



30 September 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, 5 October 2016 at 6.30 pm, for the purposes of transacting the undermentioned business.

Taking of the Oath or Affirmation of Office.

AGENDA:

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Principles for Local Government

Exercise of functions generally

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

- a) Councils should provide strong and effective representation, leadership, planning and decision-making.
- b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- e) Councils should work co-operatively with other Councils and the State government to achieve desired outcomes for the local community.
- f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- g) Councils should work with others to secure appropriate services for local community needs.
- h) Councils should act fairly, ethically and without bias in the interests of the local community.
- i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.

Council's Values

- Integrity
- Respect
- Teamwork
- Accountability
- Excellence

Our Community's Vision

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

Cessnock – thriving, attractive and welcoming.

Our Community's Desired Outcomes

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



Council Model Code of Conduct

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

Generally, the policies refer to the following issues:

1. Councillors are under an obligation at law to disclose any interest they may have in any matter before the Council and to refrain from being involved in any consideration or to vote on any such matter
2. Councillors must disclose any interest in any matter noted in the business paper prior to or at the opening of the meeting
3. The nature of the interest shall be included in the notification
4. Councillors shall immediately and during the meeting disclose any interest in respect of any matter arising during the meeting which is not referred to in the business paper
5. All declarations of interest shall be recorded by the General Manager
6. All disclosures of interest shall as far as is practicable be given in writing
7. Any member having a pecuniary or non-pecuniary significant conflict of interest shall leave the meeting and remain absent while the subject of the interest is being considered by Council
8. The meeting shall not discuss any matter in which a Councillor has a pecuniary or non-pecuniary significant conflict of interest while the Councillor is present at the meeting

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 7 SEPTEMBER 2016, COMMENCING
AT 6.30 PM**

PRESENT: His Worship the Mayor, Councillor R Pynsent (in the Chair) and Councillors Troy, Doherty, Olsen, Ryan, Stapleford, 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
Health & Building Manager
Building Services Team Leader
Media & Communication Officer
Corporate Administration Officer

APOLOGY:

MOTION **Moved:** Councillor Hawkins
Seconded: Councillor Troy

1790

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

FOR	AGAINST
Councillor Troy	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
Total (10)	Total (0)

CARRIED UNANIMOUSLY

MINUTES:

MOTION

Moved: Councillor Smith
Seconded: Councillor Stapleford

1791

RESOLVED that the Minutes of the Ordinary Meeting of Council held on 17 August 2016, as circulated, be taken as read and confirmed as a correct record.

FOR

AGAINST

Councillor Troy
Councillor Doherty
Councillor Olsen
Councillor Ryan
Councillor Stapleford
Councillor Hawkins
Councillor Smith
Councillor Campbell
Councillor Parsons
Councillor Pynsent

Total (10)

Total (0)

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI15/2016

SUBJECT: DISCLOSURES OF INTEREST

MOTION **Moved:** Councillor Troy **Seconded:** Councillor Hawkins
1792
RESOLVED

PE64/2016 – Development Application No. 8/2016/337/1 for a change of use from a garage to a dwelling – Councillor Stapleford declared a Non Pecuniary Interest - Significant Conflict for the reason that he knows several people who had made a submission in the Report. Councillor Stapleford advised that he will leave the Chamber and take no part in discussion and voting.

FOR	AGAINST
Councillor Troy	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
Total (10)	Total (0)

CARRIED UNANIMOUSLY

PETITIONS

NIL

ADDRESS BY INVITED SPEAKERS

NIL

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU15/2016

SUBJECT: MOTIONS OF URGENCY

NIL

GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU11/2016

SUBJECT: CESSNOCK CITY COUNCIL PICNIC DAY

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Campbell
1793
RESOLVED

That the report be received and noted.

FOR	AGAINST
Councillor Troy	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
Total (10)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE63/2016

SUBJECT: END OF TERM REPORT - 2016

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Stapleford

That Council note the End-of-Term report.

AMENDMENT **Moved:** Councillor Ryan **Seconded:** Councillor Olsen

1. **That Council note the end of term report.**
2. **That Council thanks staff for collating the report.**
3. **That Council notes that the report records that the community does not agree that Council has met any of the 5 goals.**
4. **That Council acknowledges that it will need to work harder to achieve any of the goals in the next term.**

FOR	AGAINST
Councillor Olsen	Councillor Troy
Councillor Ryan	Councillor Doherty
	Councillor Stapleford
	Councillor Hawkins
	Councillor Smith
	Councillor Campbell
	Councillor Parsons
	Councillor Pynsent
Total (2)	Total (8)

The Amendment was PUT and LOST.

The Motion was then PUT and CARRIED.

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Stapleford
1794
RESOLVED

That Council note the End-of-Term report.

FOR	AGAINST
Councillor Troy	Councillor Olsen
Councillor Doherty	Councillor Ryan
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
Total (8)	Total (2)

CARRIED

PLANNING AND ENVIRONMENT NO. PE64/2016

SUBJECT: DEVELOPMENT APPLICATION NO. 8/2016/337/1 FOR A CHANGE OF USE FROM A GARAGE TO A DWELLING

Councillor Stapleford declared a Non Pecuniary - Significant Conflict of Interest for the reason that he knows several people who had made a submission in the Report. Councillor Stapleford left the Chamber and took no part in discussion and voting.

Councillor Stapleford left the meeting, the time being 6.46pm

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Parsons
1795

RESOLVED

1. That Council determine Development Application No. 8/2016/337/1 proposing a change of use from a garage to a dwelling and ancillary structures at 10 Glennie Street Ellalong pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 by refusing to grant consent for the following reasons:-
 1. The proposed change of use from a shed to a dwelling does not meet the desired rural landscape character of the RU2 rural landscape zone.
 2. The proposed change of use from a shed to a dwelling does not maintain the scenic character of the land in the RU2 rural landscape zone.
 3. The visual impact of the proposed development is unsatisfactory and is not considered suitable and consistent with other land uses in the area.
 4. The development is not in the public interest.
2. That Council ensure the matter of the unlawful conversion of a shed into a dwelling is followed up in accordance with the adopted Compliance and Enforcement Policy.

FOR	AGAINST
Councillor Troy	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

Councillor Stapleford returned to the meeting, the time being 6.51pm

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC57/2016

SUBJECT: FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2016 - REFER FOR AUDIT AND COUNCIL CERTIFICATION

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Parsons
1796
RESOLVED

1. That the financial statements are formally referred for external audit.
2. That in accordance with Section 413(2)(c) of the Local Government Act, 1993 the following statement of Council be adopted:

The General Purpose Financial Report has been prepared in accordance with:

- The Local Government Act 1993 and the Regulations made thereunder.
- The Australian Accounting Standards and professional pronouncements.
- The Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, these reports:

- Present fairly the Council's operating result and financial position for the year, and
- Accord with Council's accounting and other records.

We are not aware of any matter that would render the reports false or misleading in any way.

3. That in accordance with the Local Government Code of Accounting Practice and Financial Reporting the following statement of Council be adopted:

The Special Purpose Financial Reports have been prepared in accordance with:

- The Local Government Code of Accounting Practice and Financial Reporting.
- NSW Government Policy Statement "Application of National Competition Policy to Local Government".
- Department of Local Government Guidelines "Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality".

To the best of our knowledge and belief, these reports:

- Present fairly the operating result and financial position for each of Council's declared Business Activities for the year, and
- Accord with Council's accounting and other records.

We are not aware of any matter that would render the reports false or misleading in any way.

4. That Council authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to sign the Statements by Council on its Opinion of the 2015-16 Financial Statements.
5. That following receipt of the Auditor's Report, the Ordinary Meeting of 16 November 2016 be set as the meeting at which the 2015-16 Financial Statements will be presented to the public.

FOR	AGAINST
Councillor Troy	Councillor Olsen
Councillor Doherty	Councillor Ryan
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
Total (8)	Total (2)

CARRIED

CORPORATE AND COMMUNITY NO. CC58/2016

SUBJECT: FEASIBILITY FOR ADDITIONAL FLAGPOLES WITHIN THE ADMINISTRATION CENTRE CARPARK

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Stapleford
1797

RESOLVED

1. That Council installs two additional flagpoles within the carpark area of the Council Administration Centre, with the location as detailed in the report.
2. That the order of flag flying will be in accordance with flag flying protocols.
3. That the required funding be sourced from the operational budget for maintenance and an adjustment made at the September quarterly budget review.

FOR	AGAINST
Councillor Troy	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
Total (10)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI44/2016

SUBJECT: MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD 15 AUGUST 2016

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Troy
1798
RESOLVED

That Council endorse the recommendations of the Cessnock City Council Local Traffic Committee meeting held on 15 August 2016 for the items TC5/2016, TC6/2016, TC7/2016, TC8/2016 being:

1. That parking restriction signage be erected and parking bays be marked on Cessnock Street, Kitchener adjacent to Poppethead Reserve as follows:
 - Five R5-505 90° ANGLE PARKING REAR TO KERB signs,
 - Two R5-400 NO STOPPING signs,
 - Two R5-1-2 Disability User Limitation Parking Space signs,
 - Line marking for four car parking spaces,
 - Line marking for two accessible parking spaces, and
 - Pavement marking with international symbol of access on two accessible parking spaces.

2. That kerb extensions and associated line marking be installed on Congewai Street, Aberdare at the intersection of Quarrybylong Street with:
 - BB Double Barrier line extending 20m east on Congewai Street, and
 - C3 No Stopping line around the kerb corners for a 10m extent from the intersection.

3. That parking restriction signage and associated line marking be installed on Dalwood Road, East Branxton near Wyndham Street with:
 - Three R5-505 90° ANGLE PARKING REAR TO KERB signs,
 - Five R5-40 No Parking Symbolic signs,
 - Two R9-2 BUSES EXCEPTED signs,
 - Five R5-400 NO STOPPING signs,
 - Three R9-302 "KISS & RIDE AREA" signs, and
 - C3 no stopping line within signed no stopping lengths.

4. That kerb extensions and associated line marking be installed on Gordon Avenue, Cessnock at the intersection of Quarrybylong Street with:
 - BB Double Barrier line extending 15m west on Gordon Avenue,
 - BB Double Barrier line extending 20m north and south on Quarrybylong Street,
 - E1 Edge line extending 30m on the north and 20m on the south of Gordon Avenue,
 - E5 Median Outline line for the 25m eastern extent of the median on Gordon Avenue, and

- **C3 No Stopping line around the kerb corners for a 10m extent from the intersection.**

FOR	AGAINST
Councillor Troy	
Councillor Doherty	
Councillor Olsen	
Councillor Ryan	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
Total (10)	Total (0)

CARRIED UNANIMOUSLY

ANSWERS TO QUESTIONS FOR NEXT MEETING

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ60/2016

SUBJECT: SANITARY SERVICES - PORT-A-LOO SERVICE

The answer was noted.

QUESTIONS FOR NEXT MEETING

Councillor Morgan Campbell

INTERSECTION OF GRETA AND COLLIERY STREETS, ABERDARE - GIVE WAY

Councillor Campbell asked for an update on the linemarking at the intersection of Greta and Colliery Streets, Aberdare.

The Director Works & Infrastructure advised that at the last meeting with the RMS they advised that the works have been put into their works program and should be undertaken within the coming months.

Councillor Cordelia Troy

CESSNOCK SKATEPARK UPDATE

Councillor Troy asked for an update on the Cessnock Skatepark.

The Director Works & Infrastructure advised that considerable work has been undertaken and there is work to be undertaken this year to finalise the Plan of Management/Master Plan for Mount View Basin with the intention to do a Concept Plan for the skatepark in that area and do a feasibility as part of that Concept Planning stage.

Councillor Cordelia Troy

NOTICE OF MOTION - UPGRADE OF BIMBADEEN LOOKOUT

Councillor Troy asked for an update on her Notice of Motion regarding the upgrade of the Bimbadeen Lookout.

Councillor Catherine Parsons

DRAINAGE ISSUES - 5 ELFORD AVENUE, WESTON

Councillor Parsons asked that the drain within 5 Elford Avenue, Weston be investigated as it is very overgrown and residents are concerned regarding flooding.

Councillor Ian Olsen

BRIDGE - BUCKLAND AVENUE/MCLEAN STREET

Councillor Olsen asked that the bridge at the intersection of Buckland Avenue and McLean Streets near the PCYC building be referred to the Traffic Committee as it is very narrow and there have been some near misses.

COUNCILLORS REPORTS

Councillor Troy

Councillor Troy acknowledged the work that all Council staff have put in over the last 10 years that she has been in Office, in addition to their help and advice that she has received along the way.

Councillor Doherty

Councillor Doherty tabled the agenda from the Bloomfield Colliery Consultative Committee that he attended.

Mayor Pynsent

The Mayor, on behalf of the community, thanked the Councillors for their contribution to Council and also the hard working staff of Cessnock City Council over the past 4 years, and he wished everyone good luck.

The Meeting Was Declared Closed at 7.09pm

CONFIRMED AND SIGNED at the meeting held on 5 October 2016

.....**CHAIRPERSON**

.....**GENERAL MANAGER**

Disclosures Of Interest

Report No. DI16/2016

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.

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. MOU16/2016

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.

General Manager's Unit

Report No. GMU12/2016

Corporate and Community Services



GENERAL MANAGER'S UNIT No. GMU12/2016

SUBJECT: OATH OR AFFIRMATION OF OFFICE

RECOMMENDATION

That Council notes the oath or affirmation of office that the Mayor and Councillors have pledged prior to the commencement of the 5 October 2016 Ordinary Meeting of Council, as attached (Enclosure 1).

REPORT/PROPOSAL

As a result of the recent amendments to the *Local Government Act 1993*, Councillors (including Mayors) are now required to take an oath or affirmation of office.

Oaths or affirmations of office must be taken by each Councillor prior to the first meeting of the Council after being elected. Councillors have been made aware of this requirement.

The General Manager has ensured that a record is kept of the taking of the oath or affirmation. This has been done by way of a signed statement containing the oath or affirmation. The recording of the taking of the oath or affirmation by each Councillor in the minutes of this Council meeting will also occur.

For any Councillor unable to attend the first Council meeting, he or she may take the oath or affirmation of office at another location in front of the General Manager, a Justice of the Peace or Australian legal practitioner.

A Councillor who fails, without a reasonable excuse, to take the oath or affirmation of office, will not be entitled to attend Council meetings until they do so and will be taken to be absent without leave.

If a Councillor is absent without leave for three consecutive ordinary Council meetings their office is automatically declared vacant and a by-election must be held.

ENCLOSURES

- [1](#) Oath or Affirmation of Office by Councillors

General Manager's Unit

Report No. GMU13/2016

General Manager's Unit



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

AUTHOR: *General Manager - Stephen Glen
Human Resources Manager - Darrylen Allan*

SUMMARY

Council Offices, including Libraries, have traditionally closed between Christmas and New Year, with staff available for emergency situations.

RECOMMENDATION

1. That Council close its offices, including Libraries, from 12 noon Friday 23 December 2016 and reopen on Tuesday 3 January 2017.
2. That Council close the Cessnock Performing Arts Centre from 2.00 pm Thursday 22 December 2016 and re-open on Monday 9 January 2017.

BACKGROUND

Council has traditionally closed its offices, including Libraries, between Christmas and New Year, with staff available for emergency situations.

REPORT

It is proposed that Council Offices, including Libraries, close from 12 noon Friday 23 December 2016 and that the office and Libraries re-open on Tuesday 3 January 2017 and the Performing Arts Centre closed from 2.00 pm Thursday 22 December 2016 and re-open on Monday 9 January 2017.

Listed below is a breakdown of applicable Public Holidays and Office closure dates:-

26/12/2016	Christmas Day (Public Holiday)
27/12/2016	Boxing Day (Public Holiday)
28/12/2016	Office Closed
29/12/2016	Office Closed
30/12/2016	Office Closed
2/01/2017	New Years Day (Public Holiday)

Council will notify members of the Community of the Council Christmas closure by way of notices in local print media, on Council's website and all Council's social media outlets. In addition notices are posted in Council's Administration Building and the Cessnock Library and Kurri Kurri Library.

OPTIONS

Option 1: That Council Offices close between Christmas and New Year.

General Manager's Unit

Report No. GMU13/2016

General Manager's Unit



Option 2: That Council Offices remain open between Christmas and New Year.

Option 1 is the preferred option.

CONSULTATION

N/A

STRATEGIC LINKS

a. Delivery Program

This report links to the community's desired outcome outlined of *Civic Leadership and Effective Governance*.

N/A

b. Other Plans

N/A

CONCLUSION

It is proposed that Council Offices, including Libraries, close from 12 noon Friday 23 December 2016 and re-open on Tuesday, 3 January 2017.

It is proposed that the Cessnock Performing Arts Centre, close from 2.00 pm Thursday 22 December 2016 and re-open on Monday 9 January 2017.

ENCLOSURES

There are no enclosures for this report.

SUBJECT: *AUDIT COMMITTEE COUNCILLOR MEMBER*

RESPONSIBLE OFFICER: *Internal Auditor - Ian Lyall*

SUMMARY

Council's Audit Committee charter provides for a membership of three independent members, one of whom is the chair, the Mayor and one Councillor. The Councillor member is currently vacant as a result of the 10 September 2016 Local Government elections. The Committee's next scheduled meeting is 8 November 2016 and Council is requested to appoint a member to the Audit Committee prior to this meeting.

RECOMMENDATION

That Council determines the Councillor to be a member of the Audit Committee.

BACKGROUND

Council established an Audit Committee on 21 April 2010. The objective of the Committee' is to provide independent assurance and assistance to Council on risk management, internal control, governance and external accountability procedures. A copy of the current charter is attached for information.

There are no specific skills required for the Councillor member, although the incumbent is expected to meet the member responsibilities as listed below:

- Understand the relevant legislative and regulatory requirements applicable to Council.
- Contribute the time needed to study and understand the papers provided.
- Apply good analytical skills, objectivity and good judgment.
- Express opinions frankly, ask questions that go to the fundamental core of issues, and pursue independent lines of enquiry.
- Uphold the values and objectives of Council.
- Attend all Committee meetings as scheduled.
- Treat all matters as Confidential.

The Audit Committee reports to Council and does not have any delegated authority.

Meetings are normally held at 9.00am on a Tuesday in the Ante Room.

REPORT/PROPOSAL

The position of Councillor member on the Audit Committee is currently vacant. Ex Councillor Morgan Campbell previously occupied this role.

The Committee currently meets on a quarterly basis.

The Charter does not set a term for the Councillor member but it is expected to cover the current term of Council.

General Manager's Unit

Report No. GMU14/2016

General Manager's Unit



The current Audit Committee Charter section 7.6 provides an expression of interest process for the selection of a new member. As this vacancy coincides with the commencement of the new Council this report serves as notice of the vacancy and determination of the new member. Councillors are invited to make enquiries should they be interested in serving on the Audit Committee.

Council should be aware that the NSW Parliament recently made changes to the *Local Government Act 1993* which will impact on the Audit Committee in the future. Those changes do not come into effect until a date to be set by proclamation. The Office of Local Government is currently developing regulations and guidelines in relation to audit and audit committees and it is expected they will be available before the effective date is proclaimed.

Council is requested to appoint a Councillor member to the Audit Committee.

OPTIONS

Council needs to determine a Councillor member to the Audit Committee in addition to the Mayor. This is particularly important as the quorum for the committee includes at least one Councillor in addition to the independent members.

CONSULTATION

Nil

STRATEGIC LINKS

a. Delivery Program

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

b. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Nil

c. Legislative Implications

Nil

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d. Risk Implications

N/A

e. Other Implications

Under the Committee's charter at least one Councillor must be present in order to form a quorum. Not appointing a Councillor member in addition to the Mayor increases the risk of the committee not being able to form a quorum.

CONCLUSION

The Councillor member of the Audit Committee is currently vacant. Council is requested to appoint a member to the Audit Committee.

ENCLOSURES

- [1](#) Audit Committee Charter

SUBJECT: *HUNTER AND CENTRAL COAST JOINT REGIONAL PLANNING
PANEL NOMINATIONS*

AUTHOR: *Development Services Manager - Janine McCarthy*

SUMMARY

The purpose of this report is to seek Council nominations for two Council members, and one alternate member, for appointment to the Hunter and Central Coast Joint Regional Planning Panel, for a period of three years.

RECOMMENDATION

- 1. That Council appoint two (2) Councillors and one alternate member, to the Hunter and Central Coast Joint Regional Planning Panel, for a period of three years, and advise the JRPP Panel Secretariat of these appointments.**
- 2. That Council determine appropriate fees to these members as payment for exercising their JRPP responsibilities.**

BACKGROUND

Joint Regional Planning Panels (JRPP's), were introduced in NSW on 1 July 2009. The principal function of regional panels is to determine regionally significant development applications (DA's), and carry out certain other planning functions, including:

- Acting as the relevant planning authority for the purpose of preparing a local environmental plan when appointed to do so by the Minister;
- Determining Crown DA's that have been referred to the regional panel by the Council or the applicant which have not been determined by the Council within the time prescribed in the Environmental Planning and Assessment Regulation 2000;
- Determining applications to modify a consent for regionally significant development under section 96(2) of the Environmental Planning and Assessment Act 1979; and
- Providing advice on planning or development matters when requested to do so by the Minister.

JRPP's consist of five members, comprising one Chair appointed by the Minister for Planning ('the Minister') with the concurrence of the Local Government NSW, two other members appointed by the Minister, and two Council appointed members. The maximum period a Council member can be appointed to the JRPP is three (3) years in accordance with Clause 3(2) of Schedule 4 of the Environmental Planning and Assessment Act 1979.

REPORT

Council's most recent appointed members were the Mayor Councillor Bob Pynsent and Councillor Suellen Wrightson, with the alternate member being Councillor Stapleford. The relevant Councillors were nominated via a Council resolution on 2 March 2016, as follows:

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1. *That Council appoint the Mayor and Councillor Wrightson as members and Councillor Stapleford as the alternate member, to the Hunter and Central Coast Joint Regional Planning Panel, for the remaining term of this Council, and advise the JRPP Panel Secretariat of these appointments.*
2. *That Councillors be paid a fee of \$600 (based on a 7 hour day) as well as being reimbursed for their travel expenses should they choose to claim it'.*

The term of the previous Council has now expired, and these appointments are therefore no longer current/valid.

The 'JRPP Operational Procedures', dated September 2012, stipulate the following in terms of Council member appointments:

'Each Council identifies how their members are selected. In selecting members, Councils should have regard to the conflict of duties that would be created for a person nominated to the regional panel if they were in any way responsible or involved in the assessment and recommendation of a DA to be determined by the panel.

Councils are not restricted to nominating people from the Council's local area. They can appoint, terminate and reappoint members at any time, and can determine the duration of their appointment. Generally, so as to ensure the greatest degree of continuity for the regional panels, Councils should consider appointing members for the maximum term of three years provided for under the EP&A Act. However, Councils should reconsider if the nominations to the regional panels are appropriate within 12 months following a Council election.

Following a change to its nominees, Council is to forward the new member's personal details to the secretariat as soon as possible and this must be a minimum 14 days before any meeting at which they will act as a panel member.

If a Council fails to nominate one or more Council members, a regional panel may still exercise its functions in relation to the area of the Council concerned'.

Council can resolve to appoint Councillors as representative members to the JRPP, or they can appoint members from outside the elected Council body. In the event Council decides to appoint new members from outside the elected Council body, the same expertise requirements will apply. This means one or both appointed members could be external to the organisation, and at least one of the members must have expertise in planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism. The most appropriate way to appoint external members would be by publicly calling for expressions of interest. Following evaluation, a further report would then be provided to Council with recommendations for appointments.

It is expected that JRPP meetings may shortly be scheduled for two (2) matters within Council's Local Government Area, and therefore, there may be inadequate time available to appoint persons external to the organisation to attend those particular meetings. Notwithstanding, if Council did wish to explore the option of appointing person/s external to the organisation, it could resolve to appoint Councillors for a short period of time, for example 6 months, and during this time, call for expressions of interest from the community, and subsequently process/consider any applications received.

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As part of the JRPP process, the Minister has determined that each Council is responsible for setting the fees they pay their panel members, and for making payments to their panel members when they attend regional panel meetings. At its meeting of 2 March 2016, Council resolved as follows:

'That Councillors be paid a fee of \$600 (based on a 7 hour day) as well as being reimbursed for their travel expenses should they choose to claim it'.

The Minister has previously provided guidance (July 2009) to all Councils on appropriate rates of remuneration for travel and subsistence allowances for their members. At the time, the Minister stated that it had been decided *'not to set the fees for Council nominated members'* and that *'Councils are free to determine the fees paid to their appointed members'*.

The advice provided in July 2009 suggested that, with regard to elected Councillors, *'as Councillors already receive an annual fee set by the Local Government Remuneration Tribunal each year for performing their Councillor duties, an additional per meeting fee of no more than \$600 appears reasonable, recognising that membership of the Regional Panel will bring additional responsibilities'*.

On 2 March 2016, Council resolved that *'Councillors be paid a fee of \$600 (based on a 7 hour day) as well as being reimbursed for their travel expenses should they choose to claim it'*.

As outlined above, these figures are provided for guidance purposes only, and it is open to each Council to determine its fees and associated subsistence allowances. If Council determines to pay fees, the appropriate budgetary amendments will need to be incorporated in the quarterly budget review process for consideration.

OPTIONS

1. Council may resolve to appoint Councillors as two (2) new members and an alternate member to the JRPP for a period of time, up to a maximum of three (3) years. At least one of the main members must meet the expertise requirements in an area(s) of planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism; or
2. Council may resolve to appoint Councillors as two (2) new members and an alternate member to the JRPP for a short period of time, for example 6 months, and during this time, call for expressions of interest from the community, and subsequently process/consider any applications received. At least one of the main members must meet the expertise requirements in an area(s) of planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.

CONSULTATION

Director Planning and Environment

STRATEGIC LINKS

a. Delivery Program

This matter progresses the Community's Desired Outcome for "A Sustainable and Healthy Environment" in particular Objective 3.1 of the Delivery Program "Protecting and Enhancing the Natural Environment and Rural Character of the Area".

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

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

Each Council is responsible for determining the fees they pay to its Panel members, i.e., travel and subsistence allowances. Each Council is responsible for making payments to Panel members when they attend regional panel meetings.

Guidance was provided by the Minister for Planning in 2009 in relation to the determination of fees, and this has been outlined in the report. Furthermore, on 2 March 2016, Council resolved that 'Councillors be paid a fee of \$600 (based on a 7 hour day) as well as being reimbursed for their travel expenses should they choose to claim it'.

c. Legislative Implications

Clause 2(4) and (5) of Schedule 4 of the Environmental Planning and Assessment Act specifies as follows:

- (4) *Each applicable Council is to nominate 2 persons as Council nominees for the purposes of the regional panel, at least one of whom has expertise in planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.*
- (5) *If an applicable Council fails to nominate 1 or more council nominees, a regional panel is not required to include 2 council nominees for the purposes of exercising its functions in relation to the area of the Council concerned'.*

In consideration of the above, in the event Council does not nominate two members, it is legally open for the Hunter and Central Coast JRPP to exercise its functions in relation to the Cessnock local government area, in the absence of such Council appointed members.

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d. Risk Implications

There is a risk that, in the event external members are appointed as Council representatives, rather than current Councillors, Council's views may not be directly represented on the JRPP. This risk may be avoided by appointing current Councillors to represent the views of Council as members of the JRPP.

In appointing sitting Councillors to represent Council as members on the JRPP there is a risk of conflict of interest issues arising as a result of being a representative of the JRPP in determining a matter that may conflict with the position of the Council. This risk may be addressed by ensuring the Code of Conduct is followed in terms of declaration of interests.

e. Other Implications

N/A

CONCLUSION

Council's most recent appointed members were the Mayor Councillor Bob Pynsent and Councillor Suellen Wrightson, with the alternate member being Councillor Stapleford. The relevant Councillors were nominated via a Council resolution on 2 March 2016, and these appointments have now expired.

It is expected that JRPP meetings may shortly be scheduled for two (2) matters within Council's Local Government Area. Therefore, it is imperative that new appointments are made prior to any JRPP meetings taking place to ensure appropriate representation.

In consideration of the above, Council is required to appoint two members, one of which must have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism. It is also noted that Council is able to appoint an alternate member, who will participate in the JRPP process in the event one of the members is unable to attend. It is recommended that the members be appointed for a period of three years.

ENCLOSURES

There are no enclosures for this report.

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SUBJECT: *DA 8/2016/216/1 PROPOSING THE SUBDIVISION OF ONE (1) LOT INTO TWO (2) LOTS*

47 HALL STREET, CESSNOCK

RESPONSIBLE OFFICER: *Senior Planning Assessment Officer - Sarah Hyatt
Development Services Manager - Janine McCarthy*

APPLICATION NUMBER:	8/2016/216/1
PROPOSAL:	Subdivision of one (1) lot into two (2) lots
PROPERTY DESCRIPTION:	Lot 22, Section E, DP 4269
PROPERTY ADDRESS:	47 Hall Street, Cessnock
ZONE:	R3 Medium Density Residential
OWNER:	Mr P N Church & Ms C Jordan
APPLICANT:	Marshall Scott Pty Ltd

RECOMMENDATION

That Council determine Development Application No. 8/2016/216/1 proposing the subdivision of one (1) lot into two (2) lots at 47 Hall Street Cessnock, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, by the granting of consent subject to the conditions contained in this report.

REASON FOR REPORT

Development Application No 8/2016/216/1 is being referred to Council for determination as variations to a development standard are proposed. Specifically, the following variations are proposed in conjunction with the application:

- The prescribed minimum lot size relating to the site is 450sqm. The application seeks to vary the minimum lot size requirements utilising the provisions of Clause 4.6 of *Cessnock Local Environmental Plan 2011 (CLEP 2011)*, seeking variations as follows:

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- Proposed Lot 1 (Residue Lot) – 425m² (variation of 5.5 percent) and
- Proposed Lot 2 (Additional Lot) – 383m² (variation of 14.8 percent).

In accordance with the provisions of Planning Circular PS 08-014 (published by the then NSW Department of Planning), dated 14 November 2008, any Application which proposes a variation of greater than 10 percent to a development standard, must be referred to Council for determination.

EXECUTIVE SUMMARY

Council is in receipt of Development Application No. 8/2016/216/1 seeking approval for the subdivision of one (1) lot into two (2) lots at 47 Hall Street, Cessnock.

The Development Application has been assessed against the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulations 2000, relevant Environmental Planning Instruments and Council policies. The outcome of this assessment is detailed further in this report.

The Development Application was publicly exhibited and no submissions were received.

Development proposed by the application seeks to vary the minimum lot size requirement of 450m² prescribed by clause 4.1 of the CLEP 2011. Clause 4.6 of CLEP 2011 provides for exemptions to development standards. The application seeks to vary the minimum lot size requirements utilising the provisions of Clause 4.6, seeking variations of 5.5 percent for proposed Lot 1 and 14.8 percent for proposed Lot 2.

Based on the assessment, it is recommended that the Development Application be approved subject to the conditions of consent included in this report.

AERIAL





SITE DESCRIPTION AND LOCALITY

The subject site is commonly known as 47 Hall Street, Cessnock, and is legally described as Lot 22, Section E, Deposited Plan 4269.

The subject site is located on the corner of Hall and Mayfield Streets, Cessnock. The site has a frontage of 20.115m to Hall Street, a frontage of 40.225m to Mayfield Street and an overall site area of 808m². Vehicular access to the site is available from both street frontages.

The subject site is currently occupied by a single dwelling fronting Hall Street and associated outbuildings.

The surrounding properties are characterised by residential development, including single dwellings and dual occupancies.

There are no recent development consents issued in relation to the property.

HISTORY

The history of the subject Development Application is summarised in the following table:

Date	Action
19 April 2016	Application lodged with Council.
22 April 2016	Application referred to Consultant Development Engineer for comment.
27 April 2016	Notification period commenced.
29 April 2016	Additional information requested from applicant in relation to the use of the existing dwelling, a floorplan of the existing dwelling, and an indicative floor plan of a dwelling that could reasonably be accommodated on proposed Lot 2.
2 May 2016	Additional information requested from applicant in relation to levels of the land and stormwater discharge.
3 May 2016	Amended information submitted by applicant: floor plan of existing dwelling, indicative floorplan for proposed Lot 2 and site levels.

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11 May 2016	Notification period concluded – no submissions received.
17 May 2016	Amended plans and documentation formally submitted by applicant.
23 May 2016	Amended stormwater information referred to Consultant Development Engineer for comment.
1 June 2016	Additional information requested in relation to legal point of discharge of stormwater.
9 June 2016	Amended stormwater plan submitted.
15 June 2016	Amended stormwater information referred to Consultant Development Engineer for comment.
27 June 2016	Additional information requested in relation to legal point of discharge of stormwater.
29 June 2016	Clarification provided to applicant in relation to requirements for discharge of stormwater.
13 July 2016	Amended stormwater plan submitted.
25 July 2016	Amended stormwater information referred to Consultant Development Engineer for comment.
8 August 2016	Additional information requested in relation to stormwater drainage system including levels and grades.
11 August 2016	Amended stormwater plan submitted by applicant.
23 August 2016	Amended stormwater information referred to Consultant Development Engineer for comment.
5 September 2016	Engineering referral response received, with the application supported subject to conditions of consent.
8 September 2016	Planning assessment finalised.

DETAILS OF THE PROPOSED DEVELOPMENT

Development Application No 8/2016/216/1 seeks approval for the subdivision of one (1) lot into two (2) lots.

Specifically, the proposed development involves the creation of one (1) additional lot and one (1) residue lot having the following areas:

- Proposed Lot 1 (Residue Lot) – 425m²; and
- Proposed Lot 2 (Additional Lot) – 383m².

ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 79(C)(1)

In determining a Development Application, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the Development Application on the subject property:

(a)(i) The Provisions of any Environmental Planning Instrument

The Environmental Planning Instruments that relate to the proposed development are:

1. State Environmental Planning Policy No. 55 – Remediation of Land; and
2. Cessnock Local Environmental Plan 2011.

An assessment of the proposed development under the Environmental Planning Instruments is provided below:

1. State Environmental Planning Policy No. 55 – Remediation of Land

The aim of the policy is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Clause 7(1) of State Environmental Planning Policy No. 55 – Remediation of Land is relevant to the assessment of this Development Application.

Clause 7(1) requires that consent not be granted until Council has considered whether the land is contaminated. If the land is contaminated, the Council needs to be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation), for the purpose for which the development is proposed to be carried out.

The subject site has historically been used for residential purposes. No evidence of contamination was observed during an inspection of the site.

As there is no historical evidence of the site being previously used for a purpose which would result in the land being contaminated, further testing of the site in respect of contamination is not warranted in this instance.

2. Cessnock Local Environmental Plan 2011

2.1 *Permissibility*

The subject site is zoned R3 Medium Density Residential under the provisions of the CLEP 2011.

Clause 2.6 of CLEP 2011 prescribes as follows:

'Land to which this Plan applies may be subdivided, but only with development consent'

In accordance with the above, the subdivision of the site is a permissible form of development, with consent.

2.2 *Objectives*

The objectives of the R3 zone are as follows:

- *'To provide for the housing needs of the community within a medium density residential environment'*

Subdivision of the land into two (2) allotments will provide additional opportunity for residential development on a Torrens Title allotment. The proposed lot sizes are consistent with the desired character of the area, being medium density residential.

- *To provide a variety of housing types within a medium density residential environment*

Subdivision of the land will create an additional Torrens Title allotment capable of contained a dwelling and associated parking and provide open space consistent with existing development within the surrounding area.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents*

The subdivision of the land will not restrict the site from being used for development in the future, subject separate approval being obtained for any proposed use.

The proposed development is consistent with the objectives of the zone and will foster a medium density residential environment.

2.3 *Relevant Clauses*

The Development Application was assessed against the following relevant clauses of CLEP 2011:

Clause 4.1 – Minimum subdivision lot size

This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent. The subject site is zoned R3 Medium Density Residential with the Lot Size Map indicating a minimum lot size of 450m². The proposed subdivision does not

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comply with the minimum lot size requirements prescribed over the subject land. This non-compliance is discussed in more detail, below.

Clause 4.6 - Exceptions to development standards

Clause 4.6 of the CLEP 2011 seeks to provide flexibility in the application of development standards. Variations to the minimum lot size provisions of 5.5 percent and 14.8 percent are proposed in relation to Proposed Lots 1 and 2 respectively. In accordance with the provisions of Planning Circular PS 08-014 (published by the then NSW Department of Planning), dated 14 November 2008, any Application which proposes a variation of greater than 10 percent to a development standard, must be referred to Council for determination.

Clause 4.6(2) states the following:

- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause*

Clause 4.6(3) requires the applicant to submit a written request which demonstrates that:

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
(b) *that there are sufficient environmental planning grounds to justify contravening the development standard*

The applicant has submitted a written request to vary the requirements of Clause 4.1, providing the following justification for the proposed variation:

- *'proposed subdivision satisfies the dimensions required in the Cessnock DCP 2010...minimum width,*
- *although the proposed lot is less than the development standard an appropriately designed dwelling would be able to be erected on the site,*
- *private open space provisions can be satisfied for the existing dwelling,*
- *surrounding the proposed development there are instances of where lots are less than the development standard that have been developed with dwellings...in Hall Street and Mayfield Street adjacent properties have a small size than the development standard,*
- *Strict adherence to the development standard would hinder the attainment of the objectives specified for subdivision stated in the Cessnock DCP 2010, and*
- *the lots are located on land that is zoned R3 Medium Density Residential, which is designed for development that result in higher densities near or adjacent to an urban core'.*

Clause 4.6(4) outlines the matters which the consent authority must be satisfied of, prior to granting development consent which includes:

- (a) *the consent authority is satisfied that:*
(i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

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(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out,

A written request to vary the requirements of Clause 4.1 has been submitted by the applicant. The applicant's justification is acceptable and provides sufficient planning arguments to support the proposed variation. In this regard, it is considered that subclause 4.6(4)(a)(i) has been satisfied.

The objectives of Clause 4.1 (being the development standard which is to be varied) are required to be considered under subclause 4.6(4)(a)(ii). The objectives of Clause 4.1 are:

- (a) to ensure minimum lot sizes are appropriate for the zones to which they apply and for the land uses permitted in those zones,*
- (b) to ensure minimum lot sizes reflect the outcomes of any adopted settlement strategy for Cessnock.*

The subject land is zoned R3 Medium Density Residential with the R3 zone being designed to facilitate high density residential development close to the town centre. In this instance, the proposed variation to the minimum lot size requirement is consistent with the underlying intent of the zone and will not detract from the ability of the land to accommodate a permissible land use either now or into the future.

The City Wide Settlement Strategy 2010, identified that an additional 1,500 urban infill dwellings were required for Cessnock. In order to fulfill this requirement, the Settlement Strategy identified the need for both redevelopment and urban consolidation. The CLEP 2011 was prepared on the basis of the 2010 Settlement Strategy. While the proposed minimum lot sizes do not strictly comply with the requirements of Clause 4.1, the proposed development satisfies the underlying intent of the Settlement Strategy and the R3 Medium Density Residential zone through encouraging higher density residential development in close proximity to the town centre. The proposal ultimately meets the objectives of Clause 4.1.

As demonstrated above, the variation to the minimum lot size has been satisfactorily addressed by the applicant and meets the underlying intent of the R3 zone, Settlement Strategy and the objectives of Clause 4.1. In this regard, it is considered that the application meets the requirement for approval under Clause 4.6(4).

(a)(ii) The Provisions of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).

No Draft Environmental Planning Instruments are relevant to the application.

(a)(iii) The Provisions of any Development Control Plan

Cessnock Development Control Plan 2010

The following is an assessment of the proposal's compliance with the numerical standards in Cessnock Development Control Plan 2010:

Chapter D.1 Subdivision Guidelines

Section 1.7 R2 and R3 Residential Subdivision

The following provisions of Chapter D.1 – Section 1.7 apply to the proposed development:

- 1.7.1 Element 1: Lot Size and Shape
- 1.7.6 Element 6: Solar Access and Lot Orientation
- 1.7.7 Element 7: Stormwater Management
- 1.7.8 Element 8: Utility Services

Section 1.7.1 of the DCP requires lots to have a minimum width of 18m and minimum depth of not less than 20m. The application proposes a frontage of 19.015m and a depth of 20.115, consistent with the requirements of this section.

In accordance with Section 1.7.6, the allotments are able to achieve a suitable level of solar access to existing and future private open space and living areas.

Stormwater management has been designed to meet the requirements of Section 1.7.7. In this regard, Council's Consultant Development Engineer has reviewed the proposed stormwater management system, and considers it suitable for the proposed development.

A condition shall be imposed on the notice of determination in accordance with Section 1.7.8 requiring a Section 50 Certificate from Hunter Water to be submitted prior to release of the Subdivision Certificate.

Overall, the application is considered consistent with the requirements of Chapter D.1 – Section 1.7

(a)(iia) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

No such agreement has been proposed as part of this application.

(a)(iv) The Regulations

There are no matters prescribed by the Regulations that apply to this development.

(b) *The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality*

As demonstrated by the above assessment, the proposed development is unlikely to have a significant impact on both the natural and built environments, and will result in positive social and economic impacts. In particular, the subdivision of the land will not affect the ability of the proposed lot to be used for residential purposes in the future. The subdivision will create an additional Torrens Title lot capable of being developed to meet the needs of the community.

(c) *The suitability of the site*

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development. Specifically, the proposed subdivision is consistent with the requirements of Clause 4.6 which provides for flexibility in the application of development standards, in this instance the minimum lot size provisions. The proposed lot sizes are consistent with the intent and objectives of the R3 Medium Density Residential zone.

(d) *Any submissions made in accordance with this Act or the Regulations*

The Development Application was publicly exhibited between 27 April 2016 and 11 May 2016.

No submissions were received during the exhibition period.

(e) *The public interest*

The public interest is served through the detailed assessment of this Development Application under the Environmental Planning and Assessment Act, 1979, Environmental Planning and Assessment Regulation 2000, Environmental Planning Instruments and Council Policies.

Based on the above assessment, the proposed development is consistent with the public interest, providing an additional Torrens Title allotment close to the town centre of Cessnock.

SECTION 94 CONTRIBUTIONS

Section 94 Contributions are payable for the proposal.

In the event the application is approved, S.94 Contributions totalling \$3,709.77 would be payable, in accordance with the Residential Section 94 Contributions Plan.

INTERNAL REFERRALS

The Development Application was referred to the following Council officer for comment:

Officer	Comment
Consultant Development Engineer	The application can be supported in relation to engineering matters subject to conditions being imposed on the notice of determination.

EXTERNAL REFERRALS

The Development Application was not required to be referred to any external agencies for comment.

CONCLUSION

The Development Application has been assessed in accordance with Section 79C(1) of the Environmental Planning and Assessment Act 1979, and all relevant instruments and policies.

Development proposed by the application seeks to vary the minimum lot size requirement of 450m² prescribed by Clause 4.1 of the CLEP 2011. Clause 4.6 of the CLEP 2011 provides opportunity to allow variations to development standards. The proposed variation to the minimum lot size is acceptable, meeting the objectives of the R3 Medium Density zone, the underlying intent of the zone to facilitate higher density residential development closer to the town centre, the intent of the Settlement Strategy and the objectives of Clause 4.1. The application meets the requirements of Clause 4.6(4), allowing the variation to be approved.

Based on the assessment, Development Application No. 8/2016/216/1 is recommended for approval subject to the conditions of consent included in this report.

ENCLOSURES

- [1](#) Proposed subdivision layout

CONDITIONS OF CONSENT

SCHEDULE 1

CONDITIONS OF CONSENT

1. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2016/216/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Plan of Proposed Subdivision, Drawing No. 21229-PROP2.dwg	Marshall Scott	09/08/2016

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions are to be complied with, to the satisfaction of the Principal Certifying Authority, prior to issue of a Construction Certificate.

2. Road – Bond

The applicant shall lodge payment of fees and contributions as follows:-

Based on a road length of approximately 22 metres. Final bond amounts will be levied on accurate dimensions contained within the engineering plans.

- a) Road fees - engineering plan checking and supervision of \$870.00.
- b) A performance bond of a minimum of \$1000 or 5 percent of the contract construction costs, whichever is greater (transferable).
- c) A road maintenance bond of a minimum of \$1000 or 5 percent of the contract construction costs, whichever is greater (refundable).

It will be necessary for the applicant to submit evidence of the contract price of all construction works in order for Council to assess accurate bond amounts. If no contract price is submitted, Council will estimate the value of construction works.

The fees and bonds shall be payable prior to the issue of a CC for the Civil Works and/or release of the Subdivision Certificate and shall be in accordance with Council's adopted fees and charges current at the time of payment.

The bond may be used to meet any costs referred to above, and on application being made to the Council by the person who provided the bond, any balance remaining is to be refunded to, or at the direction of, that person. If no application is made to the Council for a refund of any balance remaining of the bond within 6 years of the date of issue of the Subdivision Certificate for the development, the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

3. Stormwater – Detailed Design Requirements

A detailed drainage design shall be prepared for the disposal of roof and surface water from the site, including any natural runoff currently entering the property, and connection to the existing drainage system in accordance with Council's 'Engineering Requirements for Development' (available at Council's offices). Such layout shall include existing and proposed surface levels, sub-catchments and conduit sizing appropriate for the development.

The plans submitted in association with the CC application are to demonstrate compliance with this requirement. The plans are to be approved by the CA as satisfying this requirement prior to the issue of a CC.

4. Roadworks

The registered proprietors of the land shall construct the following for the full frontage of proposed Lot 1 in Hall Street for a distance of approximately 22.0m in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to the release of the S138 Roads Act Approval.

- a) Construct and gravel road shoulders
- b) Place two (2) coat hot bitumen seal on road shoulders

PRIOR TO COMMENCEMENT OF WORKS

The following conditions are to be complied with prior to the commencement of works on the subject site/s.

5. Public Liability Insurance

Any person or contractor undertaking works on public property must take out Public Risk insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within, public property. The Policy is to note, and provide protection for Cessnock City Council as an interested party, and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property. The insurance shall also note the location and the risk.

6. S.138 Roads Act 1993 Approvals

Under Section 138 of the *Roads Act 1993*, should any work on the verge, footpath, or public road reserve be required, a S138 Roads Act Approval will need to be obtained from Council. In this regard, the applicant is to make a formal application to Council. The S138 application is to be submitted to, and approved by, Council prior to works commencing.

7. Relocation of Services

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

DURING WORKS

The following conditions are to be complied with during works.

8. Location of Council Pipes

During all phases of demolition, excavation and construction, it is the full responsibility of the applicant and their contractors to:

- a) Ascertain the exact location of the Council stormwater drainage pipeline and associated pits traversing the site in the vicinity of the works
- b) Take measures to protect the in-ground Council stormwater drainage pipeline and associated pits
- c) Ensure dedicated overland flow paths are satisfactorily maintained through the site

Stormwater drainage pipes can be damaged through applying excessive loading (such as construction machinery, material storage, and the like). All proposed structures and construction activities must be sited fully clear of Council's stormwater drainage pipes, pits, easements, watercourses and overland flow paths on the site

If the Council pipeline is uncovered during construction, all work must cease, and the PCA and Council must be contacted immediately for advice. Any damage caused to the Council stormwater drainage system must be immediately repaired in full as directed, and at no cost to Council.

9. Erosion and Sediment Controls

The control of erosion, and the prevention of silt discharge into drainage systems and waterways, will be necessary in accordance with Council's "Engineering Requirements for Development", and Landcom's Soils and Construction Manual - April 2004. Erosion control measures are to be implemented prior to the commencement of any earthworks, and shall be maintained until satisfactory completion and restoration of site earthworks, including revegetation of all exposed areas.

10. Stormwater Runoff

Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

The following conditions are to be complied with prior to issue of a Subdivision Certificate by Council.

11. Requirement for a Subdivision Certificate

Prior to the issue of a SC, the applicant shall submit an original plan of subdivision plus six (6) copies for Council's endorsement. The plan of subdivision must show street names and house numbering as allocated by Council. The following details are also to be submitted:

- a) Evidence that all conditions of Development Consent have been satisfied
- b) Evidence of payment of all relevant fees
- c) The 88B instrument plus six (6) copies
- d) All surveyor's or engineer's certification required by the Development Consent

12. Section 94 Contributions Payable

A contribution pursuant to the provisions of Section 94 of the *EP&A Act 1979* for the services detailed, and for the amount detailed, must be made to Council prior to the issue of a Subdivision Certificate:

Contribution Type	Amount Payable
District Open Space	\$1,297.46
District Community Facilities (Halls)	\$794.68
District Community Facilities (Libraries)	\$212.17
District Community Facilities (Bushfire)	\$59.15
District Roads (Urban Areas)	\$988.84
Studies (Plan Preparation)	\$74.58
Plan Administration	\$282.89
Total	\$3,709.77

A copy of the Section 94 Contributions Plan may be inspected at Council's Customer Service Section, Administration Building, Vincent Street, Cessnock or can be accessed on Council's Website at www.cessnock.nsw.gov.au

The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at the time of actual payment in accordance with the Consumer Price Index. Indexation of contributions for payment occurs quarterly.

13. All Services Provided Within Lots

A registered surveyor shall provide certification that all services (eg drainage, stormwater, water supply, gas, electricity, telephone) as constructed are contained within each lot, or within appropriate easements to accommodate such services. The certification is to be provided to the *PCA*, prior to the issue of a Subdivision Certificate.

14. Works-As-Executed Plan

Two (2) copies of a *WAE* Plan prepared by a registered surveyor (both marked up in red), must be submitted to, and approved by, Council clearly showing all aspects of the constructed drainage and / or OSD. The plan must include:

- a) Sufficient levels and dimensions to verify the constructed storage volumes
- b) Location and surface levels of all pits
- c) Invert levels of the tanks, internal drainage line, orifice plates fitted, and levels within the outlet control pit
- d) Finished floor levels of all structures and driveways
- e) Verification that trash screens and/or GPTs have been installed
- f) Locations and levels of any overland flow paths
- g) The *WAE* plan information should be shown on a stamped copy of the approved civil works drawings
- h) Surface levels of pits and surrounding ground levels
- i) Levels of spillways and surrounding kerb
- j) Floor levels of buildings, including garages
- k) Top of kerb levels at the front of the lot
- l) Dimensions of stormwater basins and extent of inundation
- m) Calculation of actual detention storage volume provided

The plan shall be accompanied by a report from the designer stating the conformance, or otherwise, of the as-constructed basins in relation to the approved design.

The *WAE* plan and report shall be submitted to, and approved by, Council prior to the release of the Subdivision Certificate.

15. 88B Certificate Required

The Section 88B instrument will be submitted to Council with all relevant signatures and company seals (where applicable) prior to endorsement of the linen plan of subdivision and issue of the Subdivision Certificate. Alternatively, Council will accept, at its discretion, a copy of the Section 88B instrument with an accompanying letter from the acting solicitor or surveyor giving an undertaking that the Section 88B Instrument will be signed and submitted as presented to Council, unaltered, and registered with the linen plan of subdivision.

16. Section 50 – Hunter Water Board (Corporation) Act 1991

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

17. Inter-allotment Drainage Easement

The applicant shall provide a 1.5m wide inter-allotment drainage easement to drain proposed Lot 1. Construction of the drainage line, together with the necessary grated yard inlet pits, shall be carried out in accordance with Council's 'Engineering Requirements for Development' - full details shall be submitted to, and approved by, Council prior to release of the Subdivision Certificate.

Note:

- a) A suitable 88B instrument creating the easement, in accordance with the requirements of the *Conveyancing Act 1919*, shall be submitted to Council, prior to endorsement of the surveyor's transparency.
- b) Construction shall be completed prior to endorsement of the surveyor's transparency.

18. Roads – Concrete Crossing

The registered proprietors shall construct and maintain a concrete access crossing from the kerb and gutter in Hall Street to the property boundary of proposed lot 1, in accordance with Council's "Engineering Requirements for Development" and AS 2890.1. A S138 Roads Act approval is required from Council prior to any construction commencing within the road reserve. The access crossing is required to be constructed prior to the issue of a SC.

Construction of the crossing will require inspections to be undertaken by Council. The applicant shall pay Council engineering site supervision fees in accordance with Council's current Fees & Charges, prior to the inspections being undertaken.

The initial fee will facilitate approval of the application and 1 construction inspection (steel and formwork inspection).

A final inspection will be required upon completion of the driveway and restoration of all disturbed footway areas. (A separate fee will be required to be paid when the final inspection is booked.) Should further inspections become necessary as a result of unsatisfactory or defective works, additional inspection fees will be charged in accordance with Council's current Fees & Charges.

The applicant is to advise Council at least 48 hours prior to inspection of works within the footpath and/or road reserve

19. Roads – Concrete Crossing

The registered proprietors shall construct and maintain a concrete access crossing from the kerb and gutter in Mayfield Street to the property boundary of proposed lot 1, in accordance with Council's "Engineering Requirements for Development" and AS 2890.1. A S138 Roads Act approval is required from Council prior to any construction commencing within the road reserve. The access crossing is required to be constructed prior to the issue of a SC.

Construction of the crossing will require inspections to be undertaken by Council. The applicant shall pay Council engineering site supervision fees in accordance with Council's current Fees & Charges, prior to the inspections being undertaken.

The initial fee will facilitate approval of the application and 1 construction inspection (steel and formwork inspection).

A final inspection will be required upon completion of the driveway and restoration of all disturbed footway areas. (A separate fee will be required to be paid when the final inspection is booked.) Should further inspections become necessary as a result of unsatisfactory or defective works, additional inspection fees will be charged in accordance with Council's current Fees & Charges.

The applicant is to advise Council at least 48 hours prior to inspection of works within the footpath and/or road reserve

ONGOING USE

The following conditions are to be complied with as part of the ongoing use of the premises.

20. Stormwater – Impact on Adjoining Land

Filling shall not be placed in such a manner that obstructs natural drainage from adjoining land.

Filling shall not be placed on land in such a manner that surface water will be diverted to adjoining land.

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21. Driveways to be Maintained

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

ADVISORY NOTES

a) Other Approvals and Permits

The applicant shall apply to Council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits, and/or any other approvals under *Section 68 (Approvals)* of the *Local Government Act, 1993* or *Section 138 of the Roads Act, 1993*.

Planning and Environment

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Planning and Environment



SUBJECT: *18/2015/4: PLANNING PROPOSAL - JAMES STREET
CESSNOCK - UPDATE*

RESPONSIBLE OFFICER: *Strategic Land Use Planner - Iain Rush
Strategic Land Use Planning Manager - Martin Johnson*

APPLICATION NUMBER:	18/2015/4
PROPOSAL:	James Street Cessnock Planning Proposal
PROPERTY DESCRIPTION:	Part of Lot 101 DP 1193184
PROPERTY ADDRESS:	Land adjacent to James, O'Brien, Villis, and Michael Streets, Cessnock
ZONE: (CURRENT)	RU2 Rural Landscape
ZONE (PROPOSED)	R3 Medium Density Residential
OWNER:	Cessnock Land Management Pty Limited
PROPONENT:	Hardie Holdings Pty Limited

SUMMARY

The purpose of this Report is to update Council regarding the James Street Cessnock Planning Proposal. The Proposal has been the subject of a 'pre-Gateway' review by the Department of Planning and Environment and is presently being managed by the Hunter and Central Coast Joint Regional Planning Panel. A Gateway determination was issued by the Department of Planning and Environment in respect of the Proposal on 8 September 2016. Council is not the Relevant Planning Authority for this Planning Proposal.

RECOMMENDATION

That Council receive the Report and note the information.

BACKGROUND

The James Street Cessnock Planning Proposal relates to a 2.85 hectare area of land within Lot 101 DP 1193184, located to the immediate east of James, O'Brien, Villis, and Michael Streets in Cessnock. The area subject to the Planning Proposal is identified in **Figure 1**.

The Proposal seeks to rezone the subject land from RU2 Rural Landscape Zone to R3 Medium Density Residential Zone under the *Cessnock Local Environmental Plan 2011*. The Proposal also seeks to amend the minimum lot size of 40 hectares to a minimum lot size of 450m².

Figure 1: Area Subject to Planning Proposal



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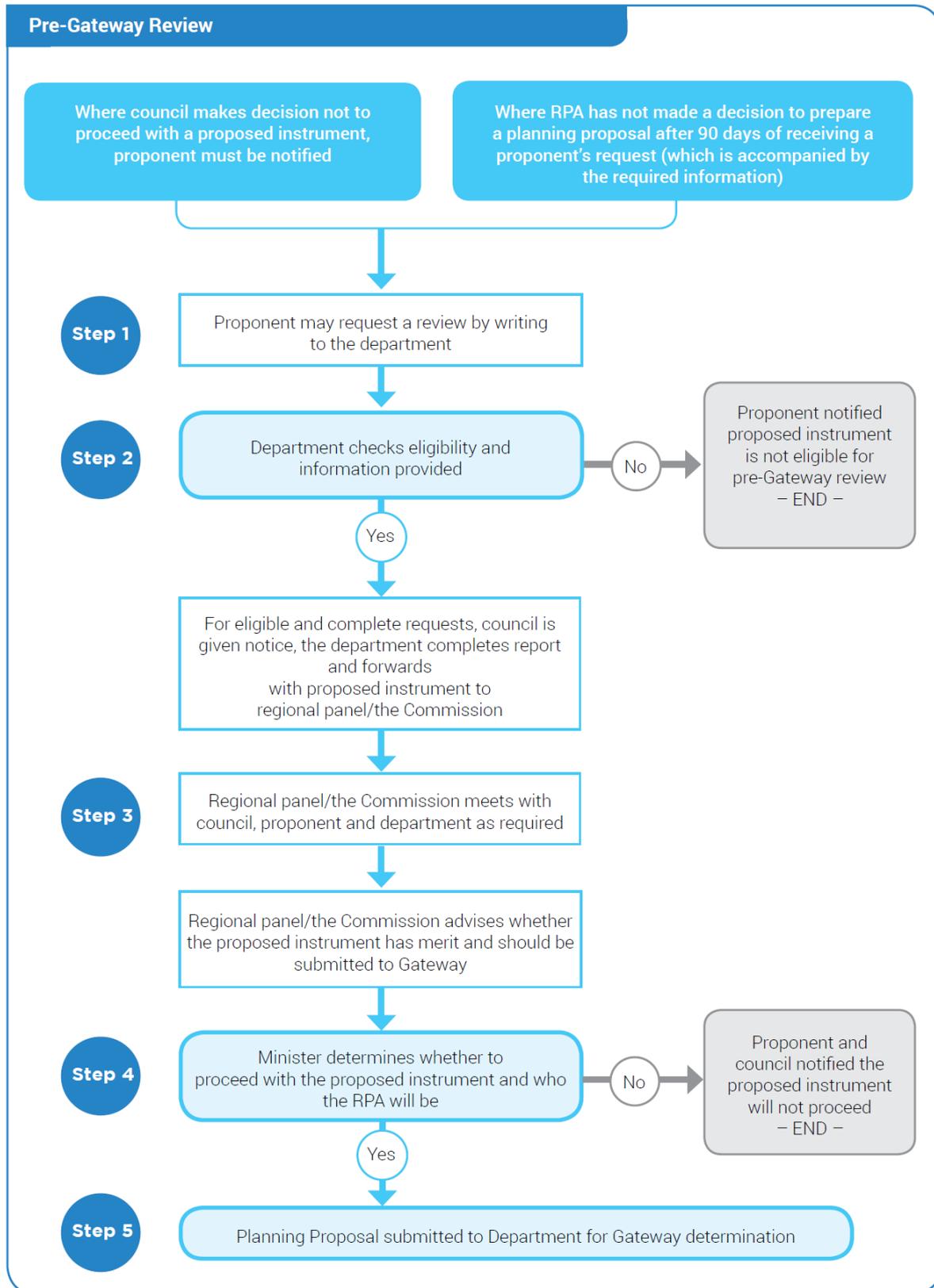
The Proposal has been considered by Council on several occasions, most recently on 4 November 2015, when Council resolved not to proceed with the Proposal for the following reasons:

1. *That Council does not prepare a planning proposal for the land adjacent to James, O'Brien, Willis and Michael Streets Cessnock on the basis that Council has previously refused a planning proposal which is substantially the same.*
2. *That the land is subject to the following:*
 - a) *Inadequate supporting infrastructure to support the planning proposal.*
 - b) *Impact of flooding.*
 - c) *Impact on the local environment.*
 - d) *It would not be in the public interest for the plan to be made.*
3. *That there is some doubt that the Voluntary Planning Agreement could apply to this land having already been exhibited and applied to other development land in Cessnock Civic.*

On 12 November 2015, the proponent requested the Department of Planning and Environment (DoPE) review Council's decision in relation to the Proposal under the 'pre-Gateway' review provisions, introduced in October 2012. The 'pre-Gateway' review provisions allow an independent body, typically a Joint Regional Planning Panel (JRPP) or Planning Assessment Commission, to review certain decisions in the plan making process by Councils and the DoPE. A proponent may request a pre-Gateway review if a Council has not supported, or made a decision within 90 days, on a planning proposal. An overview of the pre-Gateway review process is provided in **Figure 2**.

On 10 March 2016, the Hunter and Central Coast JRPP reviewed the Planning Proposal and provided a recommendation to the Minister for Planning and Environment that the Proposal be submitted to the DoPE for a Gateway determination. Council was provided an opportunity to nominate itself to be the Relevant Planning Authority (RPA) for the Proposal, however Council resolved that it did not want to be the RPA for the reasons listed above. Consequently, on 30 June 2016, the Hunter and Central Coast JRPP was appointed to prepare and manage the Planning Proposal to completion. On 8 September 2016, the DoPE issued a Gateway determination for the Planning Proposal. A copy of the determination is attached at **Enclosure 1**.

Figure 2: Pre-Gateway Review Process



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A chronology of key events relating to the James Street Planning Proposal is provided in the table below:

Date	Brief Description
19 Feb 2014	James Street Planning Proposal lodged with Council.
16 Apr 2014	Council resolves to forward the Planning Proposal to the then Department of Planning and Infrastructure for Gateway determination.
3 Jun 2014	Gateway determination issued by the Department of Planning and Environment, allowing the Planning Proposal to proceed, subject to conditions.
23 Jul 2014 to 13 Aug 2014	Planning Proposal publicly exhibited, resulting in seventeen submissions and one petition containing 68 signatures.
15 Apr 2015	Under Ministerial delegation, Council resolves not to proceed with the Planning Proposal.
17 Aug 2015	The Department of Planning and Environment advises the proponent that, "as a consequence of Council exercising the Minister of Planning's function, as delegate, under section 59 of the Act, the Minister is unable to overturn Council's decision. However, this does not prevent a new planning proposal, which addresses Council's reasons for refusal, from being submitted."
1 Sep 2015	New James Street Planning Proposal is lodged with Council addressing Council's reasons for not proceeding with the original James Street Planning Proposal.
4 Nov 2015	Council resolves to not support the new James Street Planning Proposal.
12 Nov 2015	The Department of Planning and Environment receives a request from the proponent to review the James Street Planning Proposal under the 'pre-Gateway' review provisions.
22 January 2016	The Department of Planning and Environment determine that the Planning Proposal is eligible for review and refer the matter to the Hunter and Central Coast Joint Regional Planning Panel for independent assessment.
10 March 2016	The Hunter and Central Coast Joint Regional Planning Panel provides recommendation to the Minister for Planning and Environment that the Proposal should be submitted to the Department of Planning and Environment for Gateway determination.

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29 March 2016	Department of Planning and Environment notify Council that the Proposal will proceed to Gateway and enquired as to whether Council would like to be the Relevant Planning Authority for the Proposal.
20 April 2016	Council resolves to advise the Minister for Planning and Environment that it does not want to be the Relevant Planning Authority for the James Street Planning Proposal
30 June 2016	Hunter and Central Coast Joint Regional Planning Panel appointed as Relevant Planning Authority to prepare and manage the Planning Proposal.
8 Sept 2016	Department of Planning and Environment issues a Gateway determination in relation to the James Street Cessnock Planning Proposal.

REPORT

The Gateway determination, issued by the Department of Planning and Environment (DoPE) on 8 September 2016 is subject to five conditions. A copy of the determination is attached at **Enclosure 1**.

The majority of the Gateway conditions are standard as they relate to minimum requirements for community consultation, preparation of the Local Environmental Plan maps and the timeframe for completing the Local Environmental Plan. However, conditions 1 and 3 of the Gateway determination require certain additional studies to be carried out to further address a number of the identified or perceived constraints relating to the land and in particular mine subsidence, flooding and stormwater drainage.

The additional studies required by the Gateway determination include a Geotechnical Report to further evaluate the likelihood of underground mine workings and an updated Flood Study. The Gateway determination also specifies that the proponent is to develop an appropriate stormwater drainage solution for the site in consultation with Council. The solution should clearly outline what will be required to resolve onsite generated drainage and what additional works may cater for upstream generated drainage.

Council is presently undertaking a catchment analysis for the Wollombi Road, Francis, Catherine, Margaret, Michael, Daniel, O'Brien, Bowcock, Villis and James Street area. The analysis is expected to be completed before the end of the 2016 calendar year. It is anticipated that the analysis will identify targeted drainage works requiring preliminary design and cost estimating. The analysis will help inform Council's position regarding stormwater drainage requirements for the Planning Proposal and a response to the associated conditions of the Gateway determination.

CONSULTATION

The Gateway determination specifies a minimum exhibition period of 28 days. The Relevant Planning Authority will notify affected property owners at the commencement of the exhibition period and will consult with public agencies, including Council. Further advice will be provided to Council when the exhibition period commences.

The Consultation Section is to provide a listing of who has been consulted when writing the report. This could cover internal or external parties and/or both.

STRATEGIC LINKS

a. Delivery Program

A Sustainable and Healthy Environment: Objective 3.1 Protecting and Enhancing the Natural Environment and the Rural Character of the Area.

b. Other Plans

Not Applicable

IMPLICATIONS

a. Policy and Procedural Implications

The James Street Planning Proposal was the subject of a 'pre-Gateway' review, which is now complete. The 'pre-Gateway' review process is summarised in **Figure 2**. The Relevant Planning Authority for the Proposal is the Hunter and Central Coast Joint Regional Planning Panel. Council continues to have a consultative role in relation to aspects of the Proposal, such as stormwater drainage.

b. Financial Implications

Nil

c. Legislative Implications

Nil

d. Risk Implications

Nil

e. Other Implications

Nil

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CONCLUSION

Council has previously resolved not to proceed with the James Street Cessnock Planning Proposal. However, this has not prevented the proponent from requesting the Department of Planning and Environment initiate a 'pre-Gateway' review of Council's decision.

The Hunter and Central Coast Joint Regional Planning Panel has reviewed the Planning Proposal and provided a recommendation to the Minister for Planning and Environment that the Proposal be submitted for Gateway determination. Subsequently, a Gateway determination was issued in relation to the Planning Proposal and is subject to five conditions. Council continues to have a consultative role in relation to aspects of the Proposal, such as stormwater drainage.

ENCLOSURES

- [1](#) Gateway Determination - James Street Cessnock Planning Proposal

SUBJECT: *ELECTION OF DEPUTY MAYOR*

AUTHOR: *Manager Governance and Business Services - Kim Appleby*

SUMMARY

Historically, Council has elected a Deputy Mayor each year for a term of twelve (12) months. Council should determine if it is to elect a Deputy Mayor, the term and the method of election to be used.

RECOMMENDATION

That the election of Deputy Mayor be held and determined by open ballot for the term of office from October 2016 up and until October 2017.

BACKGROUND

The Local Government Act 1993 provides for Councillors to elect a person from among their number to be the Deputy Mayor. Historically Council has elected a Deputy Mayor each year for a term of twelve (12) months. Council needs to determine if it is to elect a Deputy Mayor, the term and the method of election to be used.

REPORT

In relation to the position of Deputy Mayor, Section 231 of the Local Government Act 1993 provides:

1. The Councillors may elect a person from among their number to be the Deputy Mayor.
2. The person may be elected for the Mayoral term or a shorter term.
3. The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the Office of Mayor.
4. The Councillors may elect a person from among their number to act as Deputy Mayor if the Deputy Mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no Deputy Mayor has been elected.

Schedule 7 (Clause 394) of The Local Government (General) Regulation 2005 provides options for the election process for the position of Mayor and/or Deputy Mayor.

The following procedure is recommended:

- The General Manager (or a person appointed by the General Manager) will be the Returning Officer.
- Nominations are to be announced and elections are to be conducted.
- A nomination is to be made in writing by two or more Councillors, one of whom may be a nominee. The nominee must consent to the nomination in writing.
- The Council resolve that the election proceed by preferential ballot, ordinary ballot or open voting. The nomination form is attached (Enclosure 1) to this report.

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- Preferential ballot and ordinary ballot will be secret ballots.

A nomination paper has been attached and must be handed or delivered to the General Manager, acting as Returning Officer, prior to the election.

The Code of Meeting Practice (cl3.9.9) requires that the election is to be held at the Council meeting at which the Council resolves on the method of voting.

CONSULTATION

N/A

STRATEGIC LINKS

a. Delivery Program

Links to the community's desired outcome of Civic Leadership and Effective Governance.

b. Other Plans

N/A

STATUTORY IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

The fee applicable to the Deputy Mayor position is included in the budget allocation for the Mayor as per Section 249 and 252 of the Act.

The Deputy Mayoral allowance was set at \$800 for 2016/17 when Council considered the Mayoral and Councillor fees on 15 June 2016.

c. Legislative Implications

Section 231 of the Local Government Act 1993 provides that Councillors may elect a person from among their number to be the Deputy Mayor, and any such person may be elected for the Mayoral term or a shorter term.

d. Risk Implications

N/A

e. Other Implications

N/A

OPTIONS

1. Council decide not to elect a Deputy Mayor.
2. Council elect a Deputy Mayor, subject to:

2.1 Term of Office

- Council elect a Deputy Mayor for a 12 month period until October 2017.
- Council elect a Deputy Mayor for the remainder of the Mayoral term.
- Council elect a Deputy Mayor for another designated term.

2.2 Method of Election

- The election of Deputy Mayor be by preferential ballot.
- The election of Deputy Mayor be by ordinary ballot.
- The election of Deputy Mayor be by open voting.

CONCLUSION

The Local Government Act 1993 provides for Councillors to elect a current Councillor to be the Deputy Mayor. Council needs to determine if it is to elect a Deputy Mayor, the term and the method of election to be used.

ENCLOSURES

- | | | |
|-------------------|---|---------|
| 1 | Schedule 7 | 0 Pages |
| 2 | Nomination Paper for Election of Deputy Mayor | 1 Page |

Corporate and Community

Report No. CC60/2016

Corporate and Community Services



SUBJECT: *LOCAL GOVERNMENT NSW ANNUAL CONFERENCE - DELEGATES AND VOTING DELEGATES*

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

SUMMARY

The Local Government NSW Annual Conference 2016 is scheduled to be held in Wollongong from Sunday 16 October to Tuesday 18 October 2016. The purpose of this report is to allow Council to consider the applications from Councillors to attend the conference and to determine voting delegates.

RECOMMENDATION

That Council consider the applications to attend the Local Government NSW Annual Conference and determine voting delegates for the conference.

BACKGROUND

Council usually determines attendees and voting delegates to the Local Government NSW Annual Conference 2016 following an application process and subsequent consideration at a subsequent Council meeting. Council is entitled to four voting delegates however there is no restriction on the number of Councillors able to attend.

Due to the Council elections being held in September 2016, the makeup of Councillors and those interested in attending the conference could not be determined at the early bird registration closing date. As an interim measure preliminary registrations were made for four councillors (3 August 2016 - Report CC51/2016), subject to confirmation by Council at the first meeting following the elections.

REPORT/PROPOSAL

Local Government NSW has provided information regarding the Annual Conference to be held in Wollongong from 16-18 October 2016.

In accordance with Council Policy any Councillor wishing to attend the Local Government NSW Annual Conference would be requested to make application to the General Manager by a specified date so that Council could determine the attendees and voting delegates at a subsequent Council meeting.

Early bird registration closed 31 August 2016 and due to the Council elections being held in September, this protocol was not able to be undertaken, as delegates must be a Councillor, and the final makeup of the elected Council was not known at that time. Four delegates were registered on an interim basis with changes able to be made at a later stage following confirmation by Council. A further delegate position has since been registered, and more may be registered if Council elects to send more Councillors.

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Following the declaration of the election on Monday 19 September 2016, a memo seeking expressions of interest to attend the conference was provided to all elected Councillors. Nominations to attend the conference were to be returned to the General Manager by close of business Tuesday 27 September 2016 so that Council could consider its delegates and voting delegates at the first meeting after the elections.

At the nominated close, applications to attend the conference had been received from Councillors Pynsent, Gray, Dagg, Lyons, Stapleford and Doherty. Council will need to consider the nominations in accordance with Policy and to determine the four voting delegates.

Council may elect to send more than the four voting delegates. Accommodation has been secured for those already registered in the one location close to the conference venue. Should Council elect to send more delegates, there is no guarantee that suitable accommodation can be secured in the same venue.

OPTIONS

Attendance at the conference is not mandatory; however the conference is conducted by the peak industry association and attendance and participation is considered to be vital in an effective and representative advocacy industry body.

Council may elect to send any number of attendees (subject to registration availability). Council is only entitled to a maximum of four voting delegates.

CONSULTATION

Executive
Local Government NSW officers
Councillors

STRATEGIC LINKS

a. Delivery Program

This report is linked to the Community's Desired Outcome Objective 5 "Civic Leadership and Effective Governance".

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

Application for attendance at the Local Government NSW Annual Conference is in accordance with Council Policy

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b. Financial Implications

Funding is available for attendance in the Councillor's conference budget vote. The approximate cost per delegate is at \$2,500. This includes transport, accommodation, conference/workshop registration and meals.

c. Legislative Implications

N/A

d. Risk Implications

N/A

e. Other Implications

N/A

CONCLUSION

This report provides information on the Councillor applications to attend the upcoming Local Government NSW Annual Conference and provides Council with the opportunity to determine attendees and voting delegates.

ENCLOSURES

- [1](#) Councillor Nominations

Corporate and Community

Report No. CC61/2016

Corporate and Community Services



SUBJECT: SECTION 449 DISCLOSURE OF INTERESTS RETURNS

AUTHOR: Manager Governance and Business Services - Kim Appleby

SUMMARY

Councillors and designated persons must complete annual disclosures of interest returns within 3 months after the end of each financial year. These must be reported to Council at the first practical meeting after the reporting period of 30 September each year.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

Under Section 449(3) of the Local Government Act, 1993 (the Act) Councillors and designated persons who were holding a position at 30 June each year must lodge a return disclosing their interests within three months of that date. Under Section 450A(2)(b) of the Act these returns must be tabled at Council at the first practical meeting held after the lodgement date.

REPORT

As at 30 September 2016, returns had been submitted by Councillors and staff who held positions regarded as designated person positions. Copies of the returns are maintained in the Register of Annual Returns (**Enclosure 1**) and are tabled for the information of Councillors. The Register of Returns is available for public inspection in accordance with the Government Information (Public Access) Act 2009.

OPTIONS

N/A

CONSULTATION

All Councillors and designated persons were provided the S449 Guide from the Office of Local Government to assist them in the completion of their returns.

STRATEGIC LINKS

a. Delivery Program

Completion of the annual returns supports Council's goal "to be a professionally managed and customer focussed organisation which provides leadership through partnerships with the community".

Corporate and Community

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Corporate and Community Services



b. Other Plans

This report is linked to Council's Community Strategic Plan.

STATUTORY IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

N/A

c. Legislative Implications

The completion and tabling of these returns is a statutory requirement under the Act.

Section 449(3) of the Act requires Councillors and designated persons who were holding a position at 30 June each year to lodge a return disclosing their interests within three months of that date. Section 450A (2)(b) of the Act requires these returns to be tabled at Council on the first meeting held after the lodgement date of 30 September 2016.

d. Risk Implications

Failure to lodge Section 449 Returns would result in statutory non-compliance of Section 449(3) of the Local Government Act 1993.

e. Other Implications

N/A

CONCLUSION

Tabling of the Register of Returns satisfies Council's legislative requirements under the Act.

ENCLOSURES

- 1 Register Disclosure of Interest Returns for Councillors and Designated Persons as at 30 September 2016

Corporate and Community

Report No. CC62/2016

Corporate and Community Services



SUBJECT: *FINANCIAL ASSISTANCE GRANT 2016-17*

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

SUMMARY

The purpose of this report is to advise Council of the impact on Council's operational budget for 2016-17 following the confirmation of the 2016-17 financial assistance grants.

RECOMMENDATION

That Council note the budget shortfall of \$130,479 in the Financial Assistance Grant and that appropriate variations be made in the September Quarterly Budget Review.

BACKGROUND

Council has received notification from the NSW Local Government Grants Commission that the financial assistance grant for 2016-17 will be \$6,747,321. Refer to **Enclosure 1**.

REPORT/PROPOSAL

Normally, the financial assistance grant (FAG) calculations are based on forward estimates of the consumer price index (CPI) and population across States, with an escalation factor each year designed to reflect real per capita term increases. Each year an adjustment for the previous year's grants takes into account variations in the actual CPI and population shares compared to the estimates used to determine that year's grants. This adjustment can be an increase or decrease applicable which is then added to the current year's allocation.

As part of the 2014-15 Federal Budget the Government announced that it "... will achieve savings of \$925.2 million over four years by pausing indexation of the Local Government Financial Assistance Grants Program for three years commencing 1 July 2014." Due to this, there will be no significant changes to the overall national funding pool until at least the 2017-18 year.

The general purpose component of the grants is allocated to the States on a population basis, which results in the NSW share changing during the period of paused indexation because of annual changes in population growth relative to other States. In essence, this has resulted in the NSW share reducing since the indexation pause. NSW continues to receive its 29 percent fixed share of the local roads component.

Financial Assistance Grants are an important income stream for all Councils (in some cases it can be the primary revenue source for a Council) with the grants providing funding for infrastructure and services. Cessnock is reliant on these funds for the local road programs in particular, with the grant representing approximately 10 percent of total Council revenue.

The NSW Local Government Grants Commission has confirmed the 2016-17 financial assistance grants and details are shown in Table 1.

Table 1 – Confirmed Grant Details	General Purpose	Roads & Bridges	Total
2016-17 Grants Commission Estimate	5,167,808	1,578,545	6,746,353
Add 2015-16 Adjustment (CPI/Population)	968		968
2016-17 Adjusted Entitlement	5,168,776	1,578,545	6,747,321

Council would normally factor an increase in grant income each year; however since the indexation freeze, a more conservative approach has been taken. Due to the reducing pool available for NSW, individual allocations for Councils in NSW have fluctuated as the Grants Commission makes its annual assessment and allocation of funds. With these factors in mind, the budget forecasts for 2016-17 were set at similar levels as actuals in the prior year.

Details of budget and actual grant to be received in 2016-17 are shown in Table 2 below:

Table 2 – Councils Operational Budget	General Purpose	Local Roads	Local Bridges	Total
Actual 2015-16	5,299,979	1,409,800	184,175	6,893,954
Budget 2016-17	5,300,000	1,409,800	168,000	6,877,800
Advised Grant 2016-17	5,168,776	1,400,828	177,717	6,747,321
Surplus/(Deficit) 2016-17	(131,224)	(8,972)	9,717	(130,479)

Following the confirmation of the Financial Assistance Grant to be received, a shortfall of \$130,479 has resulted for 2016-17. The lower than anticipated grant represents a significant negative impact on Council's operational budget. While it is anticipated that slightly higher than anticipated rating income may offset the shortfall, this adjustment will not allow for any other unexpected variations to be absorbed within the budget, without needing a reallocation of funds from other operational areas. An appropriate adjustment will be recommended to Council as part of the September Quarterly Budget Review process.

For comparison, actual grants received for the last five years are shown in Table 3 below:

Table 3 – Financial Assistance Grants History	General Purpose	Local Roads	Local Bridges	Total
Actual 2011-12	5,321,625	1,368,897	153,750	6,844,272
Actual 2012-13	5,295,314	1,358,097	156,443	6,809,854
Actual 2013-14	5,445,091	1,433,636	164,593	7,043,320
Actual 2014-15	5,414,718	1,451,404	159,346	7,025,468
Actual 2015-16	5,299,979	1,409,800	184,175	6,893,954
Advised Grant 2016-17	5,168,776	1,400,828	177,717	6,747,321

Corporate and Community

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Corporate and Community Services



OPTIONS

The report is for information purposes only.

CONSULTATION

Chief Financial Officer

STRATEGIC LINKS

a. Delivery Program

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

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

Financial Assistance Grants provide a significant proportion of Council's operational budget and are used to fund necessary infrastructure and services. This report details the impact on the operational budget for 2016-17, with appropriate adjustments to be recommended as part of the September Quarterly Budget Review.

c. Legislative Implications

Local Government (Financial Assistance) Act 1995 (Commonwealth) facilitates the grants.

d. Risk Implications

N/A

e. Other Implications

N/A

CONCLUSION

The report highlights a budget deficit for 2016-17 in relation to the Financial Assistance Grant and recommends adjustments as part of the September Quarterly Budget Review process.

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ENCLOSURES

- [1](#) Local Government Grants Commission - Financial Assistance Grant Notification

Corporate and Community

Report No. CC63/2016

Corporate and Community Services



SUBJECT: *INVESTMENT REPORT - AUGUST 2016*
RESPONSIBLE OFFICER: *Chief Financial Officer - John Oliver*
Management Accountant - Paul Grosbernd

SUMMARY

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

RECOMMENDATION

That Council receive the report and note the information.

BACKGROUND

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

REPORT

Statement by the Responsible Accounting Officer

I, John Oliver, 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 31 August 2016 was 1.50 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 September meeting held on 6 September 2016 retained the official cash rate at 1.50 percent.

Investment revenues to the end of August 2016 exceeded budget and the adopted benchmark in the Investment Policy, with an actual level of return 13.1 percent more than budget.

Investment Portfolio Information

Total cash and investments held by Council as at 31 August 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			1.15%	9,711
	Commonwealth Bank	At Call			0.70%	41
1243	AMP Bank	At Call			2.30%	500
1233m	Suncorp Bank	TD	188	14-Sep-16	3.10%	700
1236m	Maitland Mutual BS	TD	118	28-Sep-16	2.90%	600
1255m	ANZ Bank	TD	182	18-Jan-17	2.70%	800
1256i	National Australia Bank	TD	153	05-Oct-16	3.01%	900
1258l	ANZ Bank	TD	186	13-Feb-17	2.50%	700
1260g	National Australia Bank	TD	186	11-Oct-16	3.10%	1,000
1262l	Newcastle Permanent BS	TD	91	1-Sep-16	2.85%	600
1263h	Westpac Bank	TD	184	28-Feb-17	2.40%	600
1264i	IMB Bank	TD	182	15-Feb-17	2.60%	600
1269e	Maitland Mutual BS	TD	183	21-Sep-16	3.10%	900
1270k	Bendigo & Adelaide Bank	FRN	91	14-Nov-16	3.03%	500
1273f	Members Equity Bank	TD	147	21-Dec-16	2.70%	600
1276j	Newcastle Permanent BS	TD	182	8-Dec-16	2.80%	800
1277j	Greater Building Society	FRN	92	24-Nov-16	3.03%	500
1281e	National Australia Bank	TD	203	22-Feb-17	2.80%	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
1285d	National Australia Bank	TD	182	14-Dec-16	2.98%	600
1286d	IMB Bank	TD	91	1-Sep-16	2.65%	900
1287g	IMB Bank	VRD	91	14-Nov-16	2.51%	700
1288d	Members Equity Bank	TD	203	8-Mar-17	2.65%	800
1289c	Suncorp Bank	TD	181	24-Nov-16	2.95%	800
1290f	Newcastle Permanent BS	VRD	91	5-Sep-16	2.79%	700
1292c	Suncorp Bank	TD	186	13-Feb-17	2.60%	700
1293c	Maitland Mutual BS	TD	210	8-Feb-17	2.80%	800
1295e	Newcastle Permanent BS	TD	91	20-Sep-16	2.70%	900
1297b	Members Equity Bank	TD	189	8-Sep-16	2.95%	900
1298d	Newcastle Permanent BS	VRD	92	4-Oct-16	2.75%	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
1302b	Suncorp Bank	TD	183	23-Feb-17	2.65%	900
1303b	IMB Bank	TD	186	27-Feb-17	2.60%	700
1304b	AMP Bank	TD	212	22-Mar-17	2.95%	800
1305b	Commonwealth Bank	TD	112	23-Nov-16	2.62%	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
1307b	Bankwest	TD	153	11-Oct-16	2.80%	800
1308c	Bankwest	TD	63	19-Oct-16	2.60%	900
1311a	Bankwest	TD	119	18-Oct-16	2.85%	600
1312	Newcastle Permanent BS	TD	185	13-Feb-17	2.80%	700
TOTAL						39,652

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	10,652	26.87%
Newcastle Permanent Building Society	4,500	11.35%
National Australia Bank	4,000	10.09%
Suncorp Bank	4,000	10.09%
Maitland Mutual Building Society	3,800	9.58%
Members Equity Bank	3,100	7.82%
IMB Bank	2,900	7.31%
Bankwest	2,300	5.80%
AMP Bank	1,300	3.28%
ANZ Bank	1,500	3.78%
Westpac Bank	600	1.51%
Bendigo & Adelaide Bank	500	1.26%
Greater Building Society	500	1.26%
TOTAL	39,652	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	26,200	66.08%
Cash/At Call Deposits	Low	Low	10,252	25.85%
Variable Rate Deposit	Low	Low	2,200	5.55%
Floating Rate Notes	Low	Low	1,000	2.52%
TOTAL			39,652	100.00%

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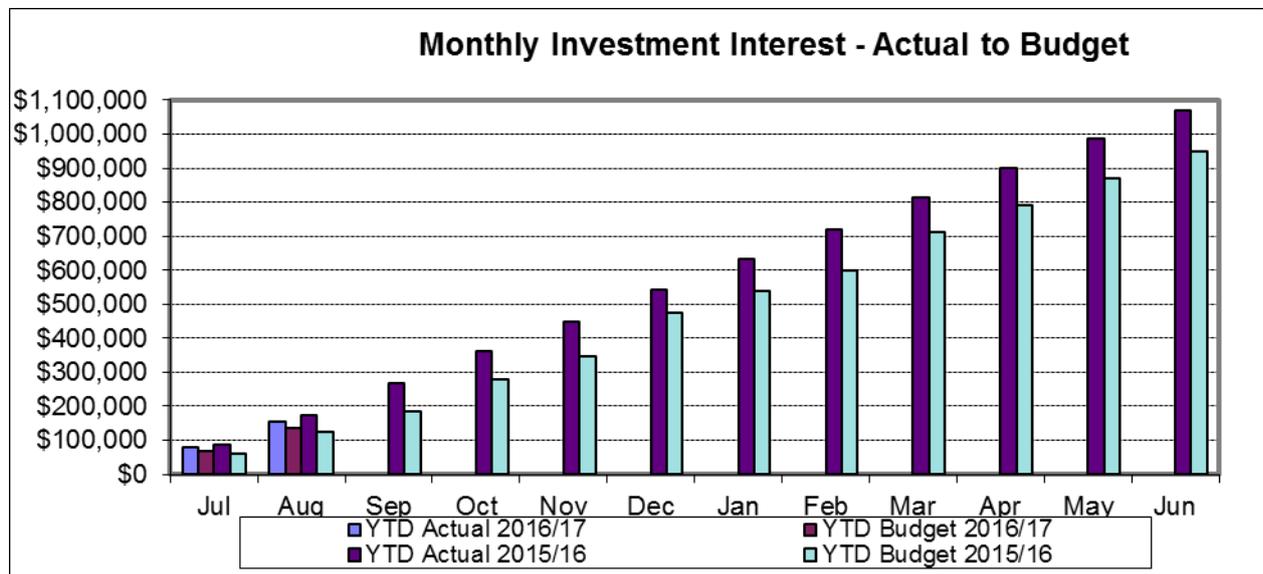
The following table provides information on interest rates and earnings this year compared to last year as well as a comparison of investment balances from this year to last year:

Performance Measures	This Year	Last Year
Portfolio Average Interest Rate (year to date)	2.70%	2.74%
BBSW Average Interest Rate (year to date) *	1.84%	2.14%
Actual Investment Interest Earned (year to date)	\$155,493	\$171,936
Budget Investment Interest (year to date)	\$137,500	\$124,332
Original Budget Investment Interest (Annual)	\$825,000	\$650,000
Revised Budget Investment Interest (Annual)	\$825,000	\$650,000

Investment Balances (Par Value)	This Year	Last Year
Opening Balance as at 1 July	\$37,684,000	\$37,253,000
Month End Current Balance	\$39,651,792	\$42,272,000

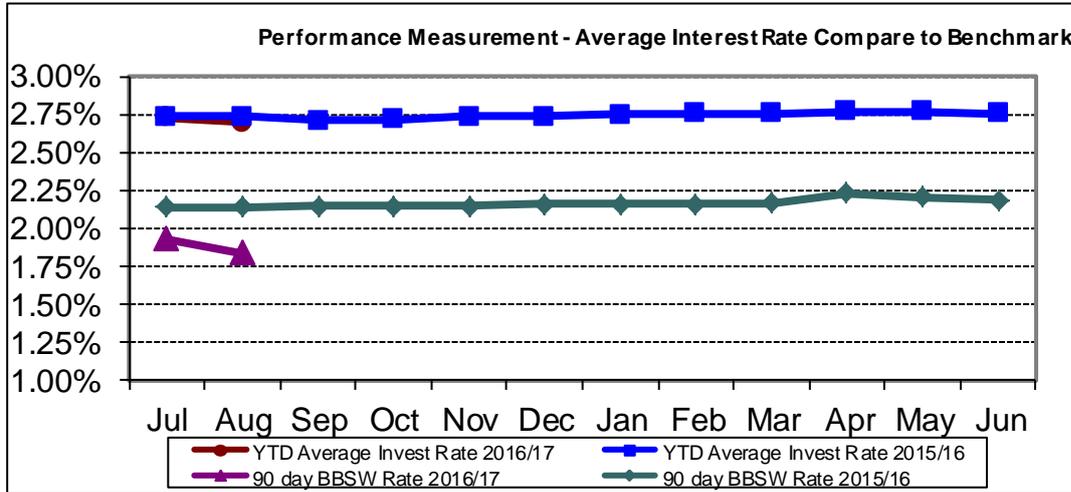
- BBSW 90 day Bank Bill Reference Rate (performance measure as per Council's Investment Policy)

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





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.

The Investment Policy is due for review and a revised Policy is being presented to Council for consideration.

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b. Financial Implications

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

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

c. Legislative Implications

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

d. Risk Implications

Investment risks are detailed within this report.

e. Other Implications

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

CONCLUSION

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

ENCLOSURES

There are no enclosures for this report.

SUBJECT: *TENDER FOR THE SUPPLY AND DELIVERY OF CONCRETE PIPES - (REGPRO171617)*

RESPONSIBLE OFFICER: *Purchasing & Stores Co-ordinator - Lindsay Clarke
Procurement and Contracts Manager - Renae Leayr*

SUMMARY

Evaluation and acceptance of Regional Procurement Tender for the Supply and Delivery of Concrete Pipes (REGPRO171617).

RECOMMENDATION

1. That Council accept Regional Procurement Tender for the Supply and Delivery of Concrete Pipes (REGPRO171617).
2. That Holcim (Australia) Pty Ltd t/as Humes be accepted as the single source supplier to Cessnock City Council under Regional Procurement Tender for the Supply & Delivery of Concrete Pipes (REGPRO171617).
3. That Council note the contract term for the Supply and Delivery of Concrete Pipes (REGPRO171617) is from 1 October 2016 to 30 September 2018 with an option for a 12 month contract extension based on satisfactory supplier performance.

BACKGROUND

Council currently utilises Regional Procurement contract (T021314HUN) for the Supply and Delivery of Concrete Pipes, the contract was established for the period 1 October 2013 to 30 September 2016. Council has utilised Regional Procurement tenders for the supply of concrete pipes for many years as they have provided the most advantageous result to Council.

Regional Procurement called tenders for a new contract to run from 1 October 2016 to 30 September 2018 with an option for a one year extension subject to satisfactory supplier performance.

TENDER PROCESS

Regional Procurement invited Tenders on 28 June 2016 on the Regional Procurement e-tender portal, Tenderlink and advertised in the following publications:

Publication:	Day:	Date:
Sydney Morning Herald	Tuesday	28 June 2016
Newcastle Herald	Tuesday	28 June 2016
Western Magazine	Monday	27 June 2016
Gold Coast Bulletin	Saturday	2 July 2016

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Tenders closed on 19 July 2016 with a total of two tenders received from the following suppliers to supply across the Council region:

1. Holcim (Australia) Pty Ltd t/as Humes, and
2. Bruno Altin & Co Pty Ltd

The tenders were evaluated on 5 August 2016 at the Regional Procurement Office, 59 Bonville Avenue, Thornton by Regional Procurement staff in accordance with the Local Government Tendering Guidelines, Regional Procurement Tendering Code of Conduct and Tendering Evaluation Principles and Process. Confidentiality and probity were maintained throughout the process with Conflict of Interest Declarations signed by all participating evaluation panel members.

No late tenders were received and both tenders were deemed conforming. The Regional Procurement evaluation panel recommendation was that the best and preferred supplier to support Council's operations be awarded the contract as a single source supplier to Council.

The Regional Procurement Evaluation Report is attached as **Confidential Enclosure 1**.

RECOMMENDATION

Holcim (Australia) Pty Ltd t/as Humes achieved the highest evaluation score according to the Regional Procurement Evaluation Report and are current and long term suppliers to Council with satisfactory performance to date. Holcim (Australia) Pty Ltd t/as Humes is therefore the recommended single source supplier to Council for the Supply and Delivery of Concrete Pipes.

OPTIONS

1. Council can resolve to participate in the Regional Procurement Tender (REGPRO171617), for the Supply and Delivery of Concrete Pipes and accept Holcim (Australia) Pty Ltd t/as Humes as the single source supplier under the tender. This is the preferred option as it offers competitive pricing from a previous long term supplier to Council and involves minimal demand on Council resources.
2. Council can decide not to participate in the Regional Procurement tender and then call its own tender for the services. This is not the preferred option as it will require a significant demand on Council resources to establish and administer the tender and contract, and the results are not likely to be as competitive as the larger Regional Procurement based tender. Additionally, the delays and costs associated with the tender process would adversely impact on operations.
3. Council can participate in the State wide Local Government Procurement (LGP) Contract LGP908-3 for Pipes, Pipe Relining, Pumps, Water Meters, Pre-cast Concrete Products & Associated Fittings, Products and Services. A pricing comparison was conducted in late August between the Regional Procurement tender and the LGP contract which revealed almost identical pricing from Holcim to both LGP and Regional Procurement over a considerable number of items (in most cases less the \$2 per item difference in pricing). In accordance with Council's Procurement

Procedure use of Regional Procurement contracts is prioritised over use of LGP contracts and therefore use of the LGP contract is not the preferred option.

CONSULTATION

Preparation of this report was undertaken in consultation with:

- Regional Procurement Management and Staff
- Procurement Depot and Building Services Manager
- Works and Infrastructure Coordinators
- Procurement and Stores Staff
- Local Government Procurement

STRATEGIC LINKS

a. Delivery Program

Acceptance of the Regional Procurement 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 the Operational Plan.

IMPLICATIONS

a. Policy and Procedural Implications

Participation in Regional Procurement tenders is in accordance with Council's Procurement Policy and Procurement Procedure.

b. Financial Implications

The pricing offered by Holcim (Australia) Pty Ltd t/as Humes under the Regional Procurement contract has been found to be competitive when compared to pricing from previous years and the alternative LGP contract prices, therefore use of the Regional Procurement Tender for Supply and Delivery of Concrete Pipes (REGPRO171617) is expected to be advantageous to Council. Purchase of Concrete Pipes will be funded from Council's Operational Plan 2016-17 and 2017-18.

c. Legislative Implications

Participation in Regional Procurement is in accordance with s55 of the Local Government Act 1993 and the Local Government (General) Regulation 2005. Council's expenditure on the Supply and Delivery of Concrete Pipes is likely to be in excess of \$150,000 over the contract term, therefore a Council Resolution to accept the tender is necessary.

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d. Risk Implications

Regional Procurement has been able to assess and minimise Council's exposure to business risk by mandating provision of the following information in the tender submission: financial capacity, previous experience, management and staff resources, quality assurance, work health & safety system and insurances.

CONCLUSION

Participation in the Regional Procurement contract for the Supply and Delivery of Concrete Pipes (REGPRO171617) and acceptance of Holcim (Australia) Pty Ltd t/as Humes as the single source supplier is considered the most advantageous option to Council as it offers competitive pricing and will also ensure continuity of service to Council from a long term supplier.

ENCLOSURES

- 1** Tender Evaluation - *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.*

Corporate and Community

Report No. CC65/2016

Corporate and Community Services



SUBJECT: *EXTERNAL REPAIRS AND PAINTING OF THE COUNCIL ADMINISTRATION BUILDING*

RESPONSIBLE OFFICER: *Procurement and Contracts Manager - Renae Leayr*

SUMMARY

The purpose of this report is to seek Council approval to access funds from the Building Reserve to fund essential repairs and painting of the Council Administration Building.

RECOMMENDATION

That Council vote expenditure of \$151,607 additional to the existing 2016/17 operational budget to be drawn from the Operations and Programs reserve to fund essential external repair and painting works to the Council Administration Building.

BACKGROUND

External painting of Council's administration building has not occurred since 1999 when the building was converted from a Coles Shopping Centre to house the Council offices. Over the past 17 years the outside of the building has deteriorated significantly and is in need of some essential repairs and painting.

Repairs to the garden beds at the rear of the Building were undertaken in 2015/16 to address degradation that was in urgent need of repair.

REPORT/PROPOSAL

The external condition of the Council administration building requires much needed maintenance. Apart from the external paint of the building having faded and dated there are also cracks in the rendered walls due to settlement, ceiling collapse on the balconies, and deterioration of the foam fascades.

The following repair works are required:

Render repairs on the following areas:

- Wall adjacent to General Manager's carpark
- Cracking to various areas along veranda and outside toilet walls
- Cracking to entrance doorways
- Cracking near old substation wall

Ceiling Repairs/Replacement to the following areas:

- General Manager's Office balcony ceiling
- Ante Room balcony ceiling
- Vincent Street underside of Ante Room balcony

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Capping and Wall Flashings in the following areas:

- Upper wall Cooper Street side of building
- Upper wall rear balcony wall
- Front carpark wall (curved)
- Vincent Street facades as required

Foam Façade Repairs/Replacement in the following areas:

- Upper curved wall Vincent Street side
- Chamber front upper trims
- Chamber window surrounds
- Various foam trims as required

Photographs of some of the deterioration around the building and also an example of the repair undertaken on the garden beds in 2015/16 are presented in **Enclosure 1** to this report.

Once repairs are completed, painting of the external building is also required to provide protection to the repairs and ensure that the repair areas are consistent in colour to the rest of the building.

The scope of external painting proposed is as follows:

Painting of the building in a new colour scheme including of all exterior walls, roof above Ante Room (excluding main roof above Chamber), capping, trims, posts, beams, window trims etc. as follows:

- Vincent Street side, including awning roof and upper C/B cladding
- Cooper Street side including Newcastle Permanent carpark walls
- Carpark side walls
- Verandah roof
- Upper lobster back roof and trims
- Upper C/B wall cladding
- Plantroom façade roof facing carpark
- Bunker and air conditioning hut buildings

The administration building is one of the more significant buildings in the main street and painting of the building to a new colour scheme will provide a strong focal point in the street and project a positive corporate image of Council.

The new colour scheme for the painting is included in **Enclosure 2** to this report.

The repair and painting works will be carried out by a combination of both in house and contractor resources.

OPTIONS

1. Carry out maintenance, repairs and painting as detailed in the above report. This is the preferred option because it will halt the acceleration of maintenance issues that will occur if left unchecked and will extend the life of the building. Painting of the building to a modern colour scheme will also promote a strong corporate image to the community and lift the visual amenity of the main street.
2. Do nothing. This option is not preferred because it will lead to further and increased deterioration of the building which may lead to problems such as water ingress and loss of render from the walls.

CONSULTATION

The following officers were consulted in preparation of this report:

- Building Maintenance Coordinator
- Building Projects Coordinator
- Chief Financial Officer
- Management Accountant
- Director Corporate and Community Services
- Executive Leadership Team

STRATEGIC LINKS

a. Delivery Program

Repairs and painting of the Council Administration Building will contribute to achieving the following objective of the *2013-2017 Revised Delivery Program*:

- Objective 4.2.4 – Improve support services and facilities to assist works delivery.

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

Procurement of Contractor's will be undertaken in accordance with Council's Procurement Policy and Procedure.

b. Financial Implications

The total cost of repair and painting works is estimated at \$171,607 (GST exclusive) and this amount includes a contingency to manage latent conditions and unforeseen works. The annual operating budget has \$20,000 allocated for painting of the administration building. The remainder will need to be accessed from the Operations and Programs Reserve which has been established to fund major maintenance works such as this.

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c. Legislative Implications

N/A/

d. Risk Implications

To minimise Council's exposure to business risks any Contractors engaged to undertake the works will be required to provide certificates of currency for the following insurance policies:

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

Regarding safety, Council will be the Principal Contractor for the work and will have a site specific Safety Management Plan for the work including:

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

e. Other Implications

Due to the prominent location of the Council administration building, the works will impact on both pedestrian and vehicular traffic and appropriate traffic control, barriers and hoarding will be utilised to direct vehicles and pedestrians around the works. There is a bus stop in Vincent Street and a Taxi Stand in Cooper Street that will also be affected and Council will liaise closely with all parties to minimise impact of the works. Some works will also be undertaken outside of normal business hours to minimise risk and impact to the public.

CONCLUSION

External repairs and painting of the Council administration building are essential renewal works that will not only extend the life and serviceability of the building but will also lift the visual amenity of the building and the main street.

ENCLOSURES

- 1** Enclosure 1 - Photos of Deterioration & Repairs
- 2** Enclosure 2 - New Colour Scheme

Works and Infrastructure

Report No. WI45/2016

Works and Infrastructure



SUBJECT: *EVALUATION OF TENDERS FOR T1617/01
GREAT NORTH ROAD, LAGUNA - LEMMING CORNER
UPGRADE*

RESPONSIBLE OFFICER: *Design Engineer - Ramesh Somai
Design Delivery Manager - Katrina Kerr*

SUMMARY

Evaluation and selection of tender for Tender No. T1617/01 - Great North Road, Laguna – Lemming Corner Upgrade.

RECOMMENDATION

That Council accept the tender from Bolte Civil Pty Ltd in the lump sum amount of \$916,251.70 (including GST) to upgrade Great North Road, Laguna – Lemming Corner

BACKGROUND

Cessnock City Council (CCC) successfully applied for funding under the Blackspot Programme, administered by Roads and Maritime Services, to improve the safety of a section of Great North Road, between Laguna and Bucketty, known as 'Lemming Corner'.

'Lemming Corner' was officially named in 2004 to promote awareness of the number of motor vehicle crashes that had occurred there and to prompt road users to take care. Originally constructed between 1826 and 1834 by convict labour, the subject section of road is comprised of three (3) tight radius curves on a descending grade.

The proposed improvement work at Lemming Corner includes:

- cutting back the uphill rock embankment,
- realignment of 2 of the curves to make 1 smooth radius curve,
- widening of the carriageway to achieve a 9m road pavement,
- construction of a V-shape kerb on the western side of the road, and
- installation of motor cycle friendly guard barriers.

REPORT

Request for Tender

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

Invitation

Tenders were invited on Tuesday 2 August 2016 on Council's e-tender portal, Tenderlink and advertised in the following publications:

Works and Infrastructure

Report No. WI45/2016

Works and Infrastructure



Publication	Day	Date
Newcastle Herald	Saturday	30 July 2016
Sydney Morning Herald	Tuesday	2 August 2016

Addenda

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

No.	Date	Description
1	12 August 2016	Returnable Tender Schedules in MS word format
2	12 August 2016	Design drawings in CAD format
3	15 August 2016	Answers to Pre-Tender Meeting questions
4	16 August 2016	Pre-tender Meeting Minutes
5	16 August 2016	Amended Pre-tender Meeting Minutes
6	17 August 2016	Answers to questions
7	17 August 2016	Detail design in 12d format

Closure

Tenders closed 2pm Tuesday 23 August 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:

- Design Engineer, Design Delivery
- Projects Engineer, Design Delivery
- Strategic Asset Planning Manager, Strategic Asset Planning
- Strategic Traffic and Transport Planning Engineer, Strategic Asset Planning
- Financial Accountant, Financial Services

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

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

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

1. Assessment of Receipt

Tenders were received and assessed against the first threshold criteria:

Threshold Criteria	
Criterion 1	Submission on time

The following tenders were received:

Tender	Tenderer	Business Address	Criterion 1
1	Bolte Civil Pty Ltd	Tuggerah	On time
2	Gleeson Civil Engineering Pty Ltd	Wickham	On time
3	KCE Pty Ltd	Beresfield	On time
4	Quality Management & Constructions Pty Ltd	Bella Vista	On time

All four tenders were received on time and met threshold Criterion 1.

2. Assessment of Conformance

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

Threshold Criteria	
Criterion 2	RMS prequalification minimum R1
Criterion 3	Conformance with RFT Documents
Criterion 4	Capacity to manage the works (safety, quality and environment)
Criterion 5	Financial capacity

Tender 3 included a number of qualifications and were clarified.

Tenders 1, 2, 3 and 4 were then considered conforming in threshold Criteria 2, 3, 4 and 5. All four tenders were progressed to the next stage of evaluation, subject to the financial capacity of tenderers, found to be in contention, to be confirmed at the Due Diligence stage of evaluation.

3. Shortlisting

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

4. Weighted Evaluation

Tenders were evaluated using the following weighted evaluation criteria:

Weighted Criteria	
Criterion 6	Lump sum tender amount
Criterion 7	Construction methodology
Criterion 8	Construction program
Criterion 9	Experience, past performance, management and staff resources
Criterion 10	Safety, environmental, and quality management performance

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

Tender 1, with a competitive price, and positive referee checks regarding program and performance scored the highest on all other weighted evaluation criteria.

With the highest score, Tender 1 from Bolte Civil Pty Ltd was identified as the preferred tender.

5. Due Diligence

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

In addition the RMS Roadworks Prequalification Scheme was referenced to confirm the tenderers ability to manage construction works of this scale and value.

Kingsway Financial Assessments Pty Ltd was engaged to independently assess the preferred tenderers' capacity to complete the work. The assessment confirmed a satisfactory financial capacity to complete the work and conformance with threshold Criterion 5.

6. Evaluation Result

Following steps 1 to 5 of the evaluation process, the TET recommended acceptance of Tender 1 from Bolte Civil Pty Ltd. The tenderer met the requirements of the RFT.

7. Independent Review

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

- Council's Procurement Policy,
- CCC Procurement Procedure, and
- relevant legislation.

TIME FRAME

The contract period is 12 calendar weeks from the date of acceptance of the tender. This allows for:

- 2 weeks - Pre-construction planning and documentation,
- 1 week - Site Establishment, and
- 9 weeks - Construction.

In addition, the project program allows a contingency for:

- 1 week - latent site conditions which may be encountered, and
- 1 week - wet weather.

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LOCAL CONTENT

Local preference scoring was not applied to this tender, however it was noted that the preferred tenderer, Bolte Civil Pty Ltd is based in Tuggerah, and is likely to use local services and suppliers.

OPTIONS

Option 1: Accept the tender from Bolte Civil Pty Ltd 916,251.70 (including GST). This is the preferred option;

Option 2: Decline to accept any offers. This option is not recommended due to the number of accidents at this site and the fact that offer of funding under the Black Spot Programme includes conditions concerning expenditure within timeframes.

CONSULTATION

The following officers were consulted during the tender process:

- Design Delivery Manager
- Design Engineer
- Strategic Asset Planning Manager
- TAP

Local residents and stakeholders, including representatives of the Convict Trail Project Inc., have been informed about the work and likely traffic delays via a *Community Update* newsletter mail out. For road users generally, Council's website provides information and access to the *Community Newsletter*, and Council's Facebook Page offers opportunity for feedback.

STRATEGIC LINKS

a. Delivery Program

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

- Objective 1.3: Promoting Safe Communities
 - Objective 1.3.3: Commence implementation of priority projects from the Road Safety Strategy
- Objective 4.2: Improving the Road Network
 - Objective 4.2.3: Deliver prioritised capital works programs in line with adopted asset management plans.

b. Other Plans

Acceptance of the tender will facilitate completion of works listed in Council's *2016-2017 Operational Plan*:

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- Capital Works Program, Regional Road Construction Program.

IMPLICATIONS

a. 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*

b. Financial Implications

Acceptance of the tender and a contingency amount to run the contract is fully funded as follows:

Source	Amount excl GST
Federal Black Spot Program	\$795,000.00
Council Pre-Construction Design Works	\$40,000.00
Council Regional Road Program	\$86,000.00

c. 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
 - (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.

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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).

f. Risk Implications

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

- Adequate levels of insurances
- Satisfactory financial capacity

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

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

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

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

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

- Traffic Management Plan to manage broader traffic implications such as heavy vehicles and delays,
- Traffic Control Plans to manage through traffic and construction traffic during the construction period,
- Requirements for on-site workers to have current general construction induction cards (white card) and licenses/tickets and inducted to the site, and
- Safe Work Method Statements, kept on site, and discussed at daily tool box talks.

g. Other Implications

Realignment of 3 tight radius curves at Lemming Corner will reduce the risk to motorists and motorcyclists. The investigation and design process has included an independent Road Safety Audit of the route and design to minimise the impact of safety hazards.

CONCLUSION

The tender from Bolte Civil Pty Ltd in the lump sum amount of \$916,251.70 (including GST) offers the best value for money for the bulk excavation and road construction. The contract and contingency are fully funded from the available project budgets identified in this report.

ENCLOSURES

- 1** Roads _ Great North Road, Laguna - Lemming Corner Upgrade T1617 01 - 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.*

Notices Of Motion

Report No. BN7/2016

General Manager's Unit



NOTICES OF MOTION No. BN7/2016

SUBJECT: *ILLEGAL SIGNAGE*

COUNCILLOR: *Ian Olsen*

MOTION

1. That the General Manager require Council to notify all Real Estate agents of their legislative responsibility when erecting advertising signage for the sale of properties.
2. That the General Manager require Council to undertake a 2 week advertising campaign notifying all businesses about the correct procedure for putting up signage that projects over a public road or on public property/road reserves, including A-Frame signs on footpaths.
3. That the General Manager require Council staff to remove all unlawful signage erected on public property/road reserves, as Council staff find them or are notified of them, subject to available resources.
4. That the General Manager require Council to investigate what controls can be put in place to manage the trailer signs that are appearing around town.
5. That a report be brought back to Council in 6 months detailing actions taken in removing unlawful signs and controls for managing trailer signs.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 5 October 2016.

RATIONALE

During the last Council elections, advertising material was removed from what was stated to be illegally erected areas but right beside these signs were similarly erected Real Estate signs. To show consistency we should make sure that all of the community is treated equal but the only difference here is we will be giving these business's the opportunity to get their signage down and erected correctly without having to ask the General Manager to remove them.

Sgd: Ian Olsen

Date: 26 September 2016

ENCLOSURES

There are no enclosures for this report

Notices Of Motion

Report No. BN8/2016

General Manager's Unit



NOTICES OF MOTION No. BN8/2016

SUBJECT: *CONVERSION OF SHEDS INTO DWELLINGS*

COUNCILLOR: *Ian Olsen*

MOTION

1. That a review be carried out into sheds being used as dwellings, both lawfully and unlawfully and what development controls might be available to prevent illegal conversions and sheds being used as dwellings.
2. That a report on the review, including options for better controls, come back to Council within six months for consideration.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 5 October 2016.

RATIONALE

The conversion, unlawfully, of sheds into dwellings is common within the LGA. The refusal of development application to regularise an illegal conversion of a shed into a dwelling at the last meeting of the previous Council is a case in point. There are different situations as to why these illegal conversions might occur.

For example:

Sheds in rural zones being built under exempt criteria which are then illegally converted to permanent dwelling;

Sheds in residential zones being used illegally as dwellings, either permanently or sometimes while houses are being constructed on the site;

It appears that sheds can also be lawfully approved as dwellings in residential zones because there are no real controls to prevent it.

There may be more situations not mentioned, however the development controls are not particularly clear to the community as to what can and cannot be done. What is clear is that the resulting illegal conversions often create environmental amenity issues in terms of on-site sewage disposal and increase the requirements on services, including Council staff to investigate the uses. These illegal conversions often happen in areas where our land use planning strategies might not have planned for additional permanent residences.

Additionally, in some land zones, it is sometimes lawful to building a dwelling that is in fact a shed – this can also be an issue in terms of an adverse visual impact and detracts from residential and rural residential amenity.

Notices Of Motion

Report No. BN8/2016

General Manager's Unit



It is reasonable for Councillors and the community to have greater certainty as to what Council's position is in relation to sheds being used as dwellings in any circumstances and how we can better control the issue. A report back to Council within six months would help Council decide which direction it should take on these matters.

Sgd: Ian Olsen

Date: 26 September 2016

ENCLOSURES

There are no enclosures for this report

Questions of which Written Notice has been given

Report No. QWNG1/2016

General Manager's Unit



SUBJECT: *STEPS - CONVENT HILL*

RESPONSIBLE OFFICER: *Councillor - Diane Fitzgibbon*

Detail

Has Council ever given consideration to the construction of steps on the Yango Street side of Convent Hill (the disused road section). If so, what was the nature of and estimated cost of the works?

FOR COUNCIL'S INFORMATION

ENCLOSURES

There are no enclosures for this report

Questions of which Written Notice has been given

Report No. QWNG2/2016

General Manager's Unit



SUBJECT: *BUS SHELTER - NORTH END COMMUNITY HALL*

RESPONSIBLE OFFICER: *Councillor - Diane Fitzgibbon*

Detail

Has consideration been given to the construction of a bus shelter at the bus stop near North Cessnock Community Hall? If not, what is the process for having it considered?

FOR COUNCIL'S INFORMATION

ENCLOSURES

There are no enclosures for this report

Questions of which Written Notice has been given

Report No. QWNG3/2016

General Manager's Unit



SUBJECT: *KERB AND GUTTERING WORKS*

RESPONSIBLE OFFICER: *Councillor - Diane Fitzgibbon*

Detail

What is the status of kerb and guttering works in Marlton Street, Cessnock?

FOR COUNCIL'S INFORMATION

ENCLOSURES

There are no enclosures for this report

Questions of which Written Notice has been given

Report No. QWNG4/2016

General Manager's Unit



SUBJECT: *USER CHARGES/COST RECOVERY POLICY*

RESPONSIBLE OFFICER: *Councillor - Diane Fitzgibbon*

Detail

Does Council have a formal policy on user charges/cost recovery for local sporting, recreational and cultural facilities? If so, what are the main guiding principles and what is their application to not-for-profit user groups like learn-to-swim classes run by volunteers when participants pay pool entry?

FOR COUNCIL'S INFORMATION

ENCLOSURES

There are no enclosures for this report

Questions of which Written Notice has been given

Report No. QWNG5/2016

General Manager's Unit



SUBJECT: *ALLANDALE ROAD, CESSNOCK*

RESPONSIBLE OFFICER: *Councillor - Diane Fitzgibbon*

Detail

Has the Traffic Committee recently considered whether “No Stopping” is the most appropriate regulatory response for Allandale Road, Cessnock?

FOR COUNCIL'S INFORMATION

ENCLOSURES

There are no enclosures for this report

Questions of which Written Notice has been given

Report No. QWNG6/2016

General Manager's Unit



SUBJECT: *DRAIN OVAL AND DOVER STREET DRAINAGE*

RESPONSIBLE OFFICER: *Councillor - Diane Fitzgibbon*

Detail

Are Council engineers aware of the drainage problems at Drain Oval and Dover Street? If so, rectification on the drainage works program?

FOR COUNCIL'S INFORMATION

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ61/2016

Works and Infrastructure



SUBJECT: *INTERSECTION OF GRETA AND COLLIERY STREETS,
ABERDARE - GIVE WAY*

RESPONSIBLE OFFICER: *Design Delivery Manager - Katrina Kerr*

Q60/2016 – Intersection of Greta and Colliery Streets, Aberdare – Give Way

Asked by Councillor Campbell at the Ordinary Meeting of Council held on 7 September 2016.

Councillor Campbell asked for an update on the linemarking at the intersection of Greta and Colliery Streets, Aberdare.

The Director Works & Infrastructure advised that at the last meeting with the RMS they advised that the works have been put into their works program and should be undertaken within the coming months.

The Director Works and Infrastructure received the following update from Roads & Maritime Services (RMS) on 27 July 2016.

“RMS has issued a work order for these line marking improvements and a contractor will be engaged to complete the work as soon as possible. It is anticipated that the work will be completed within two months. The line marking will clearly indicate priority at the intersection for the turn from Colliery St into Greta St”.

No further updates have been received from RMS.

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ62/2016

Works and Infrastructure



SUBJECT: *BRIDGE - BUCKLAND AVENUE/ MCLEAN STREET*

RESPONSIBLE OFFICER: *Design Delivery Manager - Katrina Kerr*

Q64/2016 – Bridge – Buckland Avenue / McLean Street

Asked by Councillor Olsen at the Ordinary Meeting of Council held on 7 September 2016.

Councillor Olsen asked that the bridge at the intersection of Buckland Avenue and McLean Streets near the PCYC building be referred to the Traffic Committee as it is very narrow and there have been some near misses.

Initial investigations have determined that replacement of the bridge is not currently listed in a future Works Program on the basis of the most recent level 2 inspections, which indicate that the bridge is in good condition.

With regard to reporting the matter to the Traffic Committee, Council officers advise that the Local Traffic Committee receives reports with recommendations for installation or changes to regulatory traffic facilities or devices. Regulatory traffic facilities or devices are those which are enforceable by NSW Police or Council Rangers.

In investigating the raised matter, it has been determined that installation of double unbroken centre-line markings, with raised reflective pavement markers on the approaches, as well as across the bridge, may assist lane discipline and help reduce “near misses” at the subject location.

Since double unbroken centre-line markings are regulatory in nature, and drivers can be infringed for crossing them, a report and recommendation will be prepared for the Local Traffic Committee, with a view to installing the new line markings this financial year.

ENCLOSURES

There are no enclosures for this report