT ELECTION PRE-POLL*

RESPONSIBLE OFFICER: *Manager Governance and Business Services - Kim Appleby*

SUMMARY

This report is to provide Councillors with information relating to a request from the NSW Electoral Commission regarding a venue for the 2016 Cessnock Local Government Area Election (LGA) Pre-Poll.

RECOMMENDATION

That Council receives and notes the report.

BACKGROUND

Advice was received in March 2016 that the Minister for Local Government Paul Toole had announced that the scheduled 2016 Local Government Elections would be split between September 2016 and March 2017 in order to accommodate the Government's merger program.

To this end, it has been confirmed that the Cessnock Local Government Area Election will be held on Saturday, 10 September 2016.

At its meeting of 4 February 2015, Council resolved, inter alia, to engage the Electoral Commissioner to conduct all elections, polls and referendums. Subsequently, Council has entered into a contractual agreement with the NSW Electoral Commission to conduct the 2016 Local Government Election.

REPORT/PROPOSAL

In preparation for the September 2016 election, the Electoral Commission is currently canvassing venue options for the location of the Returning Officer and Pre-Poll. Whilst it will not be possible to accommodate the Returning Officer due to floorspace requirements, Council may be able to offer the Community Meeting Room to be used for the purposes of Pre-Poll for the period 29 August to 3 September and then 5 to 9 September 2016.

If this offer was acceded to, the Community Meeting Room would not be available to be used for any other purpose during this period. There are currently no scheduled meetings booked in the online booking system for that period.

To ensure that Council customers were not canvassed by candidates and their supporters and to reduce the risk of vehicular conflict with pedestrians, it will be important to ensure that anyone handing out election material is allocated a designated area.

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OPTIONS

Option 1: Council offers the use of the Community Meeting Room for the purposes of Pre-Poll.

Option 2: Council does not offer the Community Meeting Room for the purposes of Pre-Poll.

Option 3: Alternative Council owned accommodation is identified for the purposes of Pre-Poll.

Option 4: Council is unable to offer a suitable venue.

Option 1 is the preferred option.

CONSULTATION

Consultation has occurred with:

- NSW Electoral Commission
- General Manager
- Director Corporate and Community Services

STRATEGIC LINKS

a. Delivery Program

This report is linked to the Operational Plan, Objective 5.3 “Making Council More Responsive to the Community” and specifically cl 5.3.5, to carry out governance functions to comply with legislation and best practice.

b. Other Plans

NA

IMPLICATIONS

a. Policy and Procedural Implications

NA

b. Financial Implications

At this stage, it is not possible to estimate the quantum of electoral expenditure for 2016 with any certainty. However, an indicative amount would be in the vicinity of \$300,000. An allocation for the 2016 Ordinary Election will need to be factored into the 2016-17 budget forecast once a clearer cost estimate is known. Council’s operating budgets have included a yearly allocation of \$75,000 to reserve to offset the cost impact in election years.

The provision of Council accommodation for Pre-Poll will result in an expenditure saving on the overall election budget.

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c. Legislative Implications

The Local Government (Amendment) Elections Act 2011 provides statutory responsibilities for the conduct of Local Government elections, polls and referendums.

d. Risk Implications

A risk assessment will be required to be undertaken by the NSW Electoral Commission and submitted to Council's satisfaction to mitigate any potential liability arising out of conducting the election activity from Council premises.

e. Other Implications

NA

CONCLUSION

The NSW Electoral Commissioner will be conducting the September 2016 Local Government Election on Council's behalf. To assist the Commission and to achieve some election expenditure savings, it is proposed to offer the Community Meeting Room for Pre-Poll purposes.

ENCLOSURES

There are no enclosures for this report

SUBJECT: *LOMAS LANE BRIDGE REINSTATEMENT (T1516/03)*

RESPONSIBLE OFFICER: *Design Delivery Manager - Katrina Kerr*

SUMMARY

Evaluation and selection of tender for Tender No. T1516/03 – Lomas Lane Bridge Reinstatement.

RECOMMENDATION

That Council accept the tender from Kenpass Pty Ltd in the amount of \$349,600 (including GST) to replace Lomas Lane Bridge at Nulkaba.

BACKGROUND

As part of the Capital Works Program for 2015/16, work on the deteriorated bridge over Black Creek on Lomas Lane, Nulkaba is scheduled. The existing 12m long, 4.3m wide single span timber bridge is single lane with no pedestrian walkway. Spanning a perennial stream, the bridge is on a flood plain and is regularly overtopped.

REPORT

The Request for Tender (RFT) documents were prepared by Council's Design Delivery section and reviewed by the Tender Audit Panel (TAP) before tenders were called. The form of contract selected was AS 4902-2000 (General Conditions of Contract for Design and Construct). The RFT called for a lump sum tender based on the concept design provided, and included a temporary bridge to be used as a side track for through traffic, for the anticipated 6 week on site construction period.

Invitation

Tenders were invited on Saturday 12 March 2016 and were made available on Council's e-tender portal, Tenderlink, Tuesday 15 March 2016, and advertised in the following publications:

Publication:	Day:	Date:
Newcastle Herald	Saturday	12 March 2016
Sydney Morning Herald	Tuesday	15 March 2016
The Advertiser	Wednesday	16 March 2016

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Addenda

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

No.	Description:	Date:
1	Pre-Tender Meeting Minutes	23 March 2016
2	Clarification of Table 4.2 and site working hours	23 March 2016

Closure

Tenders closed 2pm Tuesday 12 April 2016.

Evaluation of Tenders

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

- Projects Engineer 1, Design Delivery
- Projects Engineer 3, Design Delivery
- Asset Engineering Officer, Strategic Asset Planning
- Management Accountant, Financial Services.

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

1. assessment of receipt
2. assessment of conformance
3. shortlisting
4. detailed weighted evaluation
5. due diligence checks on preferred tenderers
6. determine evaluation result
7. independent review of the tender selection process.

1. Assessment of Receipt

Tenders were received and assessed against Threshold Criterion 1:

Threshold Criteria:	
Criterion 1	Submission on Time

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The following tenders were received:

No.	Tenderer:	Business Address:	Criterion 1:
1	Bridge Check Australia Pty Ltd	O'Connell	On time
2	Civilbuild Pty Ltd	Redhead	On time
3	Kenpass Pty Ltd	Kellyville	On time
4	Timber Restoration Systems Pty Ltd	Caboolture	On time
5	Waeger Constructions Pty Ltd	Rutherford	On time
6	Waeger Constructions Pty Ltd	Rutherford	On time

2. Assessment of Conformance

The six tenders were assessed for conformance with the remaining threshold criteria:

Threshold Criteria:	
Criterion 2	Conformance with RFT Documents
Criterion 3	Safety, environment and quality management capacity
Criterion 4	Financial capacity

Tender 1 from Bridge Check Pty Ltd excluded the required level of professional indemnity insurance and was adjusted based on an estimate for the cost to provide the level required. In all other respects the tender was conforming.

Tender 2 from Civilbuild Pty Ltd conformed to all the tender requirements.

Tender 3 from Kenpass Pty Ltd excluded the required level of professional indemnity insurance and was adjusted based on an estimate for the cost to provide the level required. In all other respects the tender was conforming.

Tender 4 from Timber Restoration Systems Pty Ltd was considered non-conforming due to non-attendance at the Mandatory Pre Tender Meeting and was not considered further.

Tender 5 from Waeger Constructions Pty Ltd excluded the required level of professional indemnity insurance and was adjusted based on an estimate for the cost to provide the level required. In all other respects the tender was conforming.

Tender 6 from Waeger Constructions Pty Ltd was an alternate tender offering lanes for two way traffic. It excluded the required level of professional indemnity insurance and the temporary bridge for a side track. The tender was adjusted based on an estimate for the cost of insurance and the temporary bridge.

Tenders 1, 2, 3, 5 and 6 were progressed to shortlisting.

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Shortlisting was not considered necessary as there were only five conforming tenders in contention. Tenders 1, 2, 3, 5 and 6 were progressed to the Weighted Evaluation stage.

4. Weighted Evaluation

The tenders were evaluated by the TET using the following weighted evaluation criteria:

Weighted Criteria:	
Criterion 5	Price
Criterion 6	Design, construction methodology
Criterion 7	Contract program
Criterion 8	Experience, past performance, management and staff resources offered
Criterion 9	Safety, environmental and quality management performance
Criterion 10	Design life
Criterion 11	Annual maintenance cost
Criterion 12	Traffic facility

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

To assess tenders against the evaluation criteria, the TET used information obtained from the tender documents. A Tender Evaluation Matrix, containing full details of the pricing and evaluation is provided as confidential **ENCLOSURE 1**.

Tender 3 from Kenpass Pty Ltd, offering a single lane reinforced concrete bridge scored highest on the majority of the weighted criteria and provided evidence of Roads and Maritime Services prequalification for bridge construction. It was identified as the preferred tender and progressed to the due diligence stage of evaluation.

5. Due Diligence

Kingsway Financial Assessments Pty Ltd assessed Kenpass Pty Ltd as having a satisfactory financial capacity to complete the work.

Referee checks returned positive feedback particularly in terms of contract administration, cost control, and safety and environmental management.

6. Evaluation Result

Following the evaluation process, the TET recommended acceptance of Tender No 3 from Kenpass Pty Ltd.

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7. Independent Review

The evaluation process and recommendations were reviewed by the TAP as being in accordance with Council's Procurement Policy, Procedure and relevant legislation.

TIME FRAME

The RFT required a contract period of 10 weeks. The preferred tender offers a 10 week program including 4 weeks for on-site construction. A 2 week contingency for latent site conditions and inclement weather has been added to the overall project program.

To serve the community and remove the vehicle load limits, the work should proceed as soon as possible.

LOCAL CONTENT

The preferred tenderer, Kenpass Pty Ltd is located within the Sydney Region and is likely to utilise local subcontractors and materials. Local preference scoring was not applied to this tender as it had already achieved the highest score.

OPTIONS

Option 1: Council accept the tender from Kenpass Pty Ltd. This option provides a long design life with minimal maintenance and offers best value for money.

Option 2: Council accept the tender from Kenpass Pty Ltd in a reduced amount by deduction of the temporary bridge and side track. This option requires early advice to affected Lomas Lane residents and businesses of the available detour via Old Maitland Road, Ironbark Lane, Deepsprings Lane and McCarthy Road.

Option 3: Council decline to accept any of the offers. This option is not recommended as the current load limits on the existing bridge are restricting heavy vehicles including buses. Award of this contract is also required to complete work on the adopted Capital Works Program for 2015/16.

CONSULTATION

The following officers were consulted in preparation of the report during the tender process:

- Tender Audit Panel (TAP)
- Director Works & Infrastructure
- Strategic Asset Planning Manager
- Rural Maintenance Coordinator
- Acting Traffic Engineer
- Roads Safety Officer

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STRATEGIC LINKS

a. Delivery Program

Acceptance of the tender will contribute to achieving the following objective of the 2013-2017 Revised Delivery Program:

- Objective 4.2: Improving the Road Network.

b. Other Plans

Acceptance of the tender will facilitate completion of works listed in Council's 2015-2016 Operational Plan:

- Capital Works Program, Bridge Construction Program.

STATUTORY IMPLICATIONS

c. Policy and Procedural Implications

The tender process has been carried out in accordance with:

- Council's Procurement Policy
- CCC Procurement Procedure
- Tendering Guidelines for NSW Local Government 2009
- NSW Government - Code of Practice for Procurement 2005.

d. Financial Implications

This project is fully funded from Council's Bridge Construction Program, which is contained within Council's adopted Capital Works Program for 2015/16. The funding includes a contingency available to assist in running the contract and manage latent conditions and unforeseen works.

e. Legislative Implications

The tender process has followed the legislative provisions referenced in Council's Procurement Policy and CCC Procurement Procedure which are as follows:

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

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

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

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

Note: Where "tender" referred to above may be substituted with 'quote' if required.

f. Risk Implications

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

- Quality Assurance
- Work Health and Safety
- Ecologically Sustainable Development

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

- Professional Indemnity (\$20 million or greater)
- Workers Compensation
- Public Liability (\$20 million or greater)
- Comprehensive Motor Vehicle

Risks identified in relation to safety, environment and quality are mitigated by the contractor's adherence to system standards as follows:

- AS 4801:2001 WH&S Management Systems
- AS/NZS ISO 31000:2009 – Risk Management
- ISO 9001:2008 – Quality Management Systems
- ISO 14001:2004 – Environment Management System.

Regarding safety, the Contractor is required to prepare a site specific Safety Management Plan including:

- Traffic Management Plan and Traffic Control Plans. Traffic issues will be managed through the construction period in accordance with these plans.
- Requirements for on-site workers to have current General Induction for Construction Work in NSW (White Card), and licenses/tickets and inducted to the site.
- Safe Work Method Statements, which are kept on site and the subject of tool box talks.

g. Other Implications

To minimise the impacts on access to properties on Lomas Lane for residents and businesses, including Hunter Valley Zoo, the RFT called for the provision of a temporary bridge to be used as a side track. This will allow traffic to pass through the construction site under traffic control.

As other Council owned bridges require expenditure to lift load limits, reducing costs is desirable. A saving may be achieved by forgoing provision of the temporary side track and using the available detour via Old Maitland Road, Ironbark Lane, Deepsprings Lane and McCarthy Road, for the anticipated 6 week on site construction period.

CONCLUSION

The offer from Kenpass Pty Ltd in the adjusted lump sum amount of \$349,600, including GST, be accepted for the replacement of Lomas Lane Bridge, Nulkaba as the offer provides the best value for money to Council and for the community.

ENCLOSURES

- 1** T1516/03 Lomas Lane Bridge Reinstatement Tender Evaluation Matrix - *This matter is considered to be confidential under Section 10A(2) (di) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.*

SUBJECT: ***TIMBER BRIDGE RENEWAL PROGRAM - PRIORITY CHANGES***

RESPONSIBLE OFFICER: ***Strategic Asset Planning Manager - Stephen Long***

SUMMARY

The purpose of this report is to provide Council with information relating to recent inspections of Council's timber bridge assets and to recommend that Council amends the Draft 2016-2017 Operational Plan – Bridge Construction Program in response to the identified risks and allocates 2016/2017 Roads to Recovery funding to this program to support the amendments.

RECOMMENDATION

1. That further investigation and prioritisation be undertaken for Abbotsford Bridge and a further report be provided to Council.
2. That the following additional bridges and major culverts be included in the Draft 2016/2017 Bridge Construction Program:
 - Milsons Arm Bridge, Milson Arm Road, Laguna
 - Anvil Creek Bridge, Nelson Street, Greta
 - Gillies Bridge
 - Dixon Street Bridge
 - McFarlane Street Bridge
 - Stockyard Creek Bridge
 - Neath Road Culvert
 - Watagan Creek #1 Bridge
 - Duffie Drive Culvert
 - Galloway Street Culvert
 - Burgesses Bridge
3. That \$800,000 of Council's 2016/2017 Roads to Recovery funding be allocated to the 2016/17 Bridge Construction Program to fund the additional projects listed.
4. That the balance of the 2016/2017 Roads to Recovery funding be allocated to the 2016/17 Local Road Renewal Program.

BACKGROUND

Council is responsible for seventy four (74) vehicular bridges and sixty three (63) major culverts across the LGA. Forty two (42) of the vehicular bridges are timber, many of which are nearing the end of their useful lives.

As part of an Asset Risk Management Strategy, Council officers coordinate an on-going timber bridge and major culvert inspection program in order to determine the need for major

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repairs and/or replacement. The most recent round of inspections identified a number of timber bridges and major culverts in need of full structural repair and/or replacement.

The purpose of this report is to provide Council with information on the outcomes of the most recent inspections and options available to mitigate risk and impact on the community.

REPORT/PROPOSAL**Recent Inspections**

Specialist consultants were engaged in the latter part of 2015 to provide detailed assessment (Level 3 bridge condition and load capacity inspections) for ten (10) of Council's timber bridges. The outcome of these inspections revealed that load limits needed to be applied or retained on nine (9) bridges to manage public risk. See Table 1.1 below.

Table 1.1 - Recently Completed Level 3 Inspections.

Asset Name	Segment/Group Name	Level 3 Load Limit	Previous load Limit
Cedar Creek [#]	Cedar Creek Bridge	6T	NA
Greta	Hunter Street Bridge	3T	3T
Greta	Anvil Creek Bridge	20T	NA
Laguna	Watagan Creek 1 Bridge	20T	NA
Laguna ⁺	Milsons Arm	15T	NA
Nulkaba [*]	Lomas Lane Bridge	12T	NA
Paynes Crossing	Stockyard Creek	20T	NA
Paynes Crossing	Paynes Crossing Bridge	6T	NA
Pokolbin	Deasys Bridge Rothbury Creek	NA	NA
Rothbury	Gillies Bridge	15T	15T

Key for Table 1.1:

+Milsons Arm Bridge – the initial load limit placed on the bridge was 12T but under the advice of the bridge consultant, deck planks were installed and the load limit raised to 15T.

*Lomas Lane Bridge – currently listed for replacement in the 2015/16 financial year. Tenders recently received for the replacement.

[#]Cedar Creek Bridge – Council's bridge maintenance team is programmed to undertake refurbishment works between 22 May and 30 May 2016.

The Level 3 inspection reports provide Council with valuable information, enabling staff to make strong evidence based decisions. The inspections will further assist in the development of targeted maintenance (especially heavy maintenance) programs and improve longer term planning for bridge renewal/replacement requirements.

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Works and Infrastructure**Delivery Program 2013-2017 and Draft Operational Plan 2016-17****Delivery Program 2013-2017**

Of the bridges included in Council's 2013-17 Delivery Program all have been completed except for Abbotsford Street Bridge. Abbotsford Street Bridge currently has a 5T load limit in place. Recent refurbishment of the Hetton Street Bridge has removed the load limit on the Hetton Street Bridge and thus enabled easier heavy vehicle movement into the Bellbird area.

As the priority to refurbish/replace Abbotsford Street Bridge has now reduced a further investigation is proposed to determine the longer term options for the bridge. A further report will be provided to Council once the investigations have been completed.

Draft Operational Plan 2016-17

The recently completed Level 3 inspections identified a relatively high level of risk to the community, especially where load bearing capacity of the existing bridge was determined to be very low. In order to mitigate this risk Council officers implemented the required load limits in accordance with the consultant findings and recommendations.

In order to address the identified risks Council officers propose that the additional bridge construction projects listed in Table 1.2 (below) be added to the Draft 2016/17 Bridge Construction Program.

Table 1.2 - Draft Operational Plan 2016/17 - Bridges Construction Program

BRIDGES CONSTRUCTION PROGRAM (As Exhibited)	2016-17
PROJECT NAME	<i>Project No.</i>
Replace Paynes Crossing Bridge	CBS-2017-006
Replace Frame Drive Bridge	CBS-2016-006
Investigation & Design Fosters Bridge	CBS-2016-001
BRIDGES CONSTRUCTION PROGRAM (Additional Projects)	2016-17
Refurbish/Replace Milsons Arm Bridge	CBS-2017-007
Investigation & Design Anvil Creek Bridge Stage 1	CBS-2017-005
Investigation & Design Gillies Bridge Stage 1	CBS-2017-008
Refurbish Dixon Street Bridge	CBS-2017-009
Refurbish McFarlane Street Bridge	CBS-2017-010
Refurbish Stockyard Creek Bridge	CBS-2017-011
Replace Neath Road Culvert	CBS-2017-012
Refurbish Watagan Creek #1 Bridge	CBS-2017-013
Replace Duffie Drive Culvert	CBS-2017-014
Replace Galloway Street Culvert	CBS-2017-015
Replace/refurbish Burgesses Bridge	CBS-2017-016
<i>Funding Source: Financial Assistance Grant, General Fund, Loans, Roads to Recovery, Bridge Renewal Program.</i>	\$4,302,500

Further Level 3 bridge inspections are expected to be undertaken in the second quarter of 2016/17 to identify bridges at risk.

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Bridge Funding

At its Ordinary Meeting on 5 November 2014, Council considered a report on funding available from the Federal Government through the Roads to Recovery (R2R) Program totaling \$4,558,316 over five years. The Federal Government subsequently made provision for additional funding bringing the 2016/17 allocation up to \$2,506,437.

Council's Draft Operational Plan 2016/17 includes \$750,000 of R2R funds and \$502,500 of General Funding for the Bridge Construction Program.

The additional R2R funding in 2016/17 provides Council with an opportunity to inject a further \$800,000 into the 2016/17 Bridge Construction Program for the renewal of priority bridges identified in the recent bridge condition audits.

The remaining \$956,437 of R2R can be directed to the Local Road Renewal Program to support priority road projects – including Mount View Road Cessnock, Wermol Street Kurri Kurri, Harle Street Weston.

Expenditure for Frame Drive and Fosters Bridge projects in 2016/17 is not currently included in the exhibited budget, however, the funding required for both projects in 2016/17 is estimated to be \$2,250,000. The current program has Frame Drive Bridge being undertaken in 2016/17 & 2017/18, with Fosters Bridge being undertaken in 2017/18 & 2018/19.

OPTIONS

Option 1 – The Draft 2016/17 Bridge Construction Program be updated to include the additional priority sites listed in Table 1.2 and an additional \$800,000 of the 2016/17 R2R funding be allocated to the Bridge Construction Program to fund these projects, with the balance of the 2016/17 R2R funds being allocated to the Local Road Renewal Program. This is the preferred option.

Option 2 – Accept the current risks associated with the new load limits and not alter the 2016/17 Operational Plan as exhibited.

CONSULTATION

Consultation has occurred with:

- Director Works and Infrastructure
- Works Delivery
- Design Delivery
- Strategic Asset Planning
- Media and Communications Officer

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STRATEGIC LINKS

a. Delivery Program

Community's Desired Outcome: Accessible Infrastructure, services and facilities

Objective 4.2 – Improving the Road Network, specifically:

4.2.3 a : Renew and maintain roads, bridges and drainage infrastructure

b. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

In 2016/17 Council will receive \$2,506,437 through the Federal Government's Roads to Recovery (R2R) Program which can be directed wholly or partially into the 2016/17 Bridges Construction Program. Given the need to also assist with road renewal projects it is proposed that at least \$1,550,000 of additional R2R funds be allocated to the 2016/17 Bridges Construction Program.

Further reports will be provided to Council in relation to funding options for future Bridge Construction Programs.

c. Legislative Implications

Nil

d. Risk Implications

Risks identified include:

- Safety risk to road users if load limits are not applied or where load limits are ignored by heavy vehicle operators.
- Economic and social risk to individual residents and across the region due to limitations on the movement of freight, livestock, access for emergency services and other service providers (utilities) if the affected bridges are not replaced as priorities.
- Risk to Council's reputation as a manager of public infrastructure assets.
- Insufficient funding for the renewal/replacement of affected bridges in a short timeframe – options to mitigate the risk include R2R funding or additional loans.
- Internal staff resources may not be sufficient to meet timelines for the design and construction of required work. Consultants and contractors may be required.

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e. Other Implications

Load limits can cause economic and social impacts to individual residents and across the region due to limitations on the movement of freight, livestock, access for emergency services (especially bush fire control) and other service providers (utilities) if the affected bridges are not replaced as priorities.

CONCLUSION

Council's ongoing bridge inspection program has identified a number of timber bridges where structural integrity of these bridges is compromised. The outcome of the inspection program has resulted in a number of bridges now having load limits applied. As a result, both local residents and other road users may be experiencing economic and social impacts.

While the inspections have generated immediate issues the inspection reports do provide valuable information to inform maintenance and capital works programs and give a high level of confidence as to the overall condition status of Council's timber bridge assets. This will greatly assist Council's longer term asset and financial planning.

The recommendations proposed in this report are in response to the immediate need to address localised situations, as quickly as possible, to limit the impact on residents and road users within the region.

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ36/2016

Works and Infrastructure



SUBJECT: *HEDDON GRETA TRAFFIC ISSUES*

RESPONSIBLE OFFICER: *Design Delivery Manager - Katrina Kerr
Development Services Manager - Janine McCarthy*

Q31/2016 – Heddon Greta Traffic Issues

Asked by Councillor Smith at the Ordinary Meeting of Council held on 4 May 2016:

'Can Councillors be provided with information/timelines on the following issues which have been repeatedly raised by Heddon Greta residents:-

- 1. Installation of signalised intersections at Traders Way and Heddon Street*
- 2. Access to Main Road from Bowden Street*
- 3. Limitation/elimination of dangerous U-Turns between Hunter Expressway and Earp Street*
- 4. Formalisation of a commuter carpark near the Hunter Expressway roundabout.*
- 5. Opening of the gate at the northern end of Radford Street to allow through traffic'.*

The five issues, responded to below, stem from two issues, namely:

- the outcome of development in Heddon Greta and Cliftleigh, and
- the opening of the Hunter Expressway (HEX).

1. As detailed in Report No. Q92/2015, considered by Council at its meeting of 21 October 2015, the intersection of Main Road 195 and Traders Way will be constructed in conjunction with the subdivision of the site known as Lot 1020 DP 1158266. The intersection will not be signalised, rather, it will be an amendment/upgrade to the existing arrangement.

Development Consent 2005/901, as amended, granted approval for subdivision of the land to occur in three (3) phases. Phases 1 and 2 have been completed, and the developer is currently progressing Phase 3.

The intersection of Main Road 195 and Traders Way must be completed prior to the issue of the Subdivision Certificate for Phase 3. It is noted that a Subdivision Certificate for Stage 3 has not been issued by Council.

In terms of timing, a definitive estimate cannot be provided by Council officers, as the subdivision works are solely the responsibility of the developer. However, as outlined, Phase 3 of the subdivision cannot be registered until such time as the intersection works are completed. Council has no authority to force construction of the intersection as the developer is not in breach of any conditions of consent.

Answers To Questions For Next Meeting

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2. Main Road, Heddon Greta is classified as a State Road, and managed by Roads and Maritime Services (RMS). Bowden Street, Heddon Greta is a local road with a cul-de-sac and no direct connection onto Main Road.

Council officers have passed onto RMS a request to consider opening access onto Main Road; however RMS is most unlikely to allow additional intersections on Main Road by opening Bowden Street to through traffic.

To more effectively manage traffic in the area, RMS may consider upgrade of one existing intersection onto Main Road to act as a local collector. Such a collector would benefit other local streets, which have seen increased traffic movements since the development of adjacent sub-divisions. One upgraded intersection may also improve wait times for vehicles to enter the traffic flow on Main Road.

3. Main Road, Heddon Greta is classified as a State Road, and managed by RMS.

RMS has consulted Council officers regarding requests to control illegal u turn movements received by RMS. Council officers supported provision of a formal u turn bay/jug handle as well as commuter car parking incorporating turning facilities.

Illegal u turns on Main Road have also been reported to NSW Police for enforcement purposes.

4. Matters directly associated with HEX or affecting classified State Roads are managed by RMS.

Council officers have passed onto RMS a request to consider provision of formal commuter car parks associated with use of the HEX at Heddon Greta as well as Kurri Kurri, Loxford, and Branxton. The improvements in road safety, commuter efficiency, and the environmental benefits of carpooling that could be realised with safe, well-lit off street parking and drop zones have been pointed out.

Council officers have also provided input into the current City-wide Strategic Traffic and Transport Study to ensure that the City is best placed to take advantage of HEX as a major regional transport corridor.

5. The approved subdivision plan associated with the development of the site owned by Winten Property Group, identified that the northern and southern parts of the site would be connected. However, although the developer has completed civil works (roads and drainage) that link these parts of the site, the developer has erected a fence and gates across the road reserve which does not permit the circulation of traffic through the site as a whole.

In late 2015, Council officers strongly recommended that the gates be removed, and the road subsequently dedicated to Council. However, the developer advised that they were not proposing to release any residential lots in that particular locality, i.e., that require access off the road extension, and therefore, that they would not be dedicating the road to Council. In this regard, the developer advised that the road dedication would not occur until a future residential land release.

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As the overall subdivision is occurring in stages, Council has no control over the timing of release of lots. Until such time as the developer seeks to release lots that require access off the road extension, the gates and fencing will remain.

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ37/2016

Works and Infrastructure



SUBJECT: *POND AT PEACE PARK*

RESPONSIBLE OFFICER: *Recreation Services Manager - Nicole Benson*

Q33/2016 – Pond At Peace Park

Asked by Councillor Parsons at the Ordinary Meeting of Council held on 4 May 2016.

Councillor Parsons asked whether it was Council or a community group that cleans the pond at Peace Park as it has quite a lot of rubbish in it and is quite unsightly to visitors to that area.

Council is responsible for the maintenance of Peace Park and a clean up of the waterways throughout the park has been scheduled to occur by the end of June.

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ38/2016

Works and Infrastructure



SUBJECT: *ROUGH SURFACE IN BOUNDARY STREET, KURRI KURRI*

RESPONSIBLE OFFICER: *Works Delivery Manager - Geoffrey Bent*

Q32/2016 – Rough Surface in Boundary Street, Kurri Kurri

Asked by Councillor Parsons at the Ordinary Meeting of Council held on 4 May 2016.

Councillor Parsons referred to the rough surface in Boundary Street, Kurri Kurri and asked for a date when the work will be carried out.

Council will investigate suitable options for treatment of the Boundary Street surface with a view to undertaking works by December 2016.

ENCLOSURES

There are no enclosures for this report