



14 June 2019

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, 19 June 2019 at 6.30 pm, for the purposes of transacting the undermentioned business.

**AGENDA:**

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**(20) COUNCILLORS' REPORTS**



## ***Principles for Local Government***

### **Exercise of functions generally**

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

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

### ***Council's Values***

- Integrity
- Respect
- 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 17 April 2019. This Code provides details of statutory requirements and gives guidance in respect of the way in which pecuniary and conflict of interest issues must be disclosed.

Generally, the Code outlines 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



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**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 5 JUNE 2019, COMMENCING AT  
6.30 PM**

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

**IN ATTENDANCE:** General Manager  
Director Planning and Environment  
Director Corporate and Community Services  
Director Works and Infrastructure  
Strategic Planning Manager  
Finance & Administration Manager  
Acting Economic Development Manager  
Media & Communication Officer  
Corporate Governance Officer

**APOLOGY:**

**MOTION**

**Moved:** Councillor Sander

**Seconded:** Councillor Dagg

916

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

Councillor Dunn requested a Leave of Absence for the Ordinary Council meetings on 3 & 17 July 2019.

**FOR**

**AGAINST**

Councillor Olsen  
Councillor Doherty  
Councillor Dunn  
Councillor Fagg  
Councillor Stapleford  
Councillor Suvaal  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Dagg  
Councillor Burke  
Councillor Sander  
Councillor Pynsent  
**Total (12)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**MINUTES:**

**MOTION**

**Moved:** Councillor Doherty  
**Seconded:** Councillor Fitzgibbon

917

**RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 15 May 2019, as circulated, be taken as read and confirmed as a correct record.

**FOR**

Councillor Doherty  
Councillor Dunn  
Councillor Stapleford  
Councillor Suvaal  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Dagg  
Councillor Burke  
Councillor Sander  
Councillor Pynsent

**Total (10)**

**AGAINST**

Councillor Olsen  
Councillor Fagg

**Total (2)**

**CARRIED**

## ***DISCLOSURES OF INTEREST***

### ***DISCLOSURES OF INTEREST NO. DI10/2019***

***SUBJECT: DISCLOSURES OF INTEREST***

---

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

**PE49/2019 - Exhibition Outcomes - Kurri Kurri District Strategy Consequential Amendments Planning Proposal** – Councillor Gray declared a Non Pecuniary Interest Less Than Significant Conflict for the reason that he owns land within the affected area/district. Councillor Gray advised that he would remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because his area has already been determined prior and is not directly affected by this motion.

**GMU10/2019 - Minutes of the Town Coordinators Review Committee Meeting held on 8 May 2019** – Councillor Burke declared a Pecuniary Interest for the reason that his company is contracted by the Cessnock Chamber of Commerce. Councillor Burke advised that he would leave the chamber and take no part in discussion and voting.



## ***PETITIONS***

Nil

## ***ADDRESS BY INVITED SPEAKERS***

NIL

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

### **MOTION**

918

**Moved:** Councillor Doherty

**Seconded:** Councillor Burke

### **RESOLVED**

***that having read and considered the reports in the agenda related to items***

<del>£</del> GMU9/2019	Cessnock City Council Union Picnic Day .....	36
CC41/2019	Tender T1819-08 Maintenance of Air Conditioning Systems.....	185
CC42/2019	Tender T511920HUN Supply and Delivery of Readymix Concrete .....	192
CC43/2019	Tender T501920HUN Supply and Delivery of Road Resurfacing .....	198
CC44/2019	Tender T521920HUN Provision of Hygiene Services.....	204
<del>£</del> CO9/2019	Australian Local Government Association - Federal Election Funding Campaign .....	270

***Council adopt the recommendations as printed for those items.***

#### **FOR**

#### **AGAINST**

Councillor Olsen  
Councillor Doherty  
Councillor Dunn  
Councillor Fagg  
Councillor Stapleford  
Councillor Suvaal  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Dagg  
Councillor Burke  
Councillor Sander  
Councillor Pynsent  
**Total (12)**

**Total (0)**

**CARRIED UNANIMOUSLY**

## ***MOTIONS OF URGENCY***

### ***MOTIONS OF URGENCY NO. MOU9/2019***

***SUBJECT: MOTIONS OF URGENCY***

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NIL

## **GENERAL MANAGER'S UNIT**

### **GENERAL MANAGER'S UNIT NO. GMU9/2019**

**SUBJECT: CESSNOCK CITY COUNCIL UNION PICNIC DAY**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Burke  
919

#### **RESOLVED**

**That the report be received and noted.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**GENERAL MANAGER'S UNIT NO. GMU10/2019**

**SUBJECT: MINUTES OF THE TOWN COORDINATORS REVIEW COMMITTEE  
MEETING HELD ON 8 MAY 2019**

---

*Councillor Burke declared a Pecuniary Interest for the reason that his company is contracted by the Cessnock Chamber of Commerce. Councillor Burke left the Chamber and took no part in discussion and voting.*

*Councillor Burke left the meeting, the time being 6.36pm*

*Councillor Lyons arrived at meeting, the time being 6.40pm*

**MOTION**      **Moved:** Councillor Dagg      **Seconded:** Councillor Suvaal  
920

**RESOLVED**

1. That the Minutes of the Town Coordinators Review Committee meeting held on 8 May 2019 be adopted as a resolution of the Ordinary Council.
2. That the Draft Economic Development & Sponsorships Program Guidelines and Application process which includes the changes identified by the Committee be endorsed.
3. That the next funding round be advertised in accordance with the Draft Economic Development & Sponsorships Program Guidelines and application process for allocations in the 2019-20 Financial Year.

**FOR**

Councillor Doherty  
Councillor Dunn  
Councillor Fagg  
Councillor Stapleford  
Councillor Suvaal  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Dagg  
Councillor Sander  
Councillor Lyons  
Councillor Pynsent  
**Total (11)**

**AGAINST**

Councillor Olsen

**Total (1)**

**CARRIED**

*Councillor Burke returned to the meeting, the time being 6.48pm*

**GENERAL MANAGER'S UNIT NO. GMU11/2019**

**SUBJECT: BID TO HOST GOLF NSW OPEN REGIONAL QUALIFIERS 2019-21**

---

**MOTION**      **Moved:** Councillor Fitzgibbon      **Seconded:** Councillor Dagg

1. That Council execute the partnership agreement to co-host NSW Open Golf Championship Regional Qualifier events in 2019, 2020 and 2021.
2. That Council provide a partnership fee of \$5,000 (GST exclusive) per annum for the 2019 to 2021 events to Golf NSW, with funding from the Tourism Related Project funding allocation.
3. That Council allocate \$6,000 (GST exclusive) in the 2019/20 Operational Plan from the Tourism Related Project funding towards course signage to co-brand Council and towards marketing and promotional materials targeting the golfing segment of visitors.
4. That an Economic Impact Analysis be conducted each year based on actual numbers with an event report provided to Council within 3 months of the conclusion of the event.

**AMENDMENT**      **Moved:** Councillor Fagg      **Seconded:** Councillor Olsen

That the report be Deferred.

**FOR**

Councillor Olsen  
Councillor Fagg

**Total (2)**

**AGAINST**

Councillor Doherty  
Councillor Dunn  
Councillor Stapleford  
Councillor Suvaal  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Dagg  
Councillor Burke  
Councillor Sander  
Councillor Lyons  
Councillor Pynsent

**Total (11)**

The Amendment was **PUT** and **LOST**.

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

**MOTION**            **Moved:**    Councillor Fitzgibbon    **Seconded:**    Councillor Dagg  
921  
**RESOLVED**

1.     That Council execute the partnership agreement to co-host NSW Open Golf Championship Regional Qualifier events in 2019, 2020 and 2021.
2.     That Council provide a partnership fee of \$5,000 (GST exclusive) per annum for the 2019 to 2021 events to Golf NSW, with funding from the Tourism Related Project funding allocation.
3.     That Council allocate \$6,000 (GST exclusive) in the 2019/20 Operational Plan from the Tourism Related Project funding towards course signage to co-brand Council and towards marketing and promotional materials targeting the golfing segment of visitors.
4.     That an Economic Impact Analysis be conducted each year based on actual numbers with an event report provided to Council within 3 months of the conclusion of the event.

FOR	AGAINST
Councillor Doherty	Councillor Olsen
Councillor Dunn	Councillor Fagg
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (2)</b>

**CARRIED**

## **PLANNING AND ENVIRONMENT**

### **PLANNING AND ENVIRONMENT NO. PE49/2019**

**SUBJECT: EXHIBITION OUTCOMES - KURRI KURRI DISTRICT STRATEGY  
CONSEQUENTIAL AMENDMENTS PLANNING PROPOSAL**

---

**MOTION**      **Moved:** Councillor Dagg      **Seconded:** Councillor Burke  
922

#### **RESOLVED**

1. That Council endorse the Kurri Kurri District Strategy Consequential Amendments Planning Proposal as an amendment to the *Cessnock Local Environmental Plan 2011*.
2. That Council notify submission makers of its decision.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



**PLANNING AND ENVIRONMENT NO. PE50/2019**

**SUBJECT: DEVELOPMENT APPLICATION PERFORMANCE MONITORING  
REPORT - MARCH 2019 QUARTER**

---

**MOTION**      **Moved:** Councillor Dagg      **Seconded:** Councillor Suvaal  
923

**RESOLVED**

1. That Council receives the report and notes the information.
2. That the General Manager provide, in future reports, a percentage of undetermined Development Applications that have hit the key milestones of 3 months, 6 months, 9 months, 12 months, 18 months and 24 months.

**FOR**

**AGAINST**

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

**Total (13)**

**Total (0)**

**CARRIED UNANIMOUSLY**

## **CORPORATE AND COMMUNITY**

### **CORPORATE AND COMMUNITY NO. CC40/2019**

**SUBJECT: MARCH 2019 QUARTERLY REVIEW OF 2017-21 DELIVERY PROGRAM**

---

**MOTION**                      **Moved:**    Councillor Dagg                      **Seconded:**    Councillor Suvaal  
924  
**RESOLVED**

1.     That Council note the progress in implementing the 2017-21 Delivery Program as at 31 March 2019.
2.     That Council endorse the following change to the Recreation Buildings Renewal Program:  
  
         Add: RBR-2019-005 Kurri Kurri Rugby League Old Boys Shed – drainage upgrade.
3.     That Council endorse the following change to the Local Road Construction Program:  
  
         Add: CRL-2019-008 Baileys Lane, Abermain – Seal 250m of unsealed road east from Frame Drive intersection.  
         Add: CRL-2019-012 Great North Road, Laguna – Ramsays Leap
4.     That Council endorse deferring the following Local Road Renewal Projects to be reconsidered for the 2021-25 Delivery Program:  
  
         Defer: RRL-2019-005 Macquarie Avenue, Cessnock – from Arcadia to Wangi.  
         Defer: RRL-2019-008 Mount View Road, Millfield – from CH13978 to Second.  
         Defer: RRL-2019-007 Heddon Street, Kurri Kurri – from Northcote to Deakin
5.     That Council endorse the following changes to the Local Road Renewal Program:  
  
         Add: RRL-2019-016 Kline Street, Weston – Eighth Street to End.  
         Add: RRL-2019-015 Walmsley Street, Millfield – Between Eleventh Avenue and Davis Street.  
  
         Project description for RRL-2019-006 be amended to more accurately describe the location:  
  
         Remove: Quorrobolong Road, Kitchener.  
         Add: Cessnock Street, Kitchener.
6.     That Council endorse the following change to the Traffic Facilities Program:  
  
         Add: CFT-2019-007 Lovedale and Wilderness Road – intersection and design.

7. That Council endorse the following change to the Cemeteries Facilities Construction Program:

Project description for CFC-2019-002 Branxton Cemetery:

Remove: replace timber trusses on pergola

Add: remove timber pergola

8. That Council endorse deferring the following 2018-19 Regional Road Renewal Project indefinitely:

Defer: RRR-2019-005 Cessnock Road Weston – Maybury Peace Park access intersection construction.

9. That Council note the progress of carryover deliverables.

FOR	AGAINST
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Councillor Olsen

Councillor Doherty

Councillor Dunn

Councillor Fagg

Councillor Stapleford

Councillor Suvaal

Councillor Fitzgibbon

Councillor Gray

Councillor Dagg

Councillor Burke

Councillor Sander

Councillor Lyons

Councillor Pynsent

**Total (13)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC41/2019**

**SUBJECT: TENDER T1819-08 MAINTENANCE OF AIR CONDITIONING SYSTEMS**

---

**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Burke  
925

**RESOLVED**

1. That Council accept the tender received from Ritchies Refrigeration and Air Conditioning schedule of rates for the Maintenance of Air Conditioning Systems (T1819-08)
2. That Council note the contract term for the Ritchies Refrigeration and Air Conditioning (T1819-08) is from 1 July 2019 to 30 June 2021 with an option for a 3 x 12 month contract extension based on satisfactory supplier performance.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC42/2019**

**SUBJECT: TENDER T511920HUN SUPPLY AND DELIVERY OF READYMIX CONCRETE**

---

**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Burke  
926

**RESOLVED**

1. That Council accept the Regional Procurement Tender for Supply and Delivery of Readymix Concrete (T511920HUN).
2. That tenderers;
  - Entire Concrete Pty Limited
  - Hanson Pty Ltd
  - Hunter Readymixed Concrete Pty Ltd
  - Maitland Ready Mixed Concrete Pty Ltd

be accepted in no order of preference as a panel for Council under Regional Procurement Tender for Supply and Delivery of Readymix Concrete (T511920HUN)
3. That Council note the contract term for Tender for Supply and Delivery of Readymix Concrete (T511920HUN) is from 1 July 2019 to 30 June 2022 with an option for a 12 month contract extension based on satisfactory supplier performance.

**FOR**

**AGAINST**

Councillor Olsen  
Councillor Doherty  
Councillor Dunn  
Councillor Fagg  
Councillor Stapleford  
Councillor Suvaal  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Dagg  
Councillor Burke  
Councillor Sander  
Councillor Pynsent  
**Total (12)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC43/2019**

**SUBJECT: TENDER T501920HUN SUPPLY AND DELIVERY OF ROAD RESURFACING**

---

**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Burke  
927  
**RESOLVED**

1. That Council accept the Regional Procurement Tender for Supply and Delivery of Road Resurfacing (T501920HUN).

2. That tenderers;

Category 1. Bitumen Spray Seal  
Bitupave Limited t/a Boral Asphalt, Fulton Hogan Industries Pty Ltd and New South Wales Spray Seal Pty Ltd.

Category 2. Asphaltic Concrete  
Bitupave Limited t/a Boral Asphalt, Fulton Hogan Industries Pty Ltd, Accurate Asphalt and Road Repairs Pty Ltd, Fenworx Pty Ltd t/a Newpave Asphalt and Colas New South Wales Pty Ltd

Category 3. Mill and Resheet  
Bitupave Limited t/a Boral Asphalt, Fulton Hogan Industries Pty Ltd, Accurate Asphalt and Road Repairs Pty Ltd, Fenworx Pty Ltd t/a Newpave Asphalt and Colas New South Wales Pty Ltd

Category 4. Crack Sealing  
Fulton Hogan Industries Pty Ltd, Colas New South Wales Pty Ltd and The Trustee for SuperSealing Unit Trust t/a SuperSealing

Category 5. Heavy Patch  
Fulton Hogan Industries Pty Ltd, Accurate Asphalt and Road Repairs Pty Ltd, Fenworx Pty Ltd t/a Newpave Asphalt, Colas New South Wales Pty Ltd and ANA Industries Pty Ltd.

be accepted in no order of preference as a panel for Council under Regional Procurement Tender for Supply and Delivery of Road Resurfacing (T501920HUN)

3. That Council note the contract term for Tender for Supply and Delivery of Road Resurfacing (T501920HUN) is from 1 July 2019 to 30 June 2022 with an option for a 12 month contract extension based on satisfactory supplier performance until 30 June 2023.

**FOR****AGAINST**

Councillor Olsen  
Councillor Doherty  
Councillor Dunn  
Councillor Fagg  
Councillor Stapleford  
Councillor Suvaal  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Dagg  
Councillor Burke  
Councillor Sander  
Councillor Pynsent  
**Total (12)**

**Total (0)**

***CARRIED UNANIMOUSLY***

**CORPORATE AND COMMUNITY NO. CC44/2019**

**SUBJECT: TENDER T521920HUN PROVISION OF HYGIENE SERVICES**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Burke  
928

**RESOLVED**

1. That Council accept the Regional Procurement Tender for Provision of Hygiene Services (T521920HUN).
2. That tenderer Flick Anticimex Pty Ltd be accepted as the preferred supplier for Council under the Regional Procurement Tender for Provision of Hygiene Services
3. That Council note the contract term for Tender for Provision of Hygiene Services (T521920HUN) is from 1 July 2019 to 30 June 2022 with an option for a 12 month contract extension based on satisfactory supplier performance.

**FOR**

**AGAINST**

Councillor Olsen  
Councillor Doherty  
Councillor Dunn  
Councillor Fagg  
Councillor Stapleford  
Councillor Suvaal  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Dagg  
Councillor Burke  
Councillor Sander  
Councillor Pynsent  
**Total (12)**

**Total (0)**

**CARRIED UNANIMOUSLY**



**CORPORATE AND COMMUNITY NO. CC45/2019**

**SUBJECT: MEETING NOTES OF THE INQUORATE ABORIGINAL AND TORRES STRAIT ISLANDER COMMITTEE MEETING OF CESSNOCK CITY COUNCIL HELD 17 MAY 2019**

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**MOTION**                      **Moved:**    Councillor Dagg                      **Seconded:**    Councillor Gray  
929  
**RESOLVED**

1.      That the notes from the inquorate meeting of the Aboriginal and Torres Strait Islander Committee held 17 May 2019 be noted.
2.      That Council support the Aboriginal Flag to be permanently flown on the Sydney Harbour Bridge with the Mayor writing to the NSW Premier, Minister for Roads, Maritime and Freight, Minister for Transport and Infrastructure, and Minister for Aboriginal Affairs and that Council publicise the change.org petition on social media and in news print media.
3.      That Council note an application for RH Dougherty Awards, Local Government New South Wales for the NAIDOC Week 2018 program acknowledging community partnerships has been lodged.

<b>FOR</b>	<b>AGAINST</b>
Councillor Doherty	Councillor Olsen
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (1)</b>

**CARRIED**

## **WORKS AND INFRASTRUCTURE**

### **WORKS AND INFRASTRUCTURE NO. WI30/2019**

**SUBJECT: FINANCIAL SUSTAINABILITY INITIATIVES**

---

**MOTION**      **Moved:** Councillor Dagg      **Seconded:** Councillor Fitzgibbon  
930  
**RESOLVED**

1. That Council notes the information provided in the report.
2. That the General Manager continues to manage and monitor the implementation of Council's adopted Financial Sustainability Initiative (FSI) projects through the Integrated Planning & Reporting framework.
3. That any actual savings greater than \$1,000 from the FSI Projects are put into the roads maintenance budget.
4. That a further report on the status of the FSI Projects be provided to Council in December 2019.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## WORKS AND INFRASTRUCTURE NO. WI31/2019

**SUBJECT: HELENA STREET ELLALONG - PETITION RE BUS STOP AND SHELTER**

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**MOTION**      **Moved:** Councillor Stapleford      **Seconded:** Councillor Suvaal

1. That Council note the petition lodged regarding replacement of the collision damaged bus shelter on Helena Street, Ellalong.
2. That Council include the replacement of the bus shelter in Helena Street Ellalong in the Draft Capital Works Program for the 2019-20 Operational Plan and that the General Manager determines an appropriate funding source to cover the cost associated with installing a contemporary fully accessible bus stop and shelter at the subject location and that this be done as part of the finalisation of the 2019-20 Operational Plan.

**AMENDMENT**      **Moved:** Councillor Dagg      **Seconded:** Councillor Burke

1. That Council, in consultation with Rover Motors and the community assess the needs of a future bus shelter in Ellalong.
2. That a report on Ellalong come back to Council within 3 months with a broader consultation on the LGA within 12 months.

*Councillor Doherty left the meeting, the time being 7.27pm*

*Councillor Doherty returned to the meeting, the time being 7.30pm*

FOR	AGAINST
Councillor Olsen	Councillor Stapleford
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (12)</b>	<b>Total (1)</b>

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

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

**MOTION**

931

**Moved:** Councillor Dagg**Seconded:** Councillor Burke**RESOLVED**

1. That Council, in consultation with Rover Motors and the community assess the needs of a future bus shelter in Ellalong.
2. That a report on Ellalong come back to Council within 3 months with a broader consultation on the LGA within 12 months.

**FOR**

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

**Total (12)****AGAINST**

Councillor Stapleford

**Total (1)****CARRIED**

## **WORKS AND INFRASTRUCTURE NO. WI32/2019**

**SUBJECT: HENDERSON AVENUE AND MARLTON STREET, CESSNOCK AND CRUICKSHANK STREET, BELLBIRD**

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**MOTION**      **Moved:** Councillor Fitzgibbon      **Seconded:** Councillor Sander

1. That Council note the inclusion of investigation and design of upgrade to storm water drainage in Cruickshank Street, Bellbird in the draft Operational Plan 2019-20
2. That Council note the outcome of the investigations into the potential inclusion for renewal of Henderson Avenue and Marlton Street, and include this project in the works to be undertaken in the Operational Plan 2019-20 financial year.

**AMENDMENT**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Gray

1. That Council note the inclusion of investigation and design of upgrade to storm water drainage in Cruickshank Street, Bellbird in the draft Operational Plan 2019-20
2. That Council note the outcome of the investigation into the potential inclusion of renewal of Henderson Avenue and Marlton Street, Cessnock in the draft Operational Plan 2019-20.
3. That Council includes the rehabilitation of Henderson Avenue and Marlton Street, Cessnock in the draft Operational Plan 2019-20 as a design and investigation project with a further report to come back to Council once rehabilitation costs are known.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	Councillor Fitzgibbon
Councillor Doherty	Councillor Dagg
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Gray	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (11)</b>	<b>Total (2)</b>

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

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

**MOTION**

932

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

1. That Council note the inclusion of investigation and design of upgrade to storm water drainage in Cruickshank Street, Bellbird in the draft Operational Plan 2019-20
2. That Council note the outcome of the investigation into the potential inclusion of renewal of Henderson Avenue and Marlton Street, Cessnock in the draft Operational Plan 2019-20.
3. That Council includes the rehabilitation of Henderson Avenue and Marlton Street, Cessnock in the draft Operational Plan 2019-20 as a design and investigation project with a further report to come back to Council once rehabilitation costs are known.

**FOR**

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

**Total (12)****AGAINST**

Councillor Fitzgibbon

**Total (1)****CARRIED**

**WORKS AND INFRASTRUCTURE NO. WI33/2019**

**SUBJECT: TENDER T1819-13 - MANAGEMENT OF THE KURRI KURRI AQUATIC & FITNESS CENTRE**

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Sander  
933

**RESOLVED**

1. That the report be deferred for consideration until the 19 June Council meeting.
2. That a briefing be held on 12 June 2019 outlining costs associated with Cessnock City Council operating the Kurri Kurri Aquatic Centre.

**FOR**

**AGAINST**

Councillor Olsen  
Councillor Doherty  
Councillor Dunn  
Councillor Fagg  
Councillor Stapleford  
Councillor Suvaal  
Councillor Fitzgibbon  
Councillor Gray  
Councillor Dagg  
Councillor Burke  
Councillor Sander  
Councillor Lyons  
Councillor Pynsent  
**Total (13)**

**Total (0)**

**CARRIED UNANIMOUSLY**

## **BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN**

### **BUSINESS WITH NOTICE NO. BN11/2019**

**SUBJECT: HEDDON GRETA**

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**MOTION**            **Moved:**    Councillor Gray            **Seconded:**    Councillor Burke  
934  
**RESOLVED**

1. That the General Manager prepare a report to Council within 2 months to investigate the preparation of a strategic land use plan for the growing Heddon Greta – Cliftleigh Precinct.
2. That the report to Council regarding the proposed Heddon Greta – Cliftleigh Precinct strategic land use plan address the following matters:
  - A. Better integration of the existing residential community with the new urban release areas and future residential growth areas, such as the Hydro site, in terms of community facilities, roads, traffic management and related infrastructure;
  - B. Consideration of existing land use strategies including, but not limited to, the Hunter Regional Plan 2036, Greater Newcastle Metropolitan Plan 2036, Hunter Expressway Land Use Strategy and the strategic planning being carried out by state agencies, in particular the NSW Roads and Maritime Services;
  - C. Consider what arrangements can be made to invite Maitland City Council in the planning process with a view to joint contributions and structure planning wherever feasible across the precinct; and
  - D. Resourcing, funding and timeframe considerations in order to prepare the plan.

<b>FOR</b>	<b>AGAINST</b>
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



## ***ANSWERS TO QUESTIONS FOR NEXT MEETING***

### ***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ50/2019***

***SUBJECT: RECLASSIFICATION OF HART ROAD/GINGERS LANE/ORANGE STREET***

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The answer was noted.

### ***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ51/2019***

***SUBJECT: HART ROAD UPDATE***

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The answer was noted.

### ***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ52/2019***

***SUBJECT: OPERATIONAL PLAN UPDATE***

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The answer was noted.

### ***ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ53/2019***

***SUBJECT: PLAN OPTIONS FOR SPLASH PAD CESSNOCK POOL***

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The answer was noted.

## **QUESTIONS FOR NEXT MEETING**

*Councillor Ian Olsen*

### **CESSNOCK ROAD WESTON INTERSECTION – FIRST STREET/GOVERNMENT ROAD**

Councillor Olsen referred to a previous question in relation to the Cessnock Road Weston intersection with First Street and Government Road and asked when will the repair work be carried out and where is money coming from.

*Councillor Rod Doherty*

### **STONEBRIDGE GOLF COURSE UPDATE**

Councillor Doherty referred to Council Report PE83/2018 in relation to the Stonebridge Golf Course and asked for an update.

*Councillor Rod Doherty*

### **SECTION 7.11 RESIDENTIAL PLAN**

Councillor Doherty asked how much money is set aside in the Section 7.11 Residential Plan for roads.

## **CORRESPONDENCE**

### **CORRESPONDENCE NO. CO9/2019**

**SUBJECT: AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - FEDERAL ELECTION FUNDING CAMPAIGN**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Burke  
935

#### **RESOLVED**

**That the correspondence be noted.**

<b>FOR</b>	<b>AGAINST</b>
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Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Pynsent	

**Total (12)**

**Total (0)**

**CARRIED UNANIMOUSLY**

## **COUNCILLOR'S REPORTS**

Councillor Dagg

### **Hunter Valley Police District - Branxton Community Forum 28 May 2019**

Councillor Dagg reported on her attendance at the HPVD's Branxton Community Forum where officers provided an update on police operations in the area.

HVPD covers 18,000 square kilometres, 11,000 people and is made up of three sectors being Cessnock, Singleton (of which the Branxton/Greta area is a part) and Muswellbrook. The base is in Muswellbrook, whilst Singleton station is open 18 hours a day with police available in the area 24 hours. There are currently two general duties officers stationed at Branxton with two new crime scene officers soon to be based there also. The HVPD will receive 20 new officers in the next roll-out. Construction of Cessnock Station will commence in December 2019.

There has been an increase in property theft, breaking & entering, stolen vehicles, non-DV assaults, theft from vehicles (due to vehicles not being locked) and stolen garbage bins (officers suggested marking bins with stickers to deter theft). There has been a decrease in domestic violence, due to greater compliance measure by police, including the visiting of DV recidivists on a weekly basis, and the charging the offenders even if the victim doesn't want charges to be laid, thus taking this burden off victims. Cannabis remain the most popular drug police deal with, with ice coming in second.

Officers are increasingly proactive through measures such as move-ons, body and car searches, bail checks, curfew enforcement, AVO checks, firearm storage checks, increased presence at licensed premises.

Officers stressed that residents are encouraged to report a crime, no matter how minor it is or how often it occurs, as these statistics inform police operations and the way in which they utilise their resources.

It was a highly informative meeting and the community appreciated the officers taking the time to address those in attendance.

Councillor Lyons

### **Austar Community Consultation Meeting**

Councillor Lyons reported on his attendance at the Austar Community Consultation Meeting where Chief Inspector Michael Gorman was also in attendance. Operations have now commenced again and production is now reaching peak level which should continue until next year, when decisions will need to be made regarding the future viability of the mine given the unique geological problems that are facing the mine.

There was positive feedback from the Councillors visit and another one will be planned for the near future if works continue.

Members also had a tour of the remote longwall monitoring room which was fascinating.

Mayor Pynsent

**Special Inquiry into the Drug ICE**

The Mayor advised that he will be attending the NSW Inquiry into Ice on 19 June 2019 and he will report back to the Council meeting on that night. The Mayor also advised that Council in its submission had sought to have the inquiry held in Cessnock, however the Hunter session will be held in Maitland.

*The Meeting Was Declared Closed at 8.18pm*

**CONFIRMED AND SIGNED** at the meeting held on 19 June 2019

.....**CHAIRPERSON**

.....**GENERAL MANAGER**

**Disclosures Of Interest**

**Report No. DI11/2019**

**Corporate and Community Services**

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**SUBJECT:** *DISCLOSURES OF INTEREST*

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

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**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.

Mayoral Minute

Report No. MM9/2019

General Manager's Unit



## ***MAYORAL MINUTE No. MM9/2019***

**SUBJECT:           *FREEMAN OF THE CITY AWARD***

### ***RECOMMENDATION***

**That Council endorse the recommendations of the Committee to Consider Council Initiated Awards, held on 12 June 2019, and award the honour of Freeman of the City for a lifetime of service to the community and for ongoing commitment and involvement in the community.**

### ***REPORT/PROPOSAL***

The Committee to Consider Council Initiated Awards met on 12 June 2019 to consider and discuss a nomination for Freeman of the City.

The Committee discussed the nomination and recommended to Council that the nominee be bestowed the honour of Freeman of the City.

It would be appropriate that the nominee be honoured with Freeman of the City for a lifetime of service to the community.

The minutes (inclusive of the nomination) are provided as a confidential enclosure.

### ***ENCLOSURES***

- 1** Minutes of the Committee to Consider Council Initiated Awards - 12 June 2019 - *This matter is considered to be confidential under Section 10A(2) (j) of the Local Government Act, as it deals with Council Policy.*
- 2** Nomination - *This matter is considered to be confidential under Section 10A(2) (j) of the Local Government Act, as it deals with Council Policy.*

**Motions of Urgency**

**Report No. MOU10/2019**

**Corporate and Community Services**

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**SUBJECT:                                *MOTIONS OF URGENCY***

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

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***RECOMMENDATION***

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

***SUMMARY***

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

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

***ENCLOSURES***

There are no enclosures for this report.



**SUBJECT:** ***TENDER T1819-13 - MANAGEMENT OF THE KURRI KURRI AQUATIC & FITNESS CENTRE***

**RESPONSIBLE OFFICER:** ***Acting Recreation & Community Facilities Manager - Kate Harris***

Ordinary Meeting of Council at its meeting on 5/06/2019 resolved that the matter be deferred to the meeting of 19 June 2019

## **SUMMARY**

The purpose of this report is to provide the outcome of the evaluation and selection of tender for Tender No. T1819-13 – Management of Kurri Kurri Aquatic & Fitness Centre.

## **RECOMMENDATION**

1. That Council accept the lump sum tender price received from Belgravia Health & Leisure Group Pty Ltd for the management of Kurri Kurri Aquatic and Fitness Centre (T1819-13) for the amount of \$1,016,269.10 (including GST).
2. That Council note the agreement term for Belgravia Health & Leisure Pty Ltd (T1819-13) is from 14 July 2019 to 30 June 2024 with an option for two additional periods of five years based on satisfactory performance.

## **BACKGROUND**

The Kurri Kurri Aquatic & Fitness Centre is an indoor, heated, year round facility located in the centre of Margaret Johns Park at Boundary Street Kurri Kurri. It comprises of an 8 lane 25m pool as well as a program/leisure pool with a beach entry and spa seat. There is a kiosk and administration desk in the entry foyer as well as a small clubroom, office spaces and program room which is presently used as a gymnasium.

The facility was originally managed by the YMCA NSW from 2002-2015, with Belgravia Health & Leisure Group Pty Ltd (Belgravia) taking of the contract following a competitive tender process in 2015. The current management agreement expires on 30 June 2019.

## **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. It is proposed to enter into a licence agreement with the proponent for the management of the facility. The RFT called for one of three options for the management of Kurri Kurri Aquatic & Fitness Centre, those being:

1. Guaranteed Fixed Fee – paid to Council
2. Guaranteed Fixed Fee + surplus share – % paid to Council
3. Management Fee – paid to the Tenderer

**Works and Infrastructure****Report No. WI33/2019****Works and Infrastructure****Invitation**

Tenders were invited on 9 April 2019 on Council's e-tender portal, Tenderlink and advertised in the following publications:

Publication	Day	Date
Newcastle Herald	Saturday	13 April 2019
Sydney Morning Herald	Tuesday	16 April 2019
Cessnock Advertiser	Wednesday	17 April 2019

**Addenda**

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

No.	Date	Description
1	6 May 2019	Asset Register & Condition Assessment report – clarification around loose assets.
2	8 May 2019	Relevance of Returnable Schedule 12 – Technical and Mechanical Resources
3	9 May 2019	Clarification around shutdown of the facility for annual planned maintenance and renewal.

**Closure**

Tenders closed 2pm Tuesday 14 May 2019

**Evaluation of Tenders**

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

- Manager Open Space & Community Facilities
- Operations Accountant
- Recreation & Community Facilities Coordinator

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

1. Assessment of receipt
2. Assessment of conformance
3. Weighted evaluation
4. Evaluation result
5. Independent Review

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

**1. Assessment of Receipt**

Tenders were received and assessed against the first threshold criteria:

Threshold Criteria	
Criterion 1	Submission on time

**Works and Infrastructure**

Report No. WI33/2019

**Works and Infrastructure**

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

Tender	Tenderer	Business Address	Criterion 1
1	Belgravia Health & Leisure Group Pty Ltd	Bayswater, VIC	On time
2	BlueFit Pty Ltd	Moonee Ponds, VIC	On time
3	YMCA NSW	Parramatta, NSW	On time

All three 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	(a) Legal entity with ABN (b) Acceptance of Commercial Conditions (c) No unmanageable conflict of interest (d) Financial Capacity to service the contract (e) Compliance with insurance requirements
Criterion 3	Meets Minimum WHS requirements
Criterion 4	Meets minimum Environmental Management requirements

All three tenders were considered conforming in threshold Criteria 2, 3 and 4. All three tenders were progressed to the next stage of evaluation.

**3. Weighted Evaluation**

Tenders were evaluated using the following weighted evaluation criteria:

Criterion 5	Tender Price
Criterion 6	Proposed Business Plan
Criterion 7	Proposal to invest in complimentary additional facilities in the future
Criterion 8	Experiences, past performance, management and staff resources offered
Criterion 9	QA Systems & Procedures
Criterion 10	WHS Systems

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

Tender one from Belgravia scored highest for the tendered amount, as well as scoring competitively on all other weighted criteria. With the highest overall score, Tender one from Belgravia was identified as the preferred tender.

**4. Evaluation Result**

Following steps 1 to 4 of the evaluation process, the TET found that Tender one from Belgravia met the requirements of the RFT and recommended acceptance of Tender one.

**Works and Infrastructure**

**Report No. WI33/2019**

**Works and Infrastructure**



**5. Independent Review**

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

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

**TIME FRAME**

This contract will commence on Monday 15 July 2019 for a period of five years, expiring 30 June 2024. As part of this RFT, two additional five year additional term extension options are offered.

**LOCAL CONTENT**

There was no local preference scoring applied, however, Belgravia are the current operators of the Kurri Kurri Aquatic & Fitness Centre.

**OPTIONS**

**Option 1:** That Council accept the lump sum tender price received from Belgravia Health & Leisure Group Pty Ltd for the management of Kurri Kurri Aquatic and Fitness Centre (T1819-13) for the amount of \$1,016,269.10 (including GST).

That Council note the agreement term for Belgravia Health & Leisure Pty Ltd (T1819-13) is from 14 July 2019 to 30 June 2024 with an option for two additional periods of five years based on satisfactory performance. This is the preferred option.

**Option 2:** That Council decline to accept any offers and Council transition in to carry out the requirements of the proposed contract itself. This would require an interim arrangement with the incumbent contractor to manage the facility until Council had sourced the appropriate staff, equipment and appropriate business plan. This is expected to take between 3-6 months and could involve the expertise of existing Council staff as well as professional advice from other Councils who manage their own aquatic facilities, such as Lake Macquarie, Maitland and Mid Coast Councils.

**CONSULTATION**

The following officers were consulted during the tender process:

- Asset Engineering Officer (Buildings)
- Building Maintenance Coordinator
- Governance Coordinator
- Manager open Space & Community Facilities
- Operations Accountant
- Senior Contracts & Tendering Officer
- Belgravia Health & Leisure Group Pty Ltd
- BlueFit Pty Ltd
- YMCA NSW
- Lindsay Taylor Lawyers

**Works and Infrastructure**

**Report No. WI33/2019**

**Works and Infrastructure**



**STRATEGIC LINKS**

**a. Delivery Program**

Acceptance of the tender will contribute to achieving the following objectives contained in the 2019/2020 Draft Operational Plan:

- 1.1 Promoting Social Connections
- 1.2 Strengthening Community Culture
- 3.2 Better Utilisation of existing open space

**b. Other Plans**

- Aquatic Needs Analysis (2014)
- Margaret Johns Park Plan of Management

**IMPLICATIONS**

**a. Policy and Procedural Implications**

The tender process has been carried out in accordance with:

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

**b. Financial Implications**

There are no significant financial or resource implications.

The lump sum tender amount of \$1,016,269.10 (including GST) for five years for Belgravia to manage the Kurri Kurri Aquatic & Fitness Centre is within the existing annual budget allocation of the current tender price (\$225,363.96 for 2018/2019).

**c. Legislative Implications**

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

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

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

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

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

**d. Risk Implications**

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

- Compliance with insurance requirements
- No unmanageable conflict of interest
- WHS and Quality Assurance systems.
- Financial Capacity to service the contract
- Sufficient resources to service the contract

**e. Other Implications**

Belgravia is the largest commercial operator of leisure facilities in the country with over 170 facilities under their management, including 90 aquatic facilities.

Using both tried and tested systems and sound judgement, Belgravia has a track record of delivering enhanced services to the community and better results to facility owners.

**Works and Infrastructure**

**Report No. WI33/2019**

**Works and Infrastructure**

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**CONCLUSION**

The tender from Belgravia, in the lump sum amount of \$1,016,269.10 (including GST) offers the best value for money for the management of the Kurri Kurri Aquatic & Fitness Centre for the term of the contract from 15 July 2019 to 30 June 2024. The contract lump sum can be fully funded from the available budget identified in this report.

Council will continue to have a strong partnership with Belgravia Health & Leisure Group Pty Ltd, who continue to deliver KPI's as expected with the management of the Kurri Kurri Aquatic & Fitness Centre.

**ENCLOSURES**

- 1** Management of KKAFC Tender Evaluation Matrix - *This matter is considered to be confidential under Section 10A(2) (di) (dii) (j) 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; AND commercial information of a confidential nature that would, if disclosed (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret; AND Council Policy.*

General Manager's Unit  
Report No. GMU12/2019  
General Manager's Unit



**SUBJECT:** *MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING  
HELD 7 MAY 2019*

**RESPONSIBLE OFFICER:** *Internal Auditor - Ian Lyall*

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**RECOMMENDATION**

That the Minutes of the Audit and Risk Committee meeting of 7 May 2019 be adopted as a resolution of the Ordinary Council.

***MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING OF CESSNOCK CITY  
COUNCIL HELD IN ANTE ROOM ON TUESDAY, 7 MAY 2019, COMMENCING AT 9.35AM***

**PRESENT:** Mrs Jennifer Hayes – Independent Chair (from 9:37am)  
Mr Stephen Coates – Independent Member  
Ms Sheridan Dudley – Independent Member  
Mayor Pynsent  
Councillor Dunn

**IN ATTENDANCE:** Mr Stephen Glen – General Manager  
Mr Robert Maginnity – Director Corporate & Community Services  
Mr Gareth Curtis – Director Planning & Environment  
Ms Darrylen Allan – Human Resources Manager  
Mr Andrew Glauser – Finance and Administration Manager  
Mrs Vivien Martin – External Auditor – Pitcher Partners  
Mr Jan-Michael Perez – External Auditor – NSW Audit Officer (dial in from 10:00am to 10:30am)  
Mr Levy Mpofo – Senior Manager – Crowe Horwath  
Mr Robin Rajadhyasksha – Partner Audit and Assurance – Crowe Horwath  
Mr Ian Lyall – Internal Auditor  
Ms Vivian Waugh – Minute Taker

**INVITEES:** Mr Paul Grosbernd – Management Accountant  
Ms Kelly McGowan – Operations Accountant  
Ms Catherine Bradley – Infrastructure Accountant  
Mr Wayne Reid – Business Partner and Service Accountant  
Mr Manav Sharma – Financial Accountant  
Ms Jodie Higginson – Safety and Risk Coordinator  
Mrs Esma Eftimova – Governance Officer  
Mr Steve Hepple – Information Technology Manager





That Stephen Coates be elected Chair and that the meeting commence with the elected Chair until the Chair arrived.

General Manager's Unit  
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General Manager's Unit



Jennifer Hayes arrived at 9:37am and assumed the chair.

## **LISTED MATTERS**

### **LISTED MATTERS - COMMITTEE NO. ACCLM12/2019**

**SUBJECT: STRATEGIC RISK REGISTER AND RISK ASSURANCE MAP**

**MOTION**      **Moved:** Stephen Coates      **Seconded:** Jennifer Hayes

#### **RESOLVED**

That the Audit and Risk Committee note the Strategic Risk Register and the Risk Assurance Map.

**CARRIED UNANIMOUSLY**

### **LISTED MATTERS - COMMITTEE NO. ACCLM13/2019**

**SUBJECT: STATUS OF REDEVELOPMENT OF THE INTEGRATED RISK MANAGEMENT SYSTEM**

**MOTION**      **Moved:** Sheridan Dudley      **Seconded:** Mayor Pynsent

#### **RESOLVED**

1. That the Audit and Risk Committee note the status of the redevelopment of the Integrated Risk Management System.
2. That a further report be presented to the Audit and Risk Committee in November 2019 on the status of the ongoing development of the Integrated Risk Management System.

**CARRIED UNANIMOUSLY**

General Manager's Unit  
Report No. GMU12/2019  
General Manager's Unit



**LISTED MATTERS - COMMITTEE NO. ACCLM9/2019**

**SUBJECT: 2019 ANNUAL AUDIT PREPAREDNESS**

**MOTION**      **Moved:** Jennifer Hayes      **Seconded:** Stephen Coates

**RESOLVED**

That the Annual Engagement Plan and status update for 2019 external audit be noted.

**CARRIED UNANIMOUSLY**

**LISTED MATTERS - COMMITTEE NO. ACCLM11/2019**

**SUBJECT: NSW AUDITOR GENERAL REPORT ON LOCAL GOVERNMENT 2018**

**MOTION**      **Moved:** Sheridan Dudley      **Seconded:** Stephen Coates

**RESOLVED**

That the Audit and Risk Committee notes the report from the NSW Auditor-General on Local Government 2018.

**CARRIED UNANIMOUSLY**

General Manager's Unit  
Report No. GMU12/2019  
General Manager's Unit



**LISTED MATTERS - COMMITTEE NO. ACCLM10/2019**

**SUBJECT: QUARTERLY BUDGET REVIEW STATEMENTS - MARCH 2019**

**MOTION**      **Moved:** Jennifer Hayes      **Seconded:** Stephen Coates

**RESOLVED**

That the Audit and Risk Committee receive and endorse the March 2019 Quarterly Budget Review Statements for presentation to Council in accordance with Clause 203 of the *Local Government (General) Regulation 2005*.

*Mayor Pynsent left the meeting, the time being 10.37am*

*Mayor Pynsent returned to the meeting, the time being 10.38am*

*Mayor Pynsent left the meeting, the time being 10.51am and did not return to the meeting*

**CARRIED UNANIMOUSLY**

**LISTED MATTERS - COMMITTEE NO. ACCLM15/2019**

**SUBJECT: UNINVOICED CREDITORS - UPDATE ON 2017-18 AUDIT RECOMMENDATION**

**MOTION**      **Moved:** Sheridan Dudley      **Seconded:** Councillor Dunn

**RESOLVED**

1. That the Audit and Risk Committee note the works undertaken to identify the impact of uninvoiced creditors.
2. That the Audit and Risk Committee endorse the corrective actions to be undertaken by the Finance Team.

**CARRIED UNANIMOUSLY**

General Manager's Unit  
Report No. GMU12/2019  
General Manager's Unit



**LISTED MATTERS - COMMITTEE NO. ACCLM16/2019**

**SUBJECT: INFORMATION TECHNOLOGY UPDATE**

**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Jennifer Hayes

**RESOLVED**

That the Audit and Risk Committee receives the report and notes the Information Technology initiatives.

**CARRIED UNANIMOUSLY**

**LISTED MATTERS - COMMITTEE NO. ACCLM18/2019**

**SUBJECT: IT GENERAL CONTROLS INTERNAL AUDIT REPORT**

**MOTION**      **Moved:** Stephen Coates      **Seconded:** Sheridan Dudley

**RESOLVED**

1. That the Audit and Risk Committee receive and note the internal audit report on IT General Controls and the agreed management action plan.
2. That the Audit and Risk Committee compliment Management on the prompt implementation of the actions in the management action plan following the audit.
3. That Management consider the inclusion of a Cyber security audit for the next internal audit plan.

**CARRIED UNANIMOUSLY**

General Manager's Unit  
Report No. GMU12/2019  
General Manager's Unit



***LISTED MATTERS - COMMITTEE NO. ACCLM11/2019***

***SUBJECT: COUNCIL'S COMPLIANCE AND REPORTING FRAMEWORK***

***MOTION***      ***Moved:*** Jennifer Hayes      ***Seconded:*** Stephen Coates

***RESOLVED***

That the Audit and Risk Committee note Council's Compliance and Reporting Framework.

***CARRIED UNANIMOUSLY***

***LISTED MATTERS - COMMITTEE NO. ACCLM17/2019***

***SUBJECT: INTERNAL AUDIT REPORT APRIL 2019***

***MOTION***      ***Moved:*** Stephen Coates      ***Seconded:*** Sheridan Dudley

***RESOLVED***

That the Audit and Risk Committee note the April 2019 Internal Audit Report.

***CARRIED UNANIMOUSLY***

General Manager's Unit  
Report No. GMU12/2019  
General Manager's Unit



***LISTED MATTERS - COMMITTEE NO. ACCLM19/2019***

***SUBJECT: AUDIT AND RISK COMMITTEE INDICATIVE CALENDAR***

***MOTION Moved: Jennifer Hayes Seconded: Stephen Coates***

***RESOLVED***

***That the Audit and Risk Committee note the indicative Calendar.***

***CARRIED UNANIMOUSLY***

***LISTED MATTERS - COMMITTEE NO. ACCLM20/2019***

***SUBJECT: PROPOSED MEETING SCHEDULE 2019/20***

***MOTION Moved: Councillor Dunn Seconded: Jennifer Hayes***

***RESOLVED***

***That the Audit and Risk Committee endorse the following meeting dates subject to confirmation from Management.***

***Special Meeting  
17 October 2019***

***Ordinary Meetings  
30 August 2019  
12 November 2019  
11 February 2020  
12 May 2020***

***CARRIED UNANIMOUSLY***

General Manager's Unit  
Report No. GMU12/2019  
General Manager's Unit



**LISTED MATTERS - COMMITTEE NO. ACCLM21/2019**

**SUBJECT:     AUDIT AND RISK COMMITTEE OUTSTANDING ACTIONS REPORT**

**MOTION       Moved:**   Jennifer Hayes       **Seconded:**   Stephen Coates

**RESOLVED**

That the Audit and Risk Committee note the report.

**CARRIED UNANIMOUSLY**

**CORRESPONDENCE**

NIL

**GENERAL BUSINESS**

The Committee note that this is the General Managers last meeting prior to retirement and acknowledged the General Managers contribution, commitment and support of the Audit and Risk Committee.

*The Meeting Was Declared Closed at 11:52.am*

**ENCLOSURES**

There are no enclosures for this report



Planning and Environment

Report No. PE51/2019

Planning and Environment



**SUBJECT:** ***BRANXTON TOWN CENTRE DRAFT PUBLIC DOMAIN PLAN AND DRAFT DEVELOPMENT CONTROL PLAN***

**RESPONSIBLE OFFICER:** ***Strategic Planning Manager - Martin Johnson***

### **SUMMARY**

This report details the exhibition outcomes of the draft Branxton Town Centre Public Domain Plan and draft Branxton Town Centre Development Control Plan and recommends options to proceed on these plans.

It also discusses the related project to prepare an area specific contributions plan for the Branxton Sub-region.

### **RECOMMENDATION**

1. That Council adopt the Branxton Town Centre Public Domain Plan.
2. That Council adopt the Branxton Town Centre Chapter of the Cessnock Development Control Plan 2010.
3. That Council support the reallocation of \$279,000 Stronger Country Communities grant funding to works proposed by the Branxton Town Centre Public Domain Plan for Branxton Oval, instead of developing a proposed town square on the corner of Maitland Street and Cessnock Road, Branxton.
4. That Council not pursue an area-specific s7.11 plan for the Branxton Sub-region.
5. That Council notify in writing the persons who made a submission with regard to the draft plan, of Council's decision.

### **BACKGROUND**

Council adopted the Branxton Sub-regional Land Use Strategy and the Town Centre Master Plan in June 2016. The Sub-regional Land Use Strategy recommended Council investigate entering into an area-based section 7.11 plan. The Master Plan recommended Council prepare a public domain plan and a development control plan for the Branxton Town Centre.

In August 2017, council held a public workshop to obtain initial input into the development of the plans for the town centre. One of the actions from that workshop was to return to the Branxton Community with a draft of the public domain plan to obtain their feedback before it went on formal exhibition.

Council held a pre-exhibition consultation event at the Branxton Golf Course on 25 October 2018. Approximately, 40 people attended the event who provided comments and feedback on the draft public domain plan (PDP) and draft development control plan (DCP). Minor amendments were made to the plans and at its meeting on 12 December 2018 Council

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resolved to formally exhibit the plans for 50 days. Exhibition occurred from 30 January 2019 until 20 March 2019.

A further public exhibition event was held at the Branxton Golf Course on 28 February 2019, with approximately 60 people in attendance. At the close of the exhibition period, Council had received 18 submissions.

**REPORT/PROPOSAL**

The following discussion reports on the main issues raised in the submission and the exhibition event. A more detailed address of these issues is provided at **Enclosure 1**.

**Draft Branxton Town Centre Public Domain Plan (Draft PDP) (Enclosure 2)**

The draft PDP provides a framework for public domain infrastructure upgrades within the Branxton Town Centre. The draft PDP advances the concepts of the Branxton Town Centre Master Plan that was adopted in 2016 and provides a greater level of detail specifically relating to the public domain. There are a number of differences between the adopted Master Plan and the draft PDP. This has occurred because the latter has been prepared by Landscape Architects who specialise in public domain works and informed by more detailed information such as a comprehensive survey of the subject area.

A key difference between the Master Plan and the draft PDP is the removal of the centre median planting. The Master Plan showed extensive plantings down the centre median of Maitland Street. On review, this element has been omitted due to expense, potential conflicts with traffic, pedestrian safety and also to allow the width of the pavement on the southern side of Maitland Street to be extended. Planting is now proposed either side of Maitland Street.

The second change is the installation of parallel parking and the widening of the nature strip on the northern side of Maitland Street and the Anvil Creek Bridge. This will improve the gateway into the town centre, allow significant tree planting, reduce the dominance of the road corridor and create a sense of arrival into the centre.

The third significant change is the inclusion of Branxton Oval into the draft PDP as this is considered to be an important component of the public domain and the future functioning of the town centre.

The following is a summary of the key issues raised during the consultation period.

*Car parking*

The plan included the following initiatives that would affect car parking in the centre.

1. The creation of a new public square on part of the Council-owned car park on the corner of Maitland and Cessnock Roads. The proposal would reduce the number of car spaces from 60 to 40.
2. The formalisation of car parking at Branxton Oval that will provide 40 formal spaces.
3. The pedestrian crossing in the centre of the town will remove four spaces (two on either side of Maitland Street) to accommodate blisters, signage and lighting.
4. The angle parking in front of the Commercial Hotel to be replaced by parallel parking. This will reduce car parking on this side of Maitland Street by 9 spaces.

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5. Parking will be formalised throughout the centre which will provide greater parking capacity.

A transport impact study prepared for two recent development applications in the town centre found there is a significant surplus of parking (around 500 publically available) within the town centre and the average utilisation rate of car parking was around 30%. However, *hot spots* including the Council-owned car park averaged 70-80% full at peak periods. The high-use of this car park is largely attributed to miners who car pool from that location.

One of the initiatives of the public domain plan is to create a new public square on part of the Council-owned car park. This initiative was originally identified and adopted in the Master Plan. The square would remove 20 car spaces from the car park and reduce the capacity from 60 spaces to 40. The loss of these 20 car spaces could be offset by enforcing a 3-hour parking limit which would prevent commuter use of the car park. This would provide additional capacity for residents and visitors and displace commuters to less convenient locations in the town centre. However, the loss of these 20 car spaces was the most controversial proposal of the draft PDP and it is unlikely that this objection can be resolved to the satisfaction of the Branxton Community. Therefore, it is recommended that this initiative is removed from the draft PDP.

To offset the loss of the square, an additional item has been added to the plan to create a layby for visitors on the eastern gateway to the town. This will allow additional planting and may provide visitor parking, tourist information and picnic facilities in this location. If this item is pursued in the future, it may require the acquisition of land from the Branxton Golf Club. This initiative has been discussed with the club who are supportive of it being nominated in the draft PDP.

*Branxton Oval*

There are a number of initiatives at Branxton Oval that have raised concern. The draft PDP proposes to formalise car parking at the oval to create 40 car spaces. The work will also involve installing a one-way vehicle circulation system around the car park and rotunda utilising the existing road reserve between the rotunda and the adjoining houses.

There was concern expressed that buses could not complete the turn around the one-way system in Branxton Oval. However, Council Engineers have run swept-paths for buses over the draft design and confirm that buses can complete the movement.

Another concern at the oval was the use of the site as an interchange for school children. There are reported problems with this arrangement. In particular; congestion on John Rose Avenue caused by buses and the use of the rotunda for shelter by the children.

The draft PDP formalises car parking, proposes a new shelter and provides a layby for buses at Branxton Oval. The one-way system will improve the movement of vehicles through the car park. These initiatives are expected to address many of the concerns raised by parts of the community.

*Use of private land for public purposes*

The draft PDP identifies four sites for public uses, such as open space on private land. Three of these spaces have been removed from the revised public domain plan due to objections by land owners. The pedestrian thoroughfare beside the existing chemist has remained in the

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plan with the landowners consent. However, as this is private land, any use of this area for a public thoroughfare will have to be negotiated with that land owner.

*Traffic and Transport*

Various traffic and transport issues were raised in submissions and at the exhibition events. These issues included the need for a traffic and transport study, the creation of a 50kph speed limit, additional or fewer pedestrian crossings, support and otherwise for roundabouts in the centre, "hooning" along Maitland Street and side streets and that there are no opportunities to allow vehicles to turn around without turning into side streets.

Most of these issues cannot be addressed in a public domain plan. However, may be considered in a future Traffic and Transport Strategy for the centre.

*Closure of property accesses along Maitland Street*

The most extensive public domain improvements are proposed for the southern side of Maitland Street between Clift Street and Cessnock Road. The draft PDP proposes to create a raised, level area to encourage outdoor dining and facilitate pedestrian movement. To achieve this, four vehicular property accesses would need to be closed. Alternate arrangements to allow legal access to the rear of these properties must be established before this can occur.

Council will facilitate discussions and negotiations between these landowners to achieve an acceptable outcome. However, if consensus cannot be achieved between the landowners then the PDP will not be implemented in its current design.

*Tidy Towns*

There was concern expressed about the work that Tidy Towns has undertaken in Branxton. Any new public domain works will be integrated as much as possible with the work that has been undertaken by Tidy Towns on the southern side of Maitland Street. However, any new work undertaken by the committee including street tree planting and furniture should be in accordance with an adopted public domain plan.

*Church Street Share-way Treatment*

One submission requested that council indicate on the public domain plan the potential for Church Street (in part) to be constructed as a share-way. The share-way has been added to the plan. However, it will be subject to design and agreement of council.

**Draft Branxton Town Centre Development Control Plan (DCP) (Enclosure 3)**

The Draft DCP provides detailed locality specific development guidelines for the Branxton Town Centre. The Draft DCP Chapter will be incorporated into the Cessnock DCP 2010 as a site specific chapter.

The draft DCP attracted a several submissions that have been considered in the revised draft.

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*Car parking controls are inconsistent with Huntlee Town Centre DCP*

Car parking was a major theme raised in the exhibition period. Of particular note was the difference in car parking requirements between Huntlee and Branxton Town Centre. Car parking rates (commercial and retail) for Huntlee are 1 per 50m<sup>2</sup>. The exhibited draft DCP proposed the car parking rate in Branxton to be 1 per 30m<sup>2</sup> (consistent with all other centres). This is 40% higher than Huntlee. It is considered appropriate to standardise these to ensure that development in the Branxton Town Centre is not disadvantaged. The draft DCP has been amended to apply a consistent car park rate between the town centres.

*Integrated car park*

One submission on the DCP referred to the clause that seeks to achieve an integrated car parking arrangement at the rear of the properties on the southern side of Maitland Street (between Cessnock Road and Clift Streets). This is a difficult initiative to achieve through regulation. Council is currently seeking quotations to develop options on how an integrated car park could be achieved. Council will work with the landowners to try to achieve consensus and agreement on an option.

**Branxton Sub-regional Development Contributions Plan**

One of the recommendations of the Branxton Sub-regional Land Use Strategy was to investigate entering into a section 7.11 plan to fund infrastructure in the Branxton sub-region including town centre improvements. This plan would be a cross-boundary arrangement with Singleton Shire Council.

The sub-regional strategy estimates a total of 590 lots to be released within three growth areas to 2041 or 25 lots per annum. It is difficult to justify the drafting and maintaining of an area specific section 7.11 plan for so few lots. Furthermore, the per-lot contribution towards public domain works would be negligible.

Based on the small number of lots in the sub-region, the small contribution a plan would make towards public domain improvements and the burden of maintaining an area specific plan, it is recommended not to pursue this initiative. Council's existing s7.11 and s7.12 Contributions Plan will continue to apply to development in the Cessnock Local Government Area.

**OPTIONS**

Council has the following options:

1. That Council adopt the amended Public Domain Plan and the amended Branxton Town Centre Chapter of the Cessnock Development Council Plan. Following the adoption of these plans, Council then support the reallocation of Stronger Country Community fund from the town square to Branxton Oval. Additionally, Council should not pursue an area specific s7.11 plan for the Branxton sub-region.

This is the recommended option.

2. That Council not adopt the amended Public Domain Plan nor the amended Branxton Town Centre Chapter of the Cessnock Development Control Plan and that Council return the Stronger Country Communities funding.

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This is not recommended. Adopting this option would see the no public domain plan or DCP chapter for Branxton. This would disadvantage Branxton when seeking grant funded works in the town centre. Additionally returning the current grant funds received would see Branxton miss out on much needed works to its town centre. This may place it at further disadvantage to the emerging centre at Huntlee.

3. That Council modify the Public Domain Plan and the Branxton Town Centre Chapter of the Cessnock Development Council Plan and support the reallocation of the Stronger Country Community Fund from the town square to Branxton oval.

This is not recommended. Council may opt to further modify the plans, however based on community consultation, further modification is not necessary as staff have revised the plans to reflect and support the community feedback received.

4. That Council pursue an area specific s7.11 plan for the Branxton sub-region.

This is not recommended for the reasons outlined in the report.

**CONSULTATION**

In August 2017, council held a public workshop to obtain initial input into the development of the public domain plan and development control plan for the town centre. One of the actions from that workshop was to return to the Branxton Community with a draft of the public domain plan to obtain their feedback before it went on formal exhibition.

Council held a pre-exhibition consultation event at the Branxton Golf Course on 25 October 2018. Approximately, 40 people attended the event who provided comments and feedback on the draft PDP and draft DCP. Minor amendments were made to the plans and at its meeting on 12 December 2018 Council resolved to formally exhibit the plans for 50 days. Exhibition occurred from 30 January 2019 until 20 March 2019

A further public exhibition event was held on 28 February 2019. Approximately 60 people attended this event. At the close of the exhibition period, Council had received 18 submissions. A detailed response to the issues raised in the submissions is in enclosure 1.

Consultation with internal stakeholders has also occurred and the plans amended to reflect their comments.

The Council was briefed on 8 May 2019.

**STRATEGIC LINKS**

**a. Delivery Program**

The PDP and DCP align with the following objectives of the Cessnock 2027 Community Strategic Plan:

- Objective 1.3 Promoting safe communities
- Objective 2.1 Diversifying local business options
- Objective 2.2 Achieving more sustainable employment opportunities
- Objective 2.3 Increasing tourism opportunities and visitation to the area

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- Objective 4.2 Improving the road network
- Objective 5.2 Encouraging more community participation in decision making

The PDP and DCP are consistent with the following actions in the 2017-2021 Delivery Program:

- 2.1.4 Provide support for activation of commercial centres, business engagement, promotion and support for business growth.
- 2.1.7 Continue delivery of the Branxton Sub-regional Plan - Stage 2.

**b. Other Plans**

The draft Public Domain Plan and Draft Development Control Plan have been coordinated with, or informed by, the following:

- Hunter Regional Plan;
- Greater Newcastle Metropolitan Plan;
- Cessnock City Wide Settlement Strategy 2010;
- Cessnock LGA Traffic and Transport Strategy;
- Cessnock Economic Development Strategy;
- Recreation and Open Space Strategic Plan 2018;
- Cessnock Cycling Strategy 2016.
- Branxton Sub-regional Land Use Strategy; and,
- Branxton Town Centre Master Plan.

**IMPLICATIONS**

**a. Policy and Procedural Implications**

The PDP will provide guidance for Council in upgrading, installing or designing public domain infrastructure within the Branxton Town Centre. It will also be used to support applications made by Council in the future for grant funding to fund the implementation of the plan.

The DCP will influence development outcomes in the centre.

**b. Financial Implications**

One of the initiatives of the draft PDP was to create a new park on part of the council-owned car park on the corner of the Maitland Street and Cessnock Road. This was originally identified in the Master Plan which did not attract community objection at the time of adoption. On that basis, Council applied for Stronger Country Community Funding and received \$279,000 to undertake that work. On the basis of strong community objection to the loss of car parks, it is recommended that Council not proceed with this and amend the plan accordingly. Initial discussions with the Department of Premier and Cabinet (DPC) indicate that Council may be able to reallocate the funds toward an equivalent public space. However, it cannot be reallocated to pavement works or street tree planting. Branxton Oval houses the historic rotunda and cenotaph and provides a public space for celebration and remembrance throughout the year. Therefore, it is recommended that council request that the \$279,000 grant be reallocated towards works at Branxton Oval.

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Council has also received an additional \$120,643 funding from Stronger Country Communities Fund Round 2 for works on the pavement and street tree planting on the northern side of Maitland Street. Should Council not adopt the PDP Council may be required to return the grant funding.

**c. Legislative Implications**

The *Environmental Planning and Assessment Regulations 2000* outline the requirements for preparing and exhibiting a draft DCP. The Regulations require any draft DCP to be placed on public exhibition for a minimum of 28 days. The recommendations of this Report are consistent with the requirements of the *Environmental Planning and Assessment Regulations 2000*.

Once adopted, Council will be required to consider the DCP Chapter when determining Development Applications in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

**d. Risk Implications**

The following is identified as a potential risk to the implementation of the public domain plan.

*Stronger Country Community Funding*

The removal of the square from the PDP has implications for the \$279,000 Stronger Country Communities Fund grant that council received. Removal of the square may result in funding being surrendered to Department of Premier and Cabinet (DPC). It is proposed to request that funds be reallocated to works at Branxton Oval. If DPC are not willing to reallocate funding to these works then Council will be required to return the funding.

**e. Environmental Implications**

NIL

**f. Other Implications**

NIL

**CONCLUSION**

Council has undertaken a comprehensive consultation and exhibition process to support the drafting of the public domain plan and development control plan. The key issues raised at the consultation and exhibition have resulted in the plans being amended to accommodate many of these concerns.

It is recommended that Council adopt the Branxton Town Centre PDP and Branxton Town Centre DCP.

**ENCLOSURES**

- 1 ➡ Summary of submissions
- 2 ➡ Draft Public Domain Plan (Provided Under Separate Cover)
- 3 ➡ Draft Branxton Town Centre Development Control Plan Chapter



**SUBJECT:** ***ADOPTION OF THE 2019-20 OPERATIONAL PLAN & BUDGET***

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

### **SUMMARY**

Section 405 of the *Local Government Act 1993* requires Council to adopt an Operational Plan prior to 30 June each year.

Council adopted the draft 2019-20 Operational Plan for public exhibition on 1 May 2019 (Report CC31/2019) and 1 informal public submission was received via social media comment. Internal reviews also highlighted a number of proposed changes to the draft 2019-20 Operational Plan and are detailed in this report for Council's consideration.

Clause 211 of the Local Government (General) Regulation 2005 requires Council to authorise expenditure for 2019-20.

### **RECOMMENDATION**

1. That Council note feedback obtained from residents and ratepayers, impacts of Council resolutions and internal reviews during the Public Exhibition period which are outlined in the report.
2. That Council adopt the 2019-20 Operational Plan, as exhibited, with the amendments outlined in this report, including:

#### **2019-20 Budget**

- Increase in rates income of \$350,000 (due to additional land values on subdivisions and introduction of part year rating).
- Increase of \$140,000 for Parks Maintenance Program.
- Increase of \$32,700 in NSW Valuer General land valuation fees.
- Decrease of \$71,000 in anticipated insurance costs.

#### **2019-20 Capital Works Program**

- Amend the 2019-20 Capital Works Program as detailed in Table 2 of this report.

#### **Interest on Overdue Rates**

- The rate of interest payable on overdue rates and charges be set at 7.5%.

#### **Expected Rate Yields**

- Amend the expected rate yields as detailed in Table 2 of this report.

#### **Setting of Levy for Hunter Catchment Contribution**

- Change the levy for the Hunter Catchment Contribution to 0.01097 of a cent in the dollar on the current land value of the land within the Council area for 2019-20.

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3. That Council set the Fees and Charges for 2019-20 as detailed in the Draft Operational Plan with the amendments outlined in table 4 of this report.
4. That Council approve the expenditure for the year commencing 1 July 2019 as detailed in the draft 2019-20 Operational Plan and that funds be voted to meet expenditure in accordance with Clause 211 of the Local Government (General) Regulation 2005.

**BACKGROUND**

Council has exhibited the draft 2019-20 Operational Plan in accordance with the provisions of Section 405 of the Local Government Act 1993.

The draft 2019-20 Operational Plan is structured around the community's five desired outcomes from the Community Strategic Plan, *Cessnock 2027*:

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

The draft 2019-20 Operational Plan provides information to the community about Council's ongoing activities and the key initiatives to implement Council's 2017-21 Delivery Program. It also incorporates the 2019-20 budget, Capital Works Program and Revenue Policy.

Details of the draft 2019-20 Fees & Charges (which are part of the Revenue Policy) are presented in a separate volume.

The draft documents were placed on public exhibition between 9 May 2019 and 5 June 2019. Copies of the plan were available for viewing at the Council Administration Centre and at Cessnock and Kurri Kurri Libraries. In addition, the draft documents were available on Council's website, distributed to local business chambers and posted on social media (4,144 People Reached, 1 Comment, 17 Likes & Shares).

**REPORT/PROPOSAL**

In accordance with Section 405 of the Local Government Act 1993 Council must adopt an Operational Plan after a draft has been prepared and exhibited. In deciding on the final plan to be adopted Council must take into consideration any submissions that have been made concerning the Draft Operational Plan.

No formal public submissions were received during the exhibition period. Council received 1 informal social media comment outlined in the table below. As a result of social media posts a total of 4,144 people were reached including 1 comment, 17 likes & shares.

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**Table 1: Summary of Public Submissions**

<b>Summary</b>	<b>Response</b>
The submission included comment regarding the condition of local sporting grounds, that Council work with Police to address burnouts and suggested Council undertake local promotion/ advertising for local community and sporting events.	Details of this comment have been considered and recorded for use in future annual reviews.

Internal reviews of the draft document, as well as other influences such as grant applications and Council resolutions have also necessitated proposed changes, and these changes are highlighted within the report.

**Operational Plan Overview**

The draft 2019-20 Operational Plan includes:

- Introduction and background on the planning framework and the Local Government Area;
- Details of Council's operational actions to work towards achieving the community's desired outcomes;
- Financial forecasts;
- Capital Works Program; and
- Revenue Policy.

The Draft Fees & Charges are part of the Operational Plan and are presented in a separate volume.

**Summary of Changes Impacting on 2019-20 Operational Plan**

There are two changes to the Operational Plan 2019-20 which have the most material impact on Council's financial position. Additional information became available during the public exhibition period that required these changes to be considered. These are:

1. An increase in rates income of \$350,000 due to an increase in land values arising from subdivisions within the Local Government Area (LGA). The NSW Valuer General Supplementary List weekly reports, particularly for May 2018 which recognised increases totalling approximately \$27 million in land value within the LGA.
2. An increase of \$140,000 in Parks Maintenance Program to fund the maintenance of additional parks, reserves and associated infrastructure as a result of new residential developments and facility upgrades.

**Summary of Impact on the 2019-20 Operational Plan**

The impact on the Operational Plan of all the changes can be divided into the following categories:

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1. **Operating Position (before capital grants and contributions).** Council will now budget for an operating surplus.

Operating result – (surplus)/loss in exhibition document	\$1,250,387
Additional rates income	(\$350,000)
Increase Parks Maintenance Program	\$140,000
Increase land valuation fees	\$32,700
Decrease insurance costs	(\$71,000)
Technical Overheads allocation to Programs & Miscellaneous changes	(\$1,694,442)
<b>Operating surplus before capital grants and contributions</b>	<b>(\$692,355)</b>

2. **Changes which do not materially impact the 2019-20 Operational Plan**

- Changes have been captured (other than minor wording, formatting changes and clarification of project descriptions) in the detailed log of changes later in this report. These changes do not have a material impact on Council's operating or cash positions.
- There have been some reallocation of funding sources (without changing the capital works program) to ensure funding sources are optimally aligned with projects.
- There have been limited changes to Fees and Charges.

**The impact on Council's financial statements of these changes are as follows:**

- Council's Operating position (before capital grants and contributions will now result in an operating surplus (from \$1,250k deficit to \$692k surplus)
- The increase in Council's Operating Surplus (after capital grants and contributions) from \$5,493k to \$16,687k is due to the increase in capital grant funding.
- The cash position is not impacted by the increased capital grant funding (as grant funding is fully applied to projects).

In summary Council's cash position will remain intact once all these initiatives have been concluded and Council's financial sustainability is not impacted adversely by these changes.

**Detailed Operational Plan Changes – Volume 1**

A number of unfunded projects have been included in the capital works program which require further investigation to accurately estimate. As a result these projects have not been funded and a funding source will be identified or other projects will be reprioritised within programs.

There have been some minor wording, formatting changes and clarification of project descriptions, in addition to the following proposed changes to the draft Operational Plan, as exhibited:



**Table 2 Proposed Changes to Draft 2019-20 Operational Plan – Volume I**

<b>Page</b>	<b>Section</b>	<b>Proposed Change</b>																																	
46	Capital Works Program	Floodplain Management Program (PMF): Amend PMF-2020-001 Various – investigation, research and planning. Additional \$10,000 allocated (Increase from \$27,000 to \$37,000) Remove PMF-2019-005 Swamp Creek (Grant funding dependent) – Vegetation Clearance \$0 Remove PMF-2019-003 Cessnock (Grant funding dependent) – Voluntary Flood Proofing \$0 Add PMF-2020-003 Cessnock – Dam Safety Emergency Plan update \$10,000																																	
58	Capital Works Program	Local Road Renewal Program (RRL): Amend project description to RRL-2020-009 Buckland Ave, Cessnock – From MacLean St Bridge to Burnett St Remove RRL-2020-005 Aberdare St, Kitchener (Subject to s7.11 funding) \$44,424 Add RRL-2019-011 Henderson Ave, Cessnock – Investigation and design \$0 Add RRL-2019-013 Marlton St, Cessnock – Investigation and design \$0																																	
58	Capital Works Program	Traffic Facilities Program (CFT): Amend program as below:																																	
		<table> <tr> <th>Project</th><th>Budget</th><th>Project Code</th></tr> <tr> <td>Radford St/Traders Way, Cliftleigh – Traffic facilities improvements</td><td>\$63,000</td><td>CFT-2020-008</td></tr> <tr> <td>Weston Public School Precinct – Traffic facilities improvements</td><td>\$0</td><td>CFT-2018-005</td></tr> <tr> <td>Cnr Westcott St &amp; Wollombi Rd, Cessnock (Grant funding dependent) – Traffic facilities remediation</td><td>\$0</td><td>CFT-2020-002</td></tr> <tr> <td>Wollombi Rd, Cedar Creek (Grant funding dependent) – Safety investigation and improvements</td><td>\$0</td><td>CFT-2020-005</td></tr> <tr> <td>Cessnock CBD – RV, coach and caravan parking</td><td>\$0</td><td>CFT-2020-006</td></tr> <tr> <td>Helena St, Ellalong – Bus shelter construction</td><td>\$0</td><td>CSB-2020-002</td></tr> <tr> <td>Various – 4 New Bus Stops/Shelters, 5 upgrades</td><td>\$120,700</td><td>CSB-2020-001</td></tr> <tr> <td>Old Maitland Rd, Cessnock – Upgrade Stage 1 investigation and design</td><td>\$0</td><td>CFT-2020-010</td></tr> <tr> <td>Millfield – LATM Traffic facility improvements stage 1 investigation and design</td><td>\$0</td><td>CFT-2020-011</td></tr> <tr> <td>Gallagher St, Cessnock - LATM Traffic facility improvements stage 1 investigation and design</td><td>\$0</td><td>CFT-2016-006</td></tr> </table>	Project	Budget	Project Code	Radford St/Traders Way, Cliftleigh – Traffic facilities improvements	\$63,000	CFT-2020-008	Weston Public School Precinct – Traffic facilities improvements	\$0	CFT-2018-005	Cnr Westcott St & Wollombi Rd, Cessnock (Grant funding dependent) – Traffic facilities remediation	\$0	CFT-2020-002	Wollombi Rd, Cedar Creek (Grant funding dependent) – Safety investigation and improvements	\$0	CFT-2020-005	Cessnock CBD – RV, coach and caravan parking	\$0	CFT-2020-006	Helena St, Ellalong – Bus shelter construction	\$0	CSB-2020-002	Various – 4 New Bus Stops/Shelters, 5 upgrades	\$120,700	CSB-2020-001	Old Maitland Rd, Cessnock – Upgrade Stage 1 investigation and design	\$0	CFT-2020-010	Millfield – LATM Traffic facility improvements stage 1 investigation and design	\$0	CFT-2020-011	Gallagher St, Cessnock - LATM Traffic facility improvements stage 1 investigation and design	\$0	CFT-2016-006
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Page	Section	Proposed Change			
		Unnamed Council Rd between Halls Rd and DeBeyers Rd, Pokolbin – Road barrier upgrade	\$0	CFT-2020-009	
		Total	\$183,700		
		Funding:	Grants	\$118,700	
			S7.11 Funds	\$60,000	
			General Fund	\$5,000	
59	Capital Works Program	Pathway Construction Program (CPW): Add Wine Country Drive, Nulkaba (Grant funding dependent) – Off road cycleway Kerlew St to Lomas Lane \$0 Add Tomalpin St, Kearsley – Pathway and parking improvements stage 1 investigation and design \$0			
59	Capital Works Program	RMS Blackspot or Safer Roads Program (CRR): Amend program as below:			
		Project	Budget	Project Code	
		Great North Rd, Laguna (Grant funding dependent) – Road safety audit works	\$0	CRR-2020-001	
		George Downes Drive, Bucketty (Grant funding dependent) – Road safety audit works	\$0	CRR-2020-002	
		Wollombi Rd, Bellbird to Sweetmans Creek (Grant funding dependent – Road safety audit works	\$0	CRR-2020-003	
		Sandy Creek Rd, Mount Vincent (Grant funding dependent)	\$0	CRR-2020-004	
		Sandy Creek Rd, Quorrobolong (Grant funding dependent)	\$0	CRR-2020-005	
		Total	\$0		
83	Revenue Policy	Rating Structure Table: Amend table column for Est Yield as below:			
			Rate	Base	Est Yield
		Residential	0.496878	430.00	26,340,254
		Residential – Rural	0.470533	430.00	3,472,270
		Farmland	0.398416	430.00	2,321,969
		Farmland – Mixed Use	0.976248	535.00	197,812
		Farmland – Business Rural	0.976248	535.00	225,880
		Business	1.985624	535.00	5,594,101
		Mining	4.830127	1500.00	1,087,999
					39,240,285

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<i>Page</i>	<i>Section</i>	<i>Proposed Change</i>
85	Revenue Policy	<p>Hunter Catchment Contribution: Change wording from The rate applicable to all land within the defined catchment area is TBA of a cent in the dollar on the current value of land within the area. The rate in the dollar is expected to be confirmed by Local Land Services in May 2019.</p> <p>To The rate applicable to all land within the defined catchment area is 0.01097 of a cent in the dollar on the current value of land within the area.</p>

**Typical Residential Ratepayer**

The impact of the proposed rates and annual charges on a typical residential rate payer is estimated to be an increase of \$55.21 per annum or 3.22 percent.

The typical residential rate payer calculations are based on a residential property with a 2016 land value of \$143,200, receiving a domestic waste management service and paying the Stormwater Management Levy and Hunter Catchment Contribution.

Table 1 provides a breakdown of the increase in proposed rates and annual charges for 2019-20.

Table 1: Typical Residential Ratepayer Forecasts

<b><i>Rates and Annual Charges for Typical Residential Ratepayer</i></b>				
	<b><i>2018-19 (\$)</i></b>	<b><i>2019-20 (\$)</i></b>	<b><i>Increase in \$</i></b>	<b><i>Increase as a %</i></b>
Land Value	\$143,200	\$143,200	N/A	N/A
General Rates	\$1,119.13	\$1,141.53	\$22.40	2.00%
Domestic Waste Management Charge	\$555.00	\$588.00	\$33.00	5.95%
Stormwater Management Levy	\$25.00	\$25.00	0	0
Hunter Catchment Contribution *	\$15.90	\$15.71	-0.19	-1.19%
<b>Total</b>	<b>\$1,715.03</b>	<b>\$1,770.24</b>	<b>\$55.21</b>	<b>3.22%</b>

**\*Since the exhibition of the draft Operational Plan, the Minister has approved the rate of the Hunter Catchment Contribution for 2019-20 as 0.01097 of a cent in the dollar.**

**Detailed Fees & Charges Changes – Volume II**

There have been some minor wording and formatting changes, in addition to following proposed changes to the Draft Fees & Charges, as exhibited:

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Table 4: Proposed Changes to Draft Fees &amp; Charges – Volume II

Page	Section	Proposed Change
46	Dog Control (As Prescribed In Regulation To Companion Animal Act) (Lifetime Registration)	Desexed Animal Sold by Eligible Pound or Shelter change from \$26.50 to \$29.00.
46	Registration – Dog	Registration of Dog (Non-Desexed) change from \$212.00 to \$210.00. Registration of Dog (Non-Desexed)(Under 6 months) change from \$57.00 to \$58.00. Registration of desexed dogs change from \$59.00 to \$58.00. Registration of dogs kept by registered breeders for breeding change from \$59.00 to \$58.00.
46	Cat Control (As Prescribed In Regulation To Companion Animal Act) (Lifetime Registration)	Desexed Animal Sold by Eligible Pound or Shelter change from \$28.50 to \$29.00.
46	Registration – Cat	Registration of Cat (Non-Desexed) change from \$212.00 to \$210.00.
47	Registration – Cat	Registration of at (Non-Desexed)(Under 6 months) change from \$57.00 to \$58.00. Registration of desexed cats change from \$59.00 to \$58.00. Registration of cats kept by registered breeders for breeding change from \$59.00 to \$58.00.
47	Dangerous, Menacing and Restricted	Remove Small Collar 45cm and associated fee Remove Medium Collar 55 cm and associated fee
48	Dangerous, Menacing and Restricted	Remove Large Collar 65cm and associated fee Remove X Large Collar 85 cm and associated fee Remove Signs and associated fee
55	Associated Wastewater Management Fees	Inspection – light Commercial System reduce fee from \$143 to \$140 Inspection General/Complex Commercial reduce fee from \$286 to \$280

**Budget Result**

The following changes are proposed to the budget included in the draft 2019-20 Operational Plan:

## Operational

- Increase in rates income of \$350,000 (due to additional land values on subdivisions and introduction of part year rating).
- Include \$140,000 for Parks Maintenance Program.
- Increase of \$32,700 in NSW Valuer General land valuation fees.
- Decrease of \$71,000 in insurance costs.



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As a result of these changes the forecast cash budget result shows a \$45,976 surplus and a \$692,355 operating surplus before capital grants and contributions.

The Operational Performance Ratio has changed to 1.86% for 2019-20 and a three-year average of -2.99% (compared to the Fit for the Future benchmark of >0).

**Authorisation of Expenditure**

Council has considered for adoption the draft 2019-20 Operational Plan which incorporates the budget for 2019-20. Council is required to vote the money necessary to meet the expenditure included in the budget for 2019-20 in accordance with Clause 211 of the Local Government (General) Regulation 2005.

**OPTIONS**

Option 1 – Adopt the draft documents as exhibited with the recommended changes.

Option 2 – Adopt the draft documents as exhibited with additional changes.

**CONSULTATION**

The draft documents were placed on public exhibition in accordance with legislative requirements.

The public exhibition was advertised in the local press, hard copies of the plan were available for viewing at the Council Administration Centre and at Cessnock and Kurri Kurri Libraries. The draft document was available on Council's website, distributed to local business chambers and posted on social media (4,144 People Reached, 1 Comment, 17 Likes & Shares).

Council officers have also undertaken internal reviews of the draft documents, and along with changes for Council resolutions and external influences, a number of changes are proposed.

**STRATEGIC LINKS**

**Delivery Program**

The 2019-20 Operational Plan details the activities to be undertaken by Council during 2019-20 to implement the 2017-21 Delivery Program.

The Operational Plan is a key part of the organisation's governance framework – in line with the community's desired outcome of "*Civic Leadership and Effective Governance*."

**IMPLICATIONS**

**a. Policy and Procedural Implications**

N/A

**b. Financial Implications**

The draft Operational Plan includes Council's budgetary allocations for 2019-20.

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**c. Legislative Implications**

Section 405 of the *Local Government Act 1993* requires the Operational Plan to be adopted prior to 30 June.

Clause 211 of the Local Government (General) Regulation 2005 requires Council to vote the funds necessary to meet the expenditure included in the estimates for 2019-20.

**d. Risk Implications**

N/A.

**e. Other Implications**

N/A.

**CONCLUSION**

It is recommended that Council adopt the draft 2019-20 Operational Plan with the proposed changes outlined in this report. Clause 211 of the Local Government (General) Regulation 2005 requires Council to vote the funds necessary to meet the expenditure contained within the estimates.

**ENCLOSURES**

- 1 ➡ 2019-20 Operational Plan - Distributed Under Separate Cover

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**SUBJECT: MAKING THE RATE 2019-20****RESPONSIBLE OFFICER: Finance and Administration Manager - Andrew Glauser****SUMMARY**

The Operational Plan 2019-20 incorporated the rates and charges proposed to be levied for the year commencing 1 July 2019. Council is statutorily required to make the rate following the adoption of the Operational Plan to ensure the legality of the rates to be levied.

**RECOMMENDATION**

**That Council make the following rates and charges for the year commencing 1 July 2019 to 30 June 2020:**

**1. Ordinary Rates**

The following Ordinary Rates now be made for the year commencing 1 July 2019.

Category	Sub Category	Ad-valorem Amount Cents in \$	Base Amount \$	Base % of Total Rate
Residential		0.496878	430.00	36.54%
Residential	Rural	0.470533	430.00	21.72%
Farmland		0.398416	430.00	16.42%
Farmland	Mixed Use	0.976248	535.00	7.30%
Farmland	Business Rural	0.976248	535.00	8.76%
Business		1.985624	535.00	14.39%
Mining		4.830127	1,500.00	0.69%

**2. Waste Charges**

Council do hereby prescribe and order under Section 496 of the Local Government Act 1993 for rateable land categorised for rating purposes as residential or farmland and situated within the area in which a Domestic Waste Management Service is able to be provided, that the following waste charges be now made for the year commencing 1 July 2019.

**Domestic Waste Management Service Charge**

Domestic Waste Management Availability Charge <sup>1</sup>	\$70.00
Domestic Waste Management Service Charge <sup>2</sup>	\$588.00
Additional Domestic Waste Management Service Charge <sup>3</sup>	\$588.00
Additional Domestic Waste Management Service Charge – Recycling	\$65.00
Additional Domestic Waste Management Service Charge – Organics	\$75.00

- Charge applies to vacant rateable land situated within the area in which a Domestic Waste Management Service is able to be provided
- Each premise is entitled to one approved mobile waste bin mixed waste service per week, one fortnightly collection of recyclable material and one fortnightly collection of organic material for each Domestic Waste Management Service Charge.

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3. Each premise is entitled to one approved mobile waste bin mixed waste service per week for each Additional Domestic Waste Management Service Charge.

Council do hereby prescribe and order under Section 501 of the Local Government Act 1993, for land not categorised for rating purposes as residential or farmland and situated within the area in which a Waste Management Service is able to be provided, that the following waste charges be now made for the year commencing 1 July 2019.

Waste Management Service Charge

Waste Management Service Charge (GST inclusive) <sup>1</sup>	\$780.00
Additional Waste Management Service Charge (GST inclusive) <sup>2</sup>	\$780.00
Additional Waste Management Service Charge - Recycling	\$65.00
Additional Waste Management Service Charge - Organics	\$75.00

1. Each premise is entitled to one approved mobile waste bin mixed waste service per week and one fortnightly collection of recyclable material for each Waste Management Service Charge. Each premise is also entitled to one fortnightly collection of organic material for each Waste Management Service Charge upon request and justification of needs.
2. Each premise is entitled to one approved mobile waste bin mixed waste service per week for each Additional Waste Management Service Charge.

**3. Stormwater Management Services Charges**

Council do hereby prescribe and order under Section 496A of the Local Government Act 1993, for land situated within the designated stormwater area, that the following stormwater charges be now made for the year commencing 1 July 2019.

Stormwater Management Service Charge

Stormwater Management Service Charge - Residential	\$25.00
Stormwater Management Service Charge - Residential Strata	\$12.50
Stormwater Management Service Charge - Business	\$25.00 per 350m <sup>2</sup> (or part thereof) to a maximum \$500

**4. Interest on Overdue rates and Charges**

Council do hereby determine and order, in accordance with Section 566 of the Local Government Act 1993, that if rates and charges are unpaid at the due date, the amount shall be increased by a sum calculated at seven and one half per cent (7½ percent) per annum, simple interest, calculated daily for the year commencing 1 July 2019.

**5. Hunter Local Land Services**

Council, in accordance with Clauses 36 and 40, Part 4, of the Local Land Services Regulation 2014, prescribes that the rate for the year commencing 1 July 2019 shall be the rate gazetted by the Minister for the Hunter Catchment Contribution for the period 1 July 2019 to 30 June 2020 inclusive being 0.01097 of a cent in the dollar of rateable land value.

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**BACKGROUND**

The Operational Plan for the period 1 July 2019 to 30 June 2020 incorporates the revenue policy for rates and charges proposed to be levied for 2019-20. Council is required to make the rates and charges for the financial year commencing 1 July 2019 in accordance with Sections 535, 537 & 538 of the Local Government Act 1993.

**REPORT/PROPOSAL**

Council's Operational Plan for 2019-20, inclusive of the revenue statements with respect to each Ordinary and Special Rates and Charges proposed to be levied, was resolved to be placed on public exhibition by Council at its Ordinary Meeting of 1 May 2019 (report CC31/2019). Council's Operational Plan 2019-20 is being considered for adoption at this meeting of Council.

In accordance with Sections 535, 537 & 538 of the Local Government Act 1993, Council is required to make the rates and charges for the financial year commencing 1 July 2019.

Extracts of the relevant sections of the Act are reproduced below for Council's information.

**Section 535 Rate or charge to be made by resolution**

*A rate or charge is made by resolution of the Council.*

**Section 537 Form of resolution specifying base amounts of rates**

*In the resolution that specifies a base amount of a rate, or the base amount of a rate for a category or sub-category of an ordinary rate, the Council must state:*

*(a) the amount in dollars of the base amount, and*

*(b) the percentage, in conformity with section 500, of the total amount payable by the levying of the rate, or the rate for the category or sub-category concerned of the ordinary rate, that the levying of the base amount will produce.*

**Section 538 Form of resolution for special rate**

*(1) In the resolution that makes a special rate, the Council must state whether the special rate is to be levied on all rateable land in the Council's area or on only a part of that land.*

*(2) If the special rate is to be levied on only a part of that land, the Council must specify in the resolution the part on which it is to be levied.*

**OPTIONS**

That Council make the rates and charges as detailed in this report, which is in accordance with the Delivery Program and Operational Plan to be adopted by Council.

If Council resolves to alter any of the advertised Ordinary and Special rates and Charges, then the appropriate change will need to be made prior to making the rate, and any changes will also need to be reflected in the adopted Delivery Program and Operational Plan.

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**CONSULTATION**

Consultation has taken place with Councillors and Council staff in preparing the draft Operational Plan, incorporating the proposed rates and charges to be levied. The Operational Plan inclusive of the Revenue Statement was publicly advertised for 28 days.

**STRATEGIC LINKS**

**a. Delivery Program**

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

**b. Other Plans**

Nil

**IMPLICATIONS**

**a. Policy and Procedural Implications**

N/A

**b. Financial Implications**

The Operational Plan includes budgetary allocations for 2019-20 and the levying of rates and charges provides a significant portion of the required funds for Council's operations.

**c. Legislative Implications**

The making of the rates and charges for the year commencing 1 July 2019 satisfies legislative obligations under Sections 535, 537 & 538 of the Local Government Act 1993.

**d. Risk Implications**

If Council does not make the rates and charges as required under the Local Government Act 1993, Council may be exposing itself to the possibility of a legal challenge on the validity of any rates and charges levied in 2019-20.

**e. Other Implications**

Nil

**CONCLUSION**

The making of the rates and charges for the year commencing 1 July 2019 satisfies legislative obligations under Sections 535, 537 & 538 of the Local Government Act 1993 and ensures Council's rates levied in 2019-20 are legally raised.

**ENCLOSURES**

There are no enclosures for this report.

Corporate and Community

Report No. CC48/2019

Corporate and Community Services



**SUBJECT:** ***DOUBTFUL DEBT WRITE-OFFS - SUNDRY DEBTORS***

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

### **SUMMARY**

Council has a number of charges, regulatory charges and property rental/license debts that have been through a recovery processes without payment being made. This report seeks a Council resolution for the write-off of debts as the amounts are outside of the General Manager's delegated authority.

Council has already made a financial provision for the write off of these debts over a period of time, which reflected the probability that these accounts would not be recovered.

### **RECOMMENDATION**

1. That Council consider the following debts to be bad and written off against the provision of doubtful debts in accordance with Clauses 213(5) (a) and (c) of the Local Government (General) Regulation 2005 as the debts are not lawfully recoverable or the Council believes on reasonable grounds that an attempt to recover the debt would not be cost effective:

<i><b>Debtor</b></i>	<i><b>Amount</b></i>	<i><b>Reason for Write Off</b></i>
2734.61	\$4,056.40	Uneconomical to pursue
8266.73	\$5,081.70	Not lawfully recoverable
400.73	\$7,865.00	Uneconomical to pursue
8116.69	\$10,000.00	Not lawfully recoverable
7926.95	\$43,022.15	Not lawfully recoverable

2. That Council note the write-off's that have occurred under the sub-delegation of the General Manager.

### **BACKGROUND**

Council has a number of charges, regulatory charges and property rental/license debts that have been through a recovery processes without payment being made. These amounts are now considered either unrecoverable or uneconomical to recover. Council has already made a financial provision for the write off of these debts in its annual financial statements over a period of time, which reflected the probability that these accounts would not be recovered.

The accounting standards require a review of the outstanding receivable accounts to identify those accounts considered either uncollectible or not financially viable to be collected and for such to be classified as a bad or doubtful debt.

As rates are charges levied against the land these are not generally considered to be bad or doubtful debts as they are able to be recovered when a property is sold or ultimately through action under Section 713 of the Local Government Act 1993 (sale of land for unpaid rates).

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However, charges raised through the sundry debtor system are normally applicable to individuals and are more likely to be a bad or doubtful debt. Clause 213 of the Local Government (General) Regulation 2005 provides the mechanism for a debt to be written off.

**REPORT/PROPOSAL**

A review of the sundry debtors system and Council general ledger balance sheet accounts has identified a number of accounts where recovery of the debt has not been possible to achieve and it is recommended that the debts be written off in accordance with Clause 213 of the Local Government (General) Regulation 2005.

The current billing and recovery process is outlined below:

- Request received to raise an invoice.
- An invoice is issued to the debtor who then has 30 days from the date of invoice to pay the amount due.
- If payment is not received by the end of the month, a statement is produced and mailed to the debtor (additional property management processes are carried out for property leases and licenses in accordance with specific legislation).
- For those accounts that do not have payment at 45 days, a seven day reminder letter is generated and mailed.
- If payment is still not received or a negotiated payment arrangement is not made, the account is considered for further recovery action, which can include skip tracing (eg white pages, Facebook, ABN look up, Google, LinkedIn etc), demand letters and, where the amount is financially viable for legal action and recovery prospects are reasonable, the account is handed to Council's debt recovery agents for legal action.

**Enclosure 1** contains details of the debtors that have balances greater than \$3,000 that are considered unrecoverable or uneconomical to pursue further and require Council consideration and resolution to write off. Council has already made financial provision for the write off of these debts in its annual financial statements over a period of time, which reflected the likelihood that these accounts would not be recovered.

**Enclosure 2** contains details of the debtors that have balances less than \$3,000 that are considered unrecoverable or uneconomical to pursue further and have been authorised for write off under the sub-delegation of the General Manager. Council has already made financial provision for the write off of these debts in its annual financial statements over a period of time, which reflected the likelihood that these accounts would not be recovered.

This report seeks to formally write off the amounts detailed in **Enclosure 1** from the debtor's system by resolution of Council as required by the Local Government Act. The list includes debts that have now been outstanding for an extended period of time totaling \$70,025.25.

Although the debts will be written off, Council can still collect these debts in the future should circumstances change, providing they are under the six year statute of limitation for NSW as per the Limitations Act 1909, and the debtor is not classified insolvent as per the Bankruptcy Act 1966.



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**Corporate and Community Services****OPTIONS**Option 1:

1. That Council consider the following debts to be bad and written off against the provision of doubtful debts in accordance with Clauses 213(5) (a) and (c) of the Local Government (General) Regulation 2005 as the debts are not lawfully recoverable or the Council believes on reasonable grounds that an attempt to recover the debt would not be cost effective:

<b><i>Debtor</i></b>	<b><i>Amount</i></b>	<b><i>Reason for Write Off</i></b>
<b>2734.61</b>	\$4,056.40	Uneconomical to pursue
<b>8266.73</b>	\$5,081.70	Not lawfully recoverable
<b>400.73</b>	\$7,865.00	Uneconomical to pursue
<b>8116.69</b>	\$10,000.00	Not lawfully recoverable
<b>7926.95</b>	\$43,022.15	Not lawfully recoverable

2. That Council note the write-off's that have occurred under the sub-delegation of the General Manager.

Option 2:

Council could continue carrying the debts within its accounts, however it is unlikely that the amounts will be paid or in some cases recoverable for the reasons outlined in the report.

**CONSULTATION**

Finance Team Leader  
Operations Accountant  
Director Corporate and Community Services

**STRATEGIC LINKS****a. Delivery Program**

This report aligns with the community's desired outcome of *Civic Leadership and Effective Governance* and, in particular, the strategic direction that Council's processes are consistent and transparent.

**b. Other Plans**

Nil

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

There is no policy or procedural implications relevant to this report. The amount for write-off exceeds the level of delegation to the General Manager, so a Council resolution is required.

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**b. Financial Implications**

The debts have previously been recognised in Council's accounts as income and a doubtful debt has also been provided for. The write-off will be charged to this provision, with no impact on Council's current operating budget.

**c. Legislative Implications**

Clause 213 of the Local Government (General) Regulation 2005 provides the mechanism for a debt to be written off, and is reproduced below for Council's information.

**Clause 213 Restrictions on writing off debts to a Council**

- (1) This clause does not apply to amounts owed to a Council for rates or other charges for which the Act, or any other regulation in force under the Act, makes specific provision for writing off those amounts in specified circumstances.
- (2) A Council must from time to time, by resolution, fix an amount above which debts to the council may be written off only by resolution of the Council.
- (3) A debt of or below that amount can be written off either by resolution of the Council or by order in writing of the Council's General Manager. In the absence of a resolution under subclause (2), the Council's debts can be written off only by resolution of the Council.
- (4) A resolution or order writing off a debt to a Council must:
  - (a) specify the name of the person whose debt is being written off, and
  - (b) identify the account concerned, and
  - (c) specify the amount of the debt,or must refer to a record kept by the Council in which those particulars are recorded.
- (5) A debt can be written off under this clause only:
  - (a) if the debt is not lawfully recoverable, or
  - (b) as a result of a decision of a court, or
  - (c) if the Council or the General Manager believes on reasonable grounds that an attempt to recover the debt would not be cost effective.
- (6) The fact that a debt is written off under this clause does not prevent the Council concerned from taking legal proceedings to recover the debt.

**d. Risk Implications**

Nil

**e. Other Implications**

Nil

**CONCLUSION**

All reasonable recovery actions have been undertaken by Council to secure payment of the listed debts. It would be uneconomical and an inefficient use of Council resources to continue to pursue these debts.

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**ENCLOSURES**

- [1](#) ➡ Bad Debt Greater than \$3,000 - Council Resolution
- [2](#) ➡ Bad Debt Less than \$3,000 - General Manager Delegation
- [3](#) Combined List of Bad Debt - *This matter is considered to be confidential under Section 10A(2) (b) of the Local Government Act, as it deals with discussion in relation to the personal hardship of a resident or ratepayer.*

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Corporate and Community Services



**SUBJECT:** *INVESTMENT REPORT - MAY 2019*

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

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**SUMMARY**

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

**RECOMMENDATION**

**That Council receive the report and note the information.**

**BACKGROUND**

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

**REPORT**

**Statement by the Responsible Accounting Officer**

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

**General Investment Commentary**

Following assessment of projected cash flow requirements, surplus funds are invested in accordance with Council's Investment Policy. Investment revenues to the end of May 2019 exceeded the benchmark in the Investment Policy with an actual level of return 19.76% more than budget.

The Reserve Bank of Australia (RBA) official cash rate as at 31 May 2019 was 1.50%. Scheduled RBA Board meetings are held on the first Tuesday of each month (excluding January) at which the official cash rate is one of the matters considered. The meeting held on 04 June 2019 lowered the official cash rate by 25bps to 1.25%.

## Corporate and Community

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## Corporate and Community Services

**Investment Portfolio Information****Table 1** Total cash and investments held by Council as at 31 May 2019

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%	5,194
	Commonwealth Bank	At Call			0.40%	41
1243	AMP Bank	At Call			1.80%	500
1277u	Greater Bank	FRN	94	26-Aug-19	2.89%	500
1281i	National Bank	TD	160	30-Jul-19	2.63%	700
1286j	IMB Bank	TD	140	24-Sep-19	2.30%	900
1298o	Newcastle Permanent Building Society	VRD	91	03-Jul-19	3.15%	800
1303g	IMB Bank	TD	160	08-Jul-19	2.60%	700
1304f	AMP Bank	TD	189	23-Jul-19	2.75%	800
1306g	Suncorp Bank	TD	206	13-Dec-19	2.30%	900
1324c	National Bank	TD	205	12-Jun-19	2.70%	900
1325b	Members Equity Bank	TD	182	21-Aug-19	2.73%	900
1330a	National Bank	TD	273	26-Jun-19	2.71%	900
1332c	Suncorp Bank	TD	271	25-Feb-20	2.15%	1,000
1334a	Commonwealth Bank	TD	274	18-Jun-19	2.65%	800
1335b	Suncorp Bank	TD	217	15-Oct-19	2.60%	1,000
1337b	Bankwest	TD	239	04-Jun-19	2.65%	1,200
1338a	Bankwest	TD	119	25-Jun-19	2.50%	800
1341a	AMP Bank	TD	182	06-Aug-19	2.80%	1,000
1342a	Suncorp Bank	TD	156	11-Jul-19	2.75%	1,000
1345b	National Bank	TD	140	01-Oct-19	2.35%	800
1346a	Suncorp Bank	TD	217	22-Oct-19	2.60%	800
1347a	Suncorp Bank	TD	217	29-Oct-19	2.52%	800
1349	Bankwest	TD	294	11-Jun-19	2.80%	1,000
1350	Bankwest	TD	301	18-Jun-19	2.80%	1,000
1353a	Suncorp Bank	TD	217	08-Oct-19	2.60%	1,500
1358	National Bank	TD	212	19-Jun-19	2.70%	1,000
1359a	National Bank	TD	182	15-Jul-19	2.72%	1,000
1360	National Bank	TD	270	27-Aug-19	2.75%	1,000
1361	AMP Bank	TD	208	02-Jul-19	2.75%	1,000
1362	AMP Bank	TD	215	09-Jul-19	2.75%	1,000
1363	AMP Bank	TD	208	10-Sep-19	2.80%	1,000
1364	AMP Bank	TD	215	17-Sep-19	2.80%	1,000
1366	Bankwest	TD	161	13-Aug-19	2.50%	1,000
1367	AMP Bank	TD	217	08-Nov-19	2.75%	1,000
1368	Suncorp Bank	TD	120	05-Sep-19	2.40%	1,000
1369	National Bank	TD	180	12-Nov-19	2.35%	1,000
1370	IMB Bank	TD	188	21-Nov-19	2.35%	1,000
1371	Members Equity Bank	TD	196	13-Dec-19	2.28%	1,000
<b>TOTAL</b>						<b>39,435</b>

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**Table 2** Level of funds held and the percentage invested with financial institutions

Financial Institution	Rating	Maximum Counterparty	Amount \$'000	% of Portfolio
Commonwealth Bank	A1+	25%	6,035	15.30%
Bankwest	A1+	25%	5,000	12.68%
IMB Bank	A2-	10%	2,600	6.59%
National Bank	A1+	25%	7,300	18.51%
Suncorp Bank	A1	25%	8,000	20.29%
Members Equity Bank	A2	10%	1,900	4.82%
Newcastle Permanent Building Society	A2	10%	800	2.03%
AMP Bank	A2-	25%	7,300	18.51%
Greater Bank	A2	10%	500	1.27%
<b>TOTAL</b>			<b>39,435</b>	<b>100.00%</b>

**Table 3** Investment types, risk assessment, amount and percentage invested compared to the total

Investment Type	Risk Assessment		Amount	% of
	Capital	Interest	\$'000	Portfolio
Term Deposits	Low	Low	32,400	82.16%
Cash/At Call Deposits	Low	Low	5,735	14.54%
Variable Rate Notes	Low	Low	800	2.03%
Floating Rate Deposit	Low	Low	500	1.27%
<b>TOTAL</b>			<b>39,435</b>	<b>100.00%</b>

**Table 4** Comparison of on interest rates, earnings and balances this year to last year

Performance Measures	This Year	Last Year
Portfolio Average Interest Rate (year to date)	2.55%	2.35%
BBSW Average Interest Rate (year to date) *	1.90%	1.80%
Actual Investment Interest Earned (year to date)	\$927,622	\$777,641
Budget Investment Interest (year to date)	\$774,583	\$756,250
Original Budget Investment Interest (Annual)	\$825,000	\$825,000
Revised Budget Investment Interest (Annual)	\$845,000	\$825,000

Investment Balances (Par Value)	This Year	Last Year
Opening Balance as at 1 July	\$38,760,390	\$36,277,000
Month End Current Balance	\$39,435,321	\$36,926,729

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

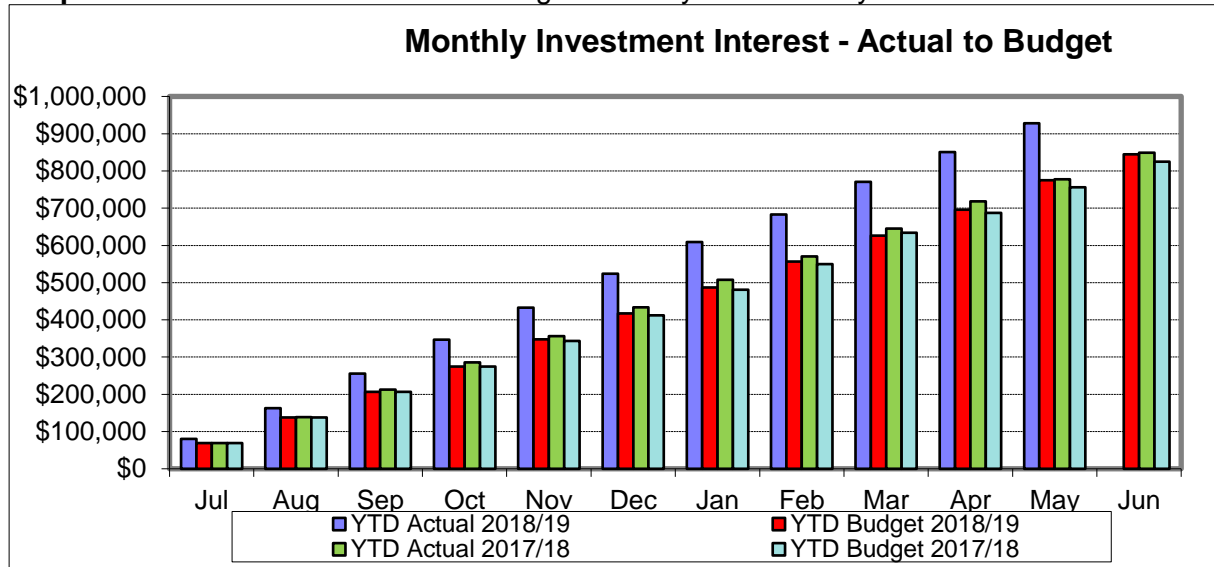
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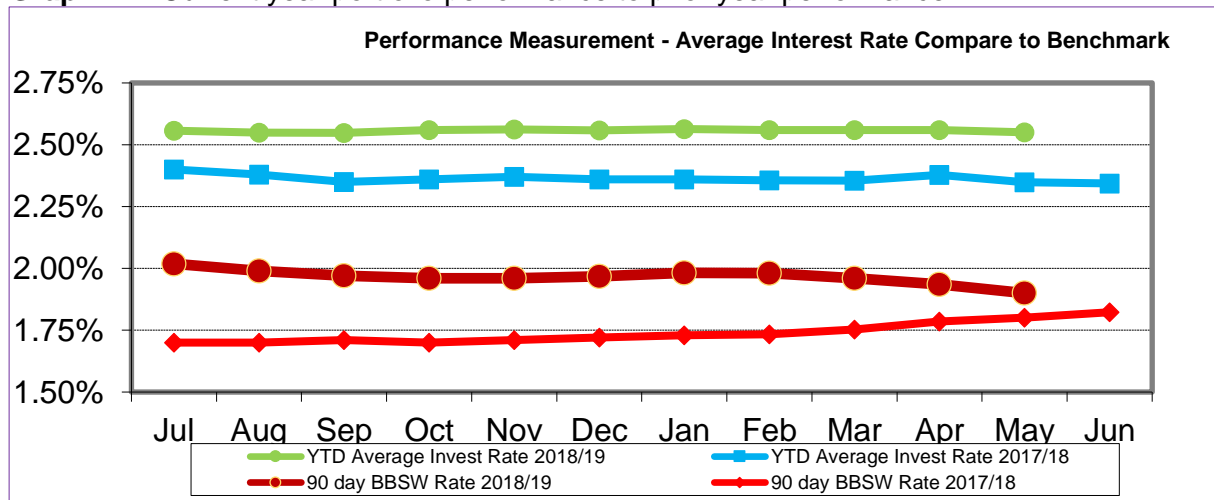
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**Graph 1** Actual interest earned to budget for this year and last year



**Graph 2** Current year portfolio performance to prior year performance



## Corporate and Community

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## Corporate and Community Services

**Table 5** Internal and external restrictions over cash and investments held

<b>Month End Totals \$'000</b>	<b>May 2019</b>	<b>Apr 2019</b>	<b>Mar 2019</b>	<b>Feb 2019</b>	<b>Jan 2019</b>	<b>Dec 2018</b>
Developer Contributions	12,373	12,228	12,397	12,335	11,958	11,684
RMS Contributions	2,103	2,303	2,303	2,303	2,303	2,303
Specific Purpose Unexpended Grants	2,842	1,894	1,865	1,580	600	600
Domestic Waste Management Reserve	430	430	430	430	430	430
<b>External Restrictions</b>	<b>17,748</b>	<b>16,855</b>	<b>16,995</b>	<b>16,648</b>	<b>15,291</b>	<b>15,017</b>
Plant and vehicle replacement reserve	2,275	2,079	2,025	1,915	1,782	1,922
Employees leave entitlement reserve	2,719	2,719	2,719	2,719	2,719	2,719
Bridge replacement reserve	923	923	923	627	674	674
Insurance provisions reserve	922	922	927	933	933	933
Miscellaneous and property reserve	1386	739	958	1,001	1,008	651
Property investment fund	935	945	951	962	827	827
Civil Works reserve	820	1,773	1,790	1,518	1,518	1,613
Waste depot and rehabilitation reserve	5,588	5,588	5,588	5,588	5,588	5,588
Computer reserve	284	362	362	362	362	284
Lawn cemeteries reserve	6	6	6	6	6	6
Operations and programs reserve	282	488	488	488	488	488
Rezoning reserve	85	85	85	85	85	85
Energy efficiency reserve	23	51	87	96	96	99
Loan Funds unexpended	573	570	584	655	670	500
<b>Internal Restrictions</b>	<b>16,821</b>	<b>17,250</b>	<b>17,493</b>	<b>16,955</b>	<b>16,756</b>	<b>16,389</b>
<b>Unrestricted - Balance of funds</b>	<b>4,866</b>	<b>2,250</b>	<b>5,367</b>	<b>7,042</b>	<b>5,570</b>	<b>9,201</b>
<b>Total Cash &amp; Investments</b>	<b>39,435</b>	<b>36,355</b>	<b>39,855</b>	<b>40,645</b>	<b>37,617</b>	<b>40,607</b>

The 4<sup>th</sup> rate instalment was due for payment at the end of May 2019, which has contributed to the increase in investment funds held.

**OPTIONS**

N/A

**CONSULTATION**

Director Corporate & Community Services  
Management 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.

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

5.3.7: Continue to educate staff on statutory compliance obligations.

5.3.8: Carry out governance functions to comply with legislation and best practice.

### **b. Other Plans**

N/A

## **IMPLICATIONS**

### **a. Policy and Procedural Implications**

Investments are held in accordance with Council's Investment Policy which accords with the Ministerial Investment Order.

### **b. Financial Implications**

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

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

### **c. Legislative Implications**

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

### **d. Risk Implications**

Investment risks are detailed within this report.

### **e. Other Implications**

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

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***CONCLUSION***

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

***ENCLOSURES***

There are no enclosures for this report.

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Corporate and Community Services



**SUBJECT:** *TENDER T1819-07 PROVISION OF LEGAL SERVICES*

**AUTHOR:** *Finance and Administration Manager - Andrew Glauser*

## **SUMMARY**

The purpose of this report is to engage a suitably experienced and qualified panel of Legal firms to provide legal services on Council's Legal Services Panel.

The current tender for the Legal Services Panel (T1314/10) expires July 2019.

## **RECOMMENDATION**

That Council accept tenders in each of the four categories in no order of preference from the following legal practitioners for appointment to Council's legal services panel (Tender No. T1819/07) for a period of five years from 1 July 2019 to 30 June 2024:

### **Category 1 - Planning, Environmental and Local Government Law:**

- 1) Lindsay Taylor Lawyers
- 2) Hunter Councils Legal Services Limited t/as Local Government Legal
- 3) Sparke Helmore Solicitors
- 4) Holding Redlich Partnership
- 5) Moray & Agnew
- 6) Marsdens Law Group

### **Category 2 – Property Law:**

- 1) Lindsay Taylor Lawyers
- 2) Hunter Councils Legal Services Limited t/as Local Government Legal
- 3) Sparke Helmore Solicitors
- 4) Moray & Agnew

### **Category 3 – Other Areas of Law:**

- 1) Lindsay Taylor Lawyers
- 2) Hunter Councils Legal Services Limited t/as Local Government Legal
- 3) Moray & Agnew
- 4) Sparke Helmore Solicitors

### **Category 4 – Employment Law:**

- 1) Moray & Agnew
- 2) Holding Redlich Partnership
- 3) Sparke Helmore Solicitors
- 4) Australian Business Lawyers and Advisors Pty Ltd

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***BACKGROUND***

In accordance with section 55 of the LGA and part 7 of the Regulation Councils must invite tenders for contracts involving an estimated expenditure of over \$150,000. Expenditure on Council's external legal services panel is estimated to exceed \$150,000 and Council's Procurement Policy aims to achieve value for money, probity, equity and effective competition hence this tender process was undertaken.

The previous tender called in 2014 saw five tenderers appointed to the legal services panel, with the current panel expiring on 1 July 2019.

The current panel consists of four firms, following the resignation of one firm from the panel:

1. Hunter Councils' Legal Services Limited t/as Local Government Legal
2. Marsdens
3. Lindsay Taylor Lawyers
4. Sparke Helmore Solicitors

The panel has provided Council with a high level of legal services and value-added services including information sessions to staff and Councillors in matters topical to local government, 24-hour hotline for preliminary advice and quarterly legal clinics. These value added services have provided great value to Council and are provided at no additional cost as part of the tender arrangement.

Occasionally Council has had to seek legal services outside the panel due to extenuating circumstances however this is only where it has been determined that this is the most appropriate option in the circumstances.

After conducting some analysis on the historical legal costs from the past four years, the average annual expenditure per annum for this contract was \$680,000. Bearing in mind there were spikes in costs when Council had court matters on foot.

***REPORT***

Council called for tenders for appointment to Council's external Legal Services Panel with sixteen competitive tender submissions, including a number of highly regarded firms received.

This tender process successfully achieved the objectives initially set and was supported by quality tender documentation and a robust procurement framework and processes.

***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 Hunter Joint Organisation tender suite. The RFT called for a schedule of rates for the provision of Legal Services.

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***Invitation***

Tenders were invited on 23 January 2019 on Council's e-tender portal, Tenderlink and advertised in the following publications:

Publication	Day	Date
Newcastle Herald	Saturday	9 February 2019
Sydney Morning Herald	Tuesday	12 February 2019

***Addenda***

No addenda were issued during the invitation period.

***Closure***

Tenders closed 2pm Tuesday 5 March 2019

Tenderers were advised in the tender brief document that the indicative areas of law that should be addressed include:

- Local Government Law and Practice, and related legislation and prosecutions;
- Environmental Planning Law, including Building and Development control and Land and Environment Court issues;
- Administrative Law;
- IP, Copyright and Technology
- Governance;
- Contract Management;
- Asset Management, including acquisition, lease or licence, disposal and development of Council property including infrastructure and roads;
- Corporate Law;
- Commercial Law;
- Property Law including Rating;
- Insurance and Civil Liability;
- Local Court Advocacy Services, including prosecutions under relevant Acts;
- Industrial Relations, including Work Health and Safety, Workers Compensation and WorkCover;
- Local Government (related) legislation and prosecutions;
- Legal advice in regards to all aspects of Council's operations; and
- Representation of Council in pre-litigation and litigation matters.

***CATEGORIES OF LEGAL SERVICES PANEL***

The successful firms will be appointed to a panel for each of the four categories outlined below and Council will then utilise the services of a firm from this panel as and when required.

Firms may offer a tender for more than one category, but the tender must be split between each category in regard to costs, staff and service.

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The four categories include:

- Category 1 – Planning, Environmental and Local Government Law
- Category 2 – Property Law
- Category 3 – Other Areas of Law
- Category 4 – Employment Law

***SERVICE LEVELS***

The successful firms will be required to provide specific service levels including:

- Hotline access (within one hour) to suitably qualified staff for over the phone advice on minor or urgent issues;
- A 48 hour response time for written opinion where issues require investigation and research, unless otherwise agreed to by the Council officer requesting the opinion; and
- Briefing of Council witnesses at least seven days prior to the dates set down for the hearing of a matter.

***QUALIFICATIONS OF LEGAL PRACTITIONERS***

The successful firms will be required to:

- Maintain a current practising certificate issued by the Law Society of NSW, the NSW Bar Association or equivalent interstate organisation, without any condition, restriction or qualification what would limit or restrict the capacity to provide legal services in assigned matters under this tender;
- Provide legal services in assigned matters in an effective and efficient manner;
- Comply with professional rules made and published by the Law Society of NSW or the NSW Bar Association, as applicable, in all matters relating to the provision of legal services under this tender.

It is expected that Council will have access to the provision of Legal Services on an informal basis from time to time. Such consultations will be provided to Council (up to 20 minutes) on a pro-bono arrangement. Where an issue cannot be resolved during a 20 minute phone call or face-to-face discussion, more formal advice may be required, which should be charged at the hourly rates or fixed rates as quoted in the tender.

Legal practitioners may also be required to design and deliver training to Council at no cost during the contract term.

***COMMITMENT NOT TO ACT AGAINST COUNCIL***

Council is committed to the highest standard of probity and governance in the management of its activities. Accordingly, Council requires its legal representatives to make a commitment not to act against Council in any matter. This is a mandatory requirement and all tenderers have submitted a signed declaration.

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**Corporate and Community Services****PERIOD OF ENGAGEMENT**

The Legal Services Panel will be appointed for the period 1 July 2019 to 30 June 2024. Should the provision of Legal Services and quality of staff engaged not satisfy the original tender specifications during the contract period, Council reserves the right to terminate the contract with a minimum notice period of one month.

**EVALUATION OF TENDERS**

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

- Director Planning and Environment, Planning and Environment
- Finance and Administration Manager, Corporate and Community Services
- Governance and Council Support Coordinator, Corporate and Community Services
- Senior Contracts and Tendering Officer, Finance and Administration

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

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

The evaluation criteria and their weightings were documented in the Tender Evaluation Plan, reviewed by the Operations Accountant 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 and are listed in alphabetical order.

Tender	Tenderer	Business Address	Criterion 1
1	Australian Business Lawyers and Advisors Pty Ltd	Newcastle	On time
2	Bilias & Associates, t/as Bilias & Associates Solicitors & Barristers	Sydney	On time
3	Holding Redlich Partnership	Sydney	On time
4	Hones Lawyers Pty Ltd	Sydney	On time
5	Hunter Councils Legal Services Limited t/as Local Government Legal	Thornton	On time
6	Lindsay Taylor Lawyers	Sydney	On time

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7	Maculrob Services	Sydney	On time
8	Marsdens Law Group	Campbelltown	On time
9	Middleton Gardiner & Associates Solicitors	Burwood	On time
10	Moray & Agnew	Newcastle	On time
11	Omedia Pty Ltd t/as Workdynamic Australia	Sydney	On time
12	Pikes & Verekers Lawyers	Sydney	On time
13	Redenbach Lee	Sydney	On time
14	RMB Lawyers	Wollongong	On time
15	Shaw Reynolds Lawyers Pty Ltd	Sydney	On time
16	Sparke Helmore Solicitors	Newcastle	On time

All 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	Conformance with the Request for Tender Documents

No tenders had any qualifications that required clarification.

All tenders were considered to conform to threshold Criteria 2.

All tenders were progressed to the next stage of evaluation, subject to the financial capacity of those tenderers.

## 3. Shortlisting

With sixteen 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:

Criterion	Description	Weighting %
Criterion 3	Tendered price	50%
Criterion 4	Value added services	15%
Criterion 5	Management and staff resources	10%
Criterion 6	Experience in required field	10%
Criterion 7	Capabilities and methodology	15%

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



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References provided from existing clients reveal an extremely high level of client satisfaction. Each legal practitioner is highly experienced in the provision of legal services to local Councils and have tendered a very competitive pricing structure.

It should be noted that four of the preferred tenderers are based in the Hunter region, therefore Council is actively supporting the local area, consistent with its Procurement Policy.

All of the preferred tenderers have appropriate accredited specialists and have the capacity to deliver advice and services in a timely and cost effective manner. The range of expertise in the various fields of law of the preferred tenderers will amply satisfy Council's needs in relation to the provision of legal services.

**5. Due Diligence**

References and previous experience, provided by the preferred tenderers, were reviewed as well as previous contracts value and staff resumes. Performance on other known work was also considered.

**6. Evaluation Result**

Following steps 1 to 5 of the evaluation process, the TET found that the below tenders met the requirements of the RFT and recommended acceptance of these Tender submissions.

<b>Category 1 - Planning, Environmental and Local Government Law:</b>	<b>Category 3 – Other Areas of Law:</b>
<ul style="list-style-type: none"> <li>• Lindsay Taylor Lawyers</li> <li>• Hunter Councils Legal Services Limited t/as Local Government Legal</li> <li>• Sparke Helmore Solicitors</li> <li>• Holding Redlich Partnership</li> <li>• Moray &amp; Agnew</li> <li>• Marsdens Law Group</li> </ul>	<ul style="list-style-type: none"> <li>• Lindsay Taylor Lawyers</li> <li>• Hunter Councils Legal Services Limited t/as Local Government Legal</li> <li>• Moray &amp; Agnew</li> <li>• Sparke Helmore Solicitors</li> </ul>
<b>Category 2 – Property Law:</b>	<b>Category 4 – Employment Law:</b>
<ul style="list-style-type: none"> <li>• Lindsay Taylor Lawyers</li> <li>• Hunter Councils Legal Services Limited t/as Local Government Legal</li> <li>• Sparke Helmore Solicitors</li> <li>• Moray &amp; Agnew</li> </ul>	<ul style="list-style-type: none"> <li>• Moray &amp; Agnew</li> <li>• Holding Redlich Partnership</li> <li>• Sparke Helmore Solicitors</li> <li>• Australian Business Lawyers and Advisors Pty Ltd</li> </ul>

**7. Independent Review**

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

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

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**TIME FRAME**

The contract will commence 1 July 2019 for five years until 30 June 2024.

**OPTIONS**

Option 1: Council appoints the recommended legal practitioners to its external legal services panel.

This is the preferred option and is reflected in the recommendation to this report.

Option 2: Council appoints alternative legal practitioners from the valid tenders received, and can reasonably justify why the preferred list is to be amended.

Option 3: Council determines to abandon all tenders and not have an external legal services panel.

**CONSULTATION**

- Director Corporate and Community Services
- Director Planning and Environment
- Finance and Administration Manager
- Human Resources
- Council's Tender Audit Panel
- Council's Tender Evaluation Team

**STRATEGIC LINKS**

**a. Delivery Program**

The appointment of an external legal services panel is a key component of Council's governance framework and is consistent with the community's desired outcome of: *Civic Leadership and Effective Governance*.

**b. Other Plans**

N/A

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Appointing a legal panel via the tender process complies with:

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

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which requires Council to tender for services where the cost of the services is expected to exceed \$150,000.

**b. Financial Implications**

Council has an allocation for the provision of legal services in its current budget.

**c. Legislative Implications**

Appointing a legal panel via the tender process complies with section 55 of the Local Government Act, 1993, which requires Councils to tender for services where the cost of the services exceeds \$150,000 per annum.

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

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

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

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

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4. If a Council resolves to enter into negotiations as referred to in sub clause (3) (e), the resolution must state the following:
  - (a) the Council's reasons for declining to invite fresh tenders or applications as referred to in sub clause (3) (b)–(d),
  - (b) the Council's reasons for determining to enter into negotiations with the person or persons referred to in sub clause (3) (e).

**d. Risk Implications**

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

- Satisfactory financial capacity, and
- Adequate levels of insurances.

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

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

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

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

**e. Environmental Implications**

N/A

**f. Other Implications**

N/A

**CONCLUSION**

Following an extensive tender process, this report is now presented to Council with a recommendation to appoint the following firms to Council's external Legal Services Panel for the period 1 July 2019 to 30 June 2024:

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Category 1 - Planning, Environmental and Local Government Law:	Category 3 – Other Areas of Law:
<ul style="list-style-type: none"> <li>• Lindsay Taylor Lawyers</li> <li>• Hunter Councils Legal Services Limited t/as Local Government Legal</li> <li>• Sparke Helmore Solicitors</li> <li>• Holding Redlich Partnership</li> <li>• Moray &amp; Agnew</li> <li>• Marsdens Law Group</li> </ul>	<ul style="list-style-type: none"> <li>• Lindsay Taylor Lawyers</li> <li>• Hunter Councils Legal Services Limited t/as Local Government Legal</li> <li>• Moray &amp; Agnew</li> <li>• Sparke Helmore Solicitors</li> </ul>
Category 2 – Property Law:	Category 4 – Employment Law:
<ul style="list-style-type: none"> <li>• Lindsay Taylor Lawyers</li> <li>• Hunter Councils Legal Services Limited t/as Local Government Legal</li> <li>• Sparke Helmore Solicitors</li> <li>• Moray &amp; Agnew</li> </ul>	<ul style="list-style-type: none"> <li>• Moray &amp; Agnew</li> <li>• Holding Redlich Partnership</li> <li>• Sparke Helmore Solicitors</li> <li>• Australian Business Lawyers and Advisors Pty Ltd</li> </ul>

**ENCLOSURES**

- 1 Confidential Evalaution Matrix - *This matter is considered to be confidential under Section 10A(2) (di) (dii) 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; AND commercial information of a confidential nature that would, if disclosed (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*

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**SUBJECT:** ***BENCHMARKING AND COMPARATIVE INFORMATION UPDATE***

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

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### **SUMMARY**

Council at the meeting on 3 April 2019 considered report GMU6/2019 on Benchmarking and Comparative Information. Part of this report provided some comparative information on Councils within the Hunter, with a footnote that financial information for Maitland was not available at that time. Council requested to have the comparatives updated once it was available and this report provides that information.

### **RECOMMENDATION**

**That Council receive the report and note the updated information.**

### **BACKGROUND**

A number of benchmarking functions occurs internally at an operational level, however these are not necessarily formally reported to Council. A report to Council on 3 April 2019 covered Operational Performance and Financial information.

A range of benchmarking data is already formally reported to Council such as the Quarterly Development Application Performance Monitoring Report, Statement of Performance Measures (Annual Financial Statements) and Annual Report data.

External benchmarking of Council will continue to occur, and is available to Councillors and the public via the various statutory bodies website, and where applicable these can also be provided as part of future benchmarking reports to Council.

### **REPORT/PROPOSAL**

At the meeting on 3 April 2019 Council considered a report on benchmarking. The report also included comparisons on a range of general metrics and scope of operations for Councils in the Hunter for the financial year 2017-18. At that time the financial results for Maitland were not available, and it was requested that once published, the comparative information inclusive of Maitland's result be provided to Council.

Maitland has completed its financial audit and released its 2017-18 results. This report provides that updated information for Maitland in the tables below, as well as data definitions.

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## Benchmarks – Hunter Councils

## Profile Information

Council	OLG Group	Population	Council Area km2	Total Road Length Km	5 year Pop. Growth	Aboriginal & Torres Strait Islander Population	Socio Economic Index 2016
Dungog	10	9,188	2,250	726.9	5.7%	5.1%	87
Central Coast	7	339,196	1,681	2,198.5	4.3%	3.8%	85
Cessnock	4	57,521	1,966	1,051.1	7.9%	7.2%	22
Lake Macquarie	5	203,376	649	1,366.6	2.5%	4.1%	91
Maitland	5	80,989	392	719.1	12.7%	5.3%	80
Muswellbrook	11	16,431	3,405	619.5	-1.6%	8.3%	27
Newcastle	5	162,358	187	813.2	3.2%	3.5%	92
Port Stephens	5	71,736	858	732.6	5.6%	4.8%	76
Singleton	4	23,482	4,893	871.8	-1.3%	5.7%	89
Upper Hunter	11	14,265	8,096	1,769.5	-1.7%	5.1%	70

- Population data – Population estimates by local government area (Australian Bureau of Statistics (ABS)\_3218.0\_Regional Population Growth, Australia, 2016 – 2017\_Population Estimates by Local Government Area (ASGS 2017), 2016 to 2017).
- ATSI – Aboriginal and Torres Strait Islander (ATSI) Peoples' population – This figure gives an indication of the diversity of the community in a local government area which may affect the type and level of service the council needs to provide (ABS\_2075.0\_Census of Population and Housing \_\_, Counts of Aboriginal and Torres Strait Islander Australians, 2016).
- Socio economic index rating - Derived from Census variables related to disadvantage, such as low income, low educational attainment, unemployment, and dwellings without motor vehicles. Socio-Economic Indexes for Areas (SEIFA) uses a broad definition of relative socio-economic disadvantage in terms of people's access to material and social resources and their ability to participate in society (ABS\_2033.0.55.001\_Census of Population and Housing: Socio-economic Indexes for Areas (SEIFA), Australia, 2016\_Local Government Area, \_Table\_2).
- Total Road Length – length of all local and regional roads within the local government area.

## KPI's – 2017/18

Council	Operating Performance Ratio	Unrestricted Current Ratio	Own Source Revenue	Rates & Annual Charges Outstanding	Debt Service Cover Ratio
<b>Benchmark</b>	<b><math>\geq 0.00</math></b>	<b><math>\geq 1.50</math></b>	<b><math>\geq 60\%</math></b>	<b><math>&lt; 5\%</math></b>	<b><math>\geq 2.00</math></b>
Dungog	-21.84	8.39	42.28%	6.13%*	12.02
Central Coast	2.91	1.55	79.49%	7.84%	3.95
Cessnock	-3.14	2.66	52.16%	1.69%	4.78
Lake Macquarie	5.56	2.75	68.32%	3.53%	3.34
<b>Maitland</b>	<b>6.22</b>	<b>4.15</b>	<b>56.00%</b>	<b>4.33%</b>	<b>4.72</b>
Muswellbrook	13.03	2.02	65.83%	7.70%*	2.30
Newcastle	1.68	3.00	86.47%	2.74%	7.32
Port Stephens	-0.08	2.05	78.08%	2.84%	2.36
Singleton	2.31	3.18	69.20%	2.77%	7.93
Upper Hunter	16.70	2.69	68.80%	6.85%**	3.71

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## Corporate and Community Services



\* Benchmark for Outstanding Rates & Annual Charges for regional/rural councils is <10%

- Operating Performance Ratio (%) - Measures achievement of containing operating expenditure within operating revenue. Calculated by total continuing operating revenue (excluding capital grants and contributions, gain on sale of assets and joint ventures), less operating expenses (excluding loss on sale of assets and joint ventures) divided by total continuing operating revenue (excluding capital grants and contributions, gain on sale of assets and joint ventures). Benchmark is >0%.
- Unrestricted Current Ratio – Is specific to local government and is designed to represent a council's ability to meet short term obligations as they fall due. Calculated by current assets less all external restrictions divided by current liabilities less specific purpose liabilities. Benchmark is > 1.5.
- % of Own source revenue – This ratio measures fiscal flexibility. Calculated by percentage of total continuing operating revenue received by council (excluding all grants and contributions) compared to total continuing operating revenue (including capital grants and contributions). Benchmark is greater than 60%.
- Outstanding Rates & Annual Charges (%) - Used to assess the impact of uncollected rates and annual charges on liquidity and the adequacy of recovery efforts. Calculated by rates and annual charges outstanding divided by rates and annual charges collectible. Benchmark varies dependant on OLG category classification for council.
- Debt Service Cover Ratio (%) - Measures the availability of operating cash to service debt including interest, principal and lease payments. Calculated by operating results (excludes fair value adjustments/decrements, net gain/loss on sale of assets, net share/loss on joint ventures) before capital excluding interest, depreciation/impairment/amortisation divided by principal repayments and the loan interest costs. Benchmark > 2.

**Rating Information – 2017/18**

Council	Average Residential Rate	Average Farmland Rate	Average Business Rate	Average Mining Rate	Average Domestic Waste Charge
Dungog	841.80	2,172.71	875.69	N/A	386.90
Central Coast	1,028.39	1,750.00	3,515.58	182,200.00	488.45
Cessnock	1,101.15	3,033.83	3,191.74	205,400.00	481.20
Port Stephens	989.05	1,609.31	4,142.47	N/A	410.09
Singleton	897.29	1890.75	1986.65	137,478.30	436.70
<b>Maitland</b>	<b>1,378.62</b>	<b>3,227.93</b>	<b>6,516.30</b>	<b>200,181.50</b>	<b>485.40</b>
Newcastle	1,300.09	4,222.22	11,026.88	N/A	330.49
Lake Macquarie	1,320.75	1,800.00	4,711.33	50,777.80	431.41
Muswellbrook	712.11	2,725.37	1,831.68	410,578.90	330.89
Upper Hunter	755.17	3,496.54	890.74	90,000.00	404.06

- Average rates – Calculated by dividing total rate revenue for category by number of rateable properties in each category at year end.
- Average Domestic Waste Charge – Calculated by dividing the total revenue for annual domestic waste charges by the number of residential rate payers.



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Council	Residential Rate Revenue \$'000	Farmland Rate Revenue \$'000	Business Rate Revenue \$'000	Mining Rate Revenue \$'000	Total Rate Revenue \$'000	Number of Ratable Assessments
Dungog	3,033	2,038	317	N/A	5,388	4,903
Central Coast	135,337	756	22,113	911	159,117	138,328
Cessnock	25,833	2,870	4,794	1,027	34,524	25,913
Port Stephens	31,257	795	7,589	N/A	39,643	33,931
Singleton	8,151	1,471	1,786	6,324	17,732	10,807
<b>Maitland</b>	<b>40,692</b>	<b>2,247</b>	<b>12,170</b>	<b>400</b>	<b>55,509</b>	<b>33,444</b>
Newcastle	83,107	38	50,051	N/A	133,196	68,472
Lake Macquarie	105,825	72	17,790	914	124,601	83,959
Muswellbrook	4,670	1,300	1,110	7,801	14,881	7,660
Upper Hunter	3979	5563	587	90	10,219	7,520

**OPTIONS**

The report is provided for information purposes only.

**CONSULTATION**

Maitland City Council

**STRATEGIC LINKS**

**a. Delivery Program**

This report provides information for Councillors which supports the community's desired outcome outlined in the Delivery Program of *Civic Leadership and Effective Governance*.

**b. Other Plans**

N/A

**IMPLICATIONS**

**a. Policy and Procedural Implications**

N/A

**b. Financial Implications**

N/A

**c. Legislative Implications**

The report is not required by legislation and is provided for information for Councillors.

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**d. Risk Implications**

N/A

**e. Other Implications**

N/A

***CONCLUSION***

This report provides updated information on benchmarking of Council operations following the publication of Maitland Council's 2017-18 Financial Statements.

***ENCLOSURES***

There are no enclosures for this report.

Corporate and Community

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Corporate and Community Services

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**SUBJECT:** *RESOLUTIONS TRACKING REPORT*

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

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### **SUMMARY**

The enclosure contains pending actions from previous meetings as well as completed actions for period 9 May 2019 to 12 June 2019.

### **RECOMMENDATION**

**That Council receive the report and note the information.**

### **ENCLOSURES**

- [1](#) ➡ Completed Actions 9/5/2019 - 12/6/2019
- [2](#) ➡ Outstanding Actions

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Corporate and Community Services



**SUBJECT:** ***GREATER BLUE MOUNTAINS WORLD HERITAGE AREA  
ADVISORY COMMITTEE LOCAL GOVERNMENT  
REPRESENTATIVE NOMINATION***

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

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### **SUMMARY**

Local Government NSW (LGNSW) is seeking nominations for Local Government representatives on the Greater Blue Mountains World Heritage Area Advisory Committee. This report provides Council the opportunity to consider nomination of a Councillor.

### **RECOMMENDATION**

**That Council nominate a Councillor to represent Local Government on the Greater Blue Mountains World Heritage Area Advisory Committee.**

### **BACKGROUND**

The Greater Blue Mountains Area (GBMA) encompasses 1.03 million hectares of eucalypt-dominated landscape across eight adjacent conservation reserves. The GBMA was inscribed on the World Heritage List in 2000 for its outstanding universal natural value. In addition to those listed values of the GBMA, there are numerous other important, complementary values including geodiversity, aesthetics and cultural associations.

### **About the Committee**

The GBMA Advisory Committee will provide advice to the managing agencies, the GBMA Management Committee, the Australian and NSW government Ministers responsible for World Heritage matters and the Australian World Heritage Advisory Committee on matters relating to the identification, protection, conservation, presentation, management and transmission to future generations of the Outstanding Universal Value of the Greater Blue Mountains Area.

The Advisory Committee shall:

- consider and advise on the views of community interests;
- consider and advise on technical and scientific matters including scientific research priorities, relevant new information or developments in science, the scientific basis of management principles and practices, the appropriateness of current and proposed research, and the maintenance of the values and integrity of the GBMA; and
- provide advice to the Management Committee or the relevant Ministers on issues referred to it for consideration.

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**Committee positions**

Thirteen members of the Advisory Committee, comprising:

- An independent chairperson
- Two Aboriginal/traditional owners
- Two local government (with terms rotating amongst jurisdictions)
- One tourism representative
- One non-government organisation from the conservation sector
- One representative of outdoor self-reliant nature-based recreation
- Three scientific representatives from either water quality/aquatic ecology, botany or zoology
- One archaeological/cultural heritage representative
- One representative from the NSW National Parks and Wildlife Service Regional Advisory Committee, Blue Mountains Branch.

It is requested within the correspondence that when applying for membership, applicants should be prepared to make a commitment to regularly attend meetings and participate in Committee activities.

The benefits of having a nominated member on the Committee include being a part of the overall governance arrangements for a large protected area within our local government area, representing the interests of Council and its community, and the opportunity to contribute and influence the direction accordingly.

**REPORT/PROPOSAL**

LGNSW is seeking nominations from Councillors, or Council staff to contribute expertise in local government to the Greater Blue Mountains World Heritage Area Advisory Committee. The Committee is jointly appointed by the NSW and Commonwealth Ministers for the Environment and provides advice on the protection, management and the presentation of the Greater Blue Mountains World Heritage Area (GBMWH).

Candidates must represent or be employed by one of the twelve councils covered by the GBMWH. These include: Blue Mountains, Cessnock, Goulburn Mulwaree, Greater Lithgow, Hawkesbury, Mid-Western, Muswellbrook, Oberon, Penrith, Singleton, Wingecarribee and Wollondilly.

Council has the opportunity to nominate a representative to the Committee, with the nominee either an elected representative or a staff member. Representatives are appointed for a three year term. Councillor Stapleford has previously been nominated as a committee member. In the event Council determines not to appoint an elected representative, the General Manager may elect to nominate a staff member.

Nominations originally closed 19 June 2019, however an extension of time has been granted and the close of nominations is now 25 June 2019.

The application form for nomination for membership is provided at Enclosure 1.

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**OPTIONS**

1. That Council nominate a Councillor for the local government representative on the Committee.
2. That Council does not nominate a Councillor for the local government representative on the Committee and the General Manager consider whether to nominate a staff member to the Committee.

**CONSULTATION**

General Manager  
Greater Blue Mountains World Heritage Area Executive Officer

**STRATEGIC LINKS**

**a. Delivery Program**

Council's involvement in the Committee is directly linked to the Council's 2017-2021 Delivery Program Objective 3.1 – Protecting and enhancing the natural environment and rural character of the area.

**b. Other Plans**

Nil

**IMPLICATIONS**

**a. Policy and Procedural Implications**

N/A

**b. Financial Implications**

If a staff member is appointed to the Committee the time for attendance at meetings and travelling would be accommodated within existing Operational budgets. Other Committee-related expenses incurred by appointed members, may be claimed from the Committee.

**c. Legislative Implications**

Nil

**d. Risk Implications**

The Committee may make recommendations about land within our local government area. If Council does not have a representative/member on the Committee, then Council may not have a say on matters within the scope of the Committee. In this regard, there is a risk the Committee may make recommendations without our contributions or input and which are not in our Council or Communities best interests.

**Corporate and Community**

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**Corporate and Community Services**

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**e. Other Implications**

Nil.

**CONCLUSION**

The Greater Blue Mountains World Heritage Area covers a considerable portion of the Cessnock LGA. Representation on the Advisory Committee for the area from a local government nominee has been requested. The report provides an opportunity for Council to have input into the Committee.

**ENCLOSURES**

- [1](#) ➡ Greater Blue Mountains World Heritage Area Advisory Committee - Application Form 2019

**SUBJECT:** *CEMETERIES AND CREMATORIA ACT 2013 AND  
IMPLICATIONS FOR COUNCIL MANAGED CEMETERIES*

**RESPONSIBLE OFFICER:** *Acting Director Works and Infrastructure - Nicole Benson*

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### **SUMMARY**

Council manages twelve cemeteries across the LGA and the purpose of this report is to advise Council of the implications of the *Cemeteries and Crematoria Act 2013* (the Act) for the cemeteries.

### **RECOMMENDATION**

**That Council receive and note the information contained within the report.**

### **BACKGROUND**

The Act was passed by the NSW Parliament and commenced on 24 October 2014. Part 4 of the Act introduces a new interment rights system in NSW and commenced on 25 June 2018 with a 12 month transition period to June 2019 to enable implementation in a measured and systematic manner.

The objects of the Act are as follows:

- a) to recognise the right of all individuals to a dignified interment and treatment of their remains with dignity and respect,
- b) to ensure that the interment practices and beliefs of all religious and cultural groups are respected so that none is disadvantaged and adequate and proper provision is made for all,
- c) to ensure that sufficient land is acquired and allocated so that current and future generations have equitable access to interment services,
- d) to provide for the operation of a consistent and coherent regime for the governance and regulation of cemeteries and crematoria,
- e) to ensure that the operators of cemeteries and crematoria demonstrate satisfactory levels of accountability, transparency and integrity,
- f) to ensure that cemeteries and crematoria on Crown land are managed in accordance with the principles of Crown land management specified in section 1.4 of the *Crown Land Management Act 2016*,
- g) to promote environmental sustainability of the interment industry, including provision for natural and private burials,
- h) to promote that cost structures for burials and cremations are transparent across all sectors of the interment industry,
- i) to promote affordable and accessible interment practices, particularly for those of limited means.

Cemeteries & Crematoria NSW (CCNSW) was created in 2014 under the Act and is the statutory agency supporting and regulating the interment industry, assessing interment needs and developing planning strategies for cemetery space. CCNSW also provides information to the public.



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On 12 December 2018 through Mayoral Minute “MM13/2018 – New legislation allowing cemetery operators to reuse graves”, Council made its position on renewable tenure very clear in that it will not be offered at any of the cemeteries managed by Council.

On 3 April 2019 Council adopted the Cessnock City Council Cemeteries Masterplan which provides a clear vision on the future amenity and character of each cemetery. The Masterplan also discusses the type, form and phasing of improvements and development within each cemetery and integrates with Councils strategic planning framework.

Council is a member of the Australasian Cemeteries & Crematoria Association and the Cemeteries and Crematoria Association NSW and participates in webinars as well as information sessions on a regular basis to keep up to date with the introduction of the Act and industry matters.

As of 1 July 2019 the allocation of interment plots and burials in Council managed lawn cemeteries will change to ensure that Council is compliant with the Act.

**REPORT/PROPOSAL**

Council is a “cemetery operator” as defined in the Act and must maintain a register that records interment rights granted, memorials erected and each interment carried out. Council’s current register and application forms have been amended to include additional information required under the Act including the details of additional interment right holders and the next of kin or a secondary contact person.

In 2018, legislative reform delivered formal recognition of two interment right types: perpetual and renewable. Cemetery operators are not obliged to offer renewable interment rights. Prior to 2018, some operators sold time-limited burial plots, but the vast majority of interment rights, including those sold by Council were perpetual. A perpetual interment right provides the right of interment in a specified site with the interment to be left undisturbed forever (in perpetuity). A perpetual interment right is never extinguished and that there is always an interment right holder.

Perpetual rights can be transferred, bequeathed or revoked. The holder of an interment right can transfer the right to another person or back to the cemetery operator. On the death of a joint holder, the remaining joint holder/s becomes the interment right holder/s once the cemetery operator’s records are updated.

The holder of an interment right may bequeath the right as part of their personal estate. The person who benefits from the bequest does not become the holder of the right until the cemetery operator’s register is amended and where an interment right is not bequeathed the rules of intestacy apply. Intestacy occurs where a person fails to make a Will or for other reasons such as where the Will fails to properly dispose of all their assets; where the Will is not valid because it has not been signed and witnessed according to the law; or where the person did not have the mental capacity to make a Will.

A person to whom an interment right devolves as a result of intestacy does not become the holder of the right until the cemetery operator’s register is amended.

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The Act allows a perpetual interment right to be revoked if no burial has occurred within 50 years from the date of the grant. Before a cemetery operator can revoke an interment right they must take reasonable steps to contact the rights holder. If the right holder makes contact with the cemetery operator, the future of the site can be negotiated, the holder can either sell or retain the site and Council has an existing procedure, fees and charges in place for this to occur.

It is important to note that an interment right is not required for scattering of cremated remains in a cemetery.

The most significant change for Council and interment right holders as a result of the Act is the allocation of plot numbers and burial methods in Council's lawn cemeteries at Aberdare and Kurri Kurri. Traditionally where a plot was reserved in a lawn cemetery approval was granted without an allocated plot number. For example, the approval for a lawn plot reservation made in the Gordon Williams Memorial Lawn Cemetery was written as "Gordon Williams Memorial Lawn Cemetery, Lawn, Next Plot Available". The reason for this is historic practice and mainly due to the way interments are conducted. By using the next plot available method the likelihood of damage to graves from heavy machinery is limited. Interments are conducted using a small excavator, tip truck and tractor all traversing over boards designed to protect the turf and burials are conducted from right to left as shown in Figure 1 below.

Council has not faced any issues with this methodology in the past though it should be noted that as graves are dug at double depth, graves must be driven over where a second interment occurs but this is not a frequent occurrence. For example a person may have been interred in Plot 1 (Figure 1) in 2013 and their spouse was interred in the same plot in 2018. Given the time that has elapsed, all plots in the row would have interments in them and would need to be driven over for the second burial to take place.

Plot 10	Plot 9	Plot 8	Plot 7	Plot 6	Plot 5	Plot 4	Plot 3	Plot 2	Plot 1
10 <sup>th</sup> burial	9 <sup>th</sup> burial	8 <sup>th</sup> burial	7 <sup>th</sup> burial	6 <sup>th</sup> burial	5 <sup>th</sup> burial	4 <sup>th</sup> burial	3 <sup>rd</sup> burial	2 <sup>nd</sup> burial	1 <sup>st</sup> burial

Figure 1 Former burial order example for a lawn cemetery.

With regards to certificates for interment rights, the Act states that the interment right must make clear whether the right granted is perpetual or renewable and must set out the following:-

- the person to whom the right is granted, renewed or transferred;
- the interment site to which the right relates;
- the number of persons whose remains may be interred in accordance with the right; and
- whose remains may be interred or who may nominate whose remains may be interred.

Council grants perpetual rights either for immediate use or as a reservation. Council's administrative forms and registers have been updated to collect all of the information required by the Act. The most significant change to Council and its customers for lawn cemeteries is that a plot number will be allocated meaning that a person will know exactly where the interment will take place. It is important to note that customers are not able to select their preferred location in the lawn section as they are able to do so in the gardens, columbarium

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walls and monumental sections. This is due to the amount of space allocated for lawn interments; the desire to keep the costs as low as possible for customers; and maintenance costs at a minimum. Council interment plots are double depth (cater for two caskets or coffins) and both the Gordon Williams Memorial Lawn Cemetery and the Kurri Kurri Lawn Cemetery have recently been expanded with a combined capacity for an additional 1,124 bodily interments as outlined below in Table 1 Lawn Cemetery Interments.

Table 1 Lawn Cemetery Interments

	Ave interments per annum	Ave reservations per annum	Reservations at 31 May 2019	Capacity as at 31 May 2019
Gordon Williams Memorial Lawn Cemetery	40	9	90 reservations with four requiring retrospective plot numbers	Existing section:- 18 New section:- 418
Kurri Kurri Lawn Cemetery	14	4	8 reservations with three requiring retrospective plot numbers	Existing section:- 32 New section:- 144

The allocation of immediate use interment rights will occur in the existing lawn sections at each cemetery. In line with the Act, reservations from 25 June 2018 will be retrospectively allocated a plot number and this will apply to seven customers. An information package will be sent to the customers affected by this providing them the opportunity to discuss with Council officers and amend any reservations where necessary. The allocation of these plots as well as any new reservations will occur in the new lawn sections of each cemetery.

As can be show in Table 1, if the status quo remains, there is adequate capacity to cater for future interments in the lawn cemeteries managed by Council. Any future expansions of the lawn cemeteries will be guided by rates of interment as well as interment trends.

Engagement with customers, funeral directors and monumental masons will be required as there are changes to each stakeholder and Council is heavily reliant on funeral directors and monumental masons to complete paperwork correctly with all of the information required.

**OPTIONS**

Council must comply with the legislation.

**CONSULTATION**

Cemeteries & Crematoria NSW (CCNSW)  
 Cemeteries and Crematoria Association NSW  
 Customers  
 Funeral Directors  
 Monumental Masons  
 Operational staff  
 Other Councils

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The recent community engagement exercise undertaken for the development of Masterplans for Council managed cemeteries found that people do not want to talk about end of life planning. It was very difficult to engage with the community despite using a range of methodologies. It is widely known that people are usually selecting an interment location when they are under stress because of the death of a loved one and generally unsure or unclear on the implications of their decisions.

CCNSW have released the General Consumer Guide to Interment Rights in NSW which can be accessed on line and a copy has been made available for customers who visit the Cemetery Office to view. The consumer guide to help the general public understand the interment rights system in NSW. The system, which commenced on 25 June 2018, provides certainty and clarity about interment rights for the community and ensures a standardised set of arrangements for managing interment rights, while recognising and protecting all existing burial and interment licences previously granted.

**STRATEGIC LINKS**

**a. Delivery Program**

Objective 1.2.6 of the of the Delivery program 2017-2021 is to provide a variety of affordable interment options to the community.

**b. Other Plans**

Cessnock City Council Cemeteries Masterplan 2019  
CCNSW Strategic Plan 2015 – 20  
Cessnock City Council Cemetery Strategy 2012

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Policy C10.12 Cessnock City Council Cemetery Policy will be reviewed along with existing cemetery management and administration procedures.

Most, if not all, applications for immediate use interment rights are coordinated by funeral directors as part of the funeral arrangements. This means that the current procedure will be amended and officers will visit and engage with funeral directors and in some cases, monumental masons, to inform them of the legislation and new procedures for application forms. Even though Council relies heavily on the funeral directors to obtain the correct information it is in Council's interest as the Cemetery Operator to ensure this is well understood.

**b. Financial Implications**

There are no financial implications for Council as a result of the Act.

The Independent Pricing and Regulatory Tribunal (IPART) is undertaking a review of interment costs and pricing, as required by s 145 of the Act and officers have reviewed an issues paper on the subject and are also collating statistical data on land capacity, sales volumes, revenue, operating costs, capital expenditure and asset lives. The aim of the review is to provide

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guidance to NSW cemeteries about pricing of interment services in the context of the Act and the approaching exhaustion of burial space in Sydney.

**c. Legislative Implications**

CCCNSW Code of Practice 2018  
*Cemeteries and Crematoria Act 2013*  
*Crown Land Management Act 2016*  
*Local Government Act 1993*  
*Public Health Act 2010*

**d. Risk Implications**

N/A

**e. Environmental Implications**

N/A

**f. Other Implications**

N/A

***CONCLUSION***

The implications to Council as a result of the Act are minimal and plans are in place to inform all persons affected by the matter.

***ENCLOSURES***

There are no enclosures for this report

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**SUBJECT:** ***HART ROAD & GINGERS LANE, SAWYERS GULLY -  
UPGRADE TRAFFIC MANAGEMENT***

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

**SUMMARY**

This report outlines the proposed construction and traffic management strategy during construction of upgrades to Hart Road roundabout and Gingers Lane, Sawyers Gully.

**RECOMMENDATION**

**That Council note the staging and lane closures for the proposed construction and traffic management strategy during construction of upgrades to Hart Road roundabout and Gingers Lane, Sawyers Gully.**

**BACKGROUND**

Upgrade of Frame Drive (adjacent to Gingers Lane) has been conducted under live traffic conditions which has consequently extended the construction period and increased the overall cost of the works.

With funding provided by Roads and Maritime Services and Restart NSW Fixing Country Roads, plans are being prepared to upgrade the Hart Road roundabout and Gingers Lane respectively in 2019/20.

**REPORT/PROPOSAL**

During the planning, several scenarios have been modelled and the most efficient traffic strategy available was identified.

**Proposed Traffic Management Strategy**

The proposed strategy is to close Gingers Lane and undertake the work in 4 stages as outlined below.

**Stage 1 Hart Road Roundabout & Gingers Lane:**

- Temporary side track constructed to maintain Government Road, Sawyers Gully traffic flows.
- Hart Road roundabout and Gingers Lane to be closed to through traffic.

**Stage 2 Gingers Lane, Stringybark to Woodland Drive:**

- Hart Road roundabout reopened to normal flow.
- Gingers Lane closed to through traffic from Stringybark Place to Woodlands Drive.

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**Stage 3 Gingers Lane, Grey Gum to Woodland Drive:**

- Gingers Lane closed to through traffic from Woodlands Drive to Grey Gum Drive.

**Stage 4 Gingers Lane, Grey Gum to Frame Drive:**

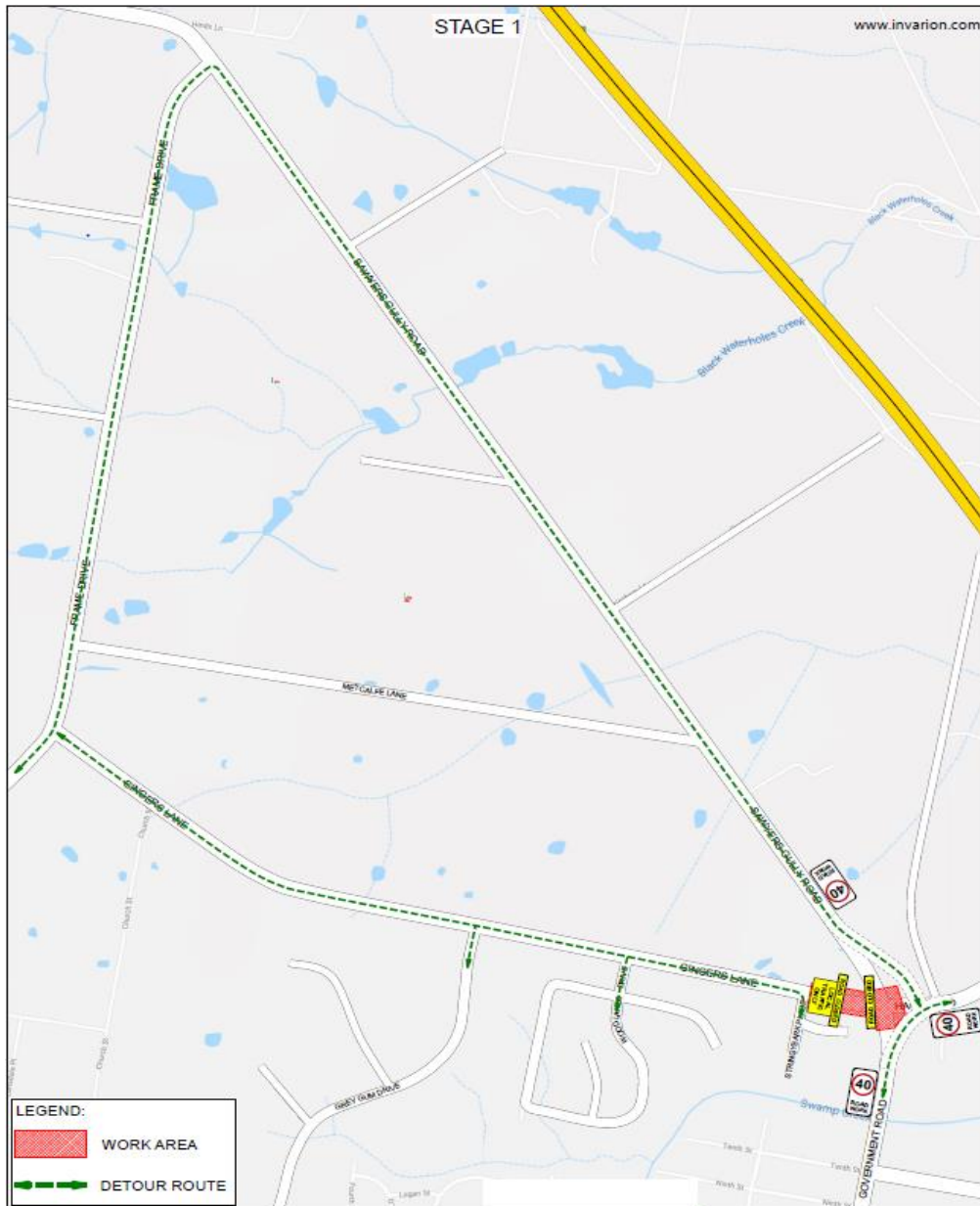
- Gingers Lane closed to through traffic from Grey Gum Drive to Frame Drive.

**Safety:** This strategy will place an emphasis on a safe working site and ensuring access to the three major subdivisions is unobstructed during the works. The path for emergency vehicles is slightly longer but able to remain clear.

**Detour Route & Time:** A suitable detour route will be provided via Frame Drive and Sawyers Gully Road.

For the full duration of works, a detour option will be available to access residential properties and for through traffic to navigate around staged work zones. The worst case detour will be 7.0km from Hart Road roundabout, North West on Sawyers Gully Road, South on Frame Drive then East to access Stringybark Place as shown in Figure 1 below.

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**Figure 1 – Detour during Stage 1**

Comparing the current route to the detour:

- Current travel time is approx. 3 minutes.
- Following the detour, travel time will be approx. 5 minutes.

**Construction Program:** The proposed traffic management will allow construction to be programmed over 52 weeks/12 months, subject to site conditions and weather permitting. With road closures in place the works can be delivered in a staged program allowing sections of the project to be delivered to the public at regular intervals throughout construction.



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**Alternate Traffic Management**

The alternate strategy is to leave a single lane open to traffic for the full duration of the construction period. This option will extend the program duration by 26 weeks and add an estimated cost of approx. \$1.13M.

**Safety:** This strategy requires the work to be carried out under live traffic conditions. The interface between Council workers, sub-contractors and traffic will be immediate and require careful planning and control to manage the increased risk. While the path for emergency vehicles is the same length, delays are possible as there are limited opportunities for passing in a single lane construction site.

**Delay & Wait Time:** Temporary traffic lights would be set up along the full length of works, potentially increasing the travel duration along the normal traffic route and increasing driver frustration.

During construction, with traffic control in place, delays with wait times of a minimum 4 minutes and a maximum 7 minutes, depending on temporary traffic light sequencing, is expected.

**Construction Program:** Construction under live traffic will require programming over 78 weeks/18 months, subject to site conditions and weather permitting.

**OPTIONS**

**Option 1 (Preferred):**

That Council note the staging and lane closures for the proposed construction and traffic management strategy during construction of upgrades to Hart Road roundabout and Gingers Lane, Sawyers Gully.

This is the preferred option for the construction which represents best value for money, shortest construction period and safest work environment for construction crews and sub-contractors.

**Option 2:**

That Council complete construction of upgrades to Hart Road roundabout and Gingers Lane, Sawyers Gully under live traffic conditions over a longer period.

This is not the preferred option for these works due to the increased time, costs and risk rating.

**CONSULTATION**

Internal consultation has occurred with:

- Director Works and Infrastructure
- Manager Works & Operations
- Projects Engineer
- Traffic Engineering Office
- Road Safety Officer

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External consultation has occurred with:

- RMS

Engagement with the community will be undertaken based on the strategy as outlined in this report.

Through direct mail out, a Community Newsletter and a local after-hours Drop In Centre, information will be exchanged with property owners and residents of Government Road, Gingers Lane, and the residential sub divisions off Gingers Lane.

Transport providers and emergency services will be contacted and commuters currently using Gingers Lane will be reached through various media, web site information, variable message boards placed well prior to commencement, and advice through the State governments Transport Management Centre.

**STRATEGIC LINKS**

**a. Delivery Program**

**Community Strategic Plan Cessnock 2027:** The recommendation of this report aligns with:

Objective 4 Accessible infrastructure, services and facilities:

Objective - 4.1 better transport links

Objective - 4.2 improving the road network.

**Delivery Program 2017-21:** The recommendation of this report aligns with:

Objective 4 Better transport links:

4.1.1: Advocate for increased road, public and community transport and associated infrastructure funding.

**b. Other Plans**

**2018-19 Operational Plan:** The recommendation of this report aligns with:

Objective 4 Better transport links

4.1.1 Advocate for increased road, public and community transport and associated infrastructure funding

4.1.1b Support applications for upgrades of bus stops.

4.2.2c Advocate for and support applications for grant funding to improve road infrastructure.

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Nil.

**b. Financial Implications**

The budget available and source of funds for the works is outlined in Table 1 below.

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Table 1 – Budget and Source of Funds

Restart NSW Fixing Country Roads	\$4.45M
Roads & Maritime Services	\$1.20M
<b>TOTAL</b>	<b>\$5.65M</b>

Construction of the road as proposed with closures and detours in place is more likely to allow the current design to be constructed from the available Restart NSW grant budget.

Constructing the road under single lane traffic flows will result in an additional \$1.13M in construction costs. These costs are driven by traffic management, overheads, plant, materials and labour for the extended project duration. The additional costs exceed the budget for the project and will result in the construction of a compromised or reduced scope.

**c. Legislative Implications**

Nil.

**d. Risk Implications**

**Safety Risk:** There are safety risks to Council workers and the travelling public when undertaking road works. Constructing a road under live traffic introduces several risks which exposes the work crew to several dynamic hazards which will be eliminated through a road closure construction strategy. Closing the road to through traffic during construction significantly improves the risk rating of the works.

**Quality Risk –** There are quality risks to the road work. Closing the road to through traffic will ensure the quality of the finished product is not compromised. Constructing a road in peace meal methodology due to the requirement to maintain traffic would increase the risk of laminating pavements and make delivering a quality assured project inherently more difficult.

**e. Environmental Implications**

The design aims to minimise the removal of native trees and shrubs along Gingers Lane. A flora and fauna assessment has been carried out by Peak Land Management to identify and mitigate the possible environmental impacts.

The construction work will necessarily generate noise and dust during daylight hours. The shorter construction program recommended aims to minimise the length of time that noise is generated.

Works will be undertaken in accordance with a site specific Environmental Management Plan (EMP) and implementation of the EMP will be monitored by Council's Project Manager.

The EMP will include managing dust generated on site through use of water carts, covered loads and appropriate stock pile management and prompt revegetation.

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**f. Other Implications**

**Social Implications:** The community will benefit from the safer construction site, as well as the longer term improvements and enhanced traffic management treatments at the intersection to the existing residential communities. Property owners on Gingers Lane are expected to obtain the benefit of improved amenity with road shoulders allowing freer access to and from vehicle access crossings.

***CONCLUSION***

The preferred methodology for construction takes advantage of the proposed traffic management strategy for the full duration of construction. The Strategy represents best value for money, has the shortest construction period, and is the safest work environment for construction personnel and the travelling public.

***ENCLOSURES***

There are no enclosures for this report

Notices Of Motion

Report No. BN12/2019

General Manager's Unit



***NOTICES OF MOTION No. BN12/2019***

**SUBJECT:** ***LOCATION FOR FUTURE PRE-POLLING CENTRES WITHIN CESSNOCK LGA***

**COUNCILLOR:** ***Anne Sander***

***MOTION***

**That Council write to the Australian Electoral Commission requesting that investigations for suitable secure pre- polling sites within Cessnock City Council Local Government area be carried out well in advance of any future elections.**

It is my intention to move the above motion at the next Ordinary Meeting of Council on 19 June 2019.

**RATIONALE**

A number of locations utilised for pre -polling over the recent two (2) elections had a number of logistical constraints to adequately service the pre-polling sites that were available.

Limited or no access for disabled or physically impaired members of the community trying to access these pre -poling centres.

The size of the area within the voting centres are in some areas small and not very private when casting a vote.

Some locations chosen are restricting normal trade for businesses neighbouring these pre-polling centres. Parking is also an issue for these businesses.

Sgd: Anne Sander

Date: 7 June 2019

***ENCLOSURES***

There are no enclosures for this report

Notices Of Motion

Report No. BN13/2019

General Manager's Unit



***NOTICES OF MOTION No. BN13/2019***

**SUBJECT:** ***PROVISION OF LOAD LIMITS ALONG SWANSON STREET AND STATION STREET WESTON***

**COUNCILLOR:** ***Anne Sander***

***MOTION***

**That the General Manager investigate the provision of load limits on Swanson Street and Station Street, Weston.**

It is my intention to move the above motion at the next Ordinary Meeting of Council on 19 June 2019.

**RATIONALE**

A number of residents along these streets have asked if anything can be done to limit the amount of large heavy vehicles that are using Swanson and Station Streets Weston as access to the main road to Cessnock.

These heavy vehicles including B – Doubles are exiting the Hunter Expressway from Hart Road onto Government Road then turning right into Swanson Street.

These vehicles are causing the residents distress due to the constant noise at all times of the day and night.

These streets are deemed local roads and were not built for the constant battering caused by these heavy vehicles.

If these heavy vehicles continue to utilise these carriageways Council will inevitably be responsible for their reconstruction in the future.

This is another legacy that Cessnock City Council is enduring from the aftermath of the completion of the Hunter Expressway.

Sgd: Anne Sander

Date: 7 June 2019

**ENCLOSURES**

There are no enclosures for this report

Notices Of Motion

Report No. BN14/2019

General Manager's Unit



***NOTICES OF MOTION No. BN14/2019***

**SUBJECT:** ***FORMATION OF A REGIONAL ROADS REVIEW COMMITTEE***

**COUNCILLOR:** ***Melanie Dagg***

***MOTION***

1. That Council form a Regional Roads Review Committee, comprising of Councillors and Council Officers.
2. That the Terms of Reference for the Regional Roads Committee include assessing Council's road network in an effort to determine those roads appropriate for return to State Government control under its Road Classification Review.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 19 June 2019.

**RATIONALE**

Many Councils are finding it increasingly difficult to not only maintain, but repair and replace their aging road networks and it has been argued that roads are the largest contributor to cost shifting to Local Government in NSW. At the recent State election, the Coalition promised to reclaim up to 15,000 kilometres of Council owned regional roads through the establishment of an Independent Expert Panel, who will oversee the asset transfer process. Following the Coalition's re-election, work has begun to select members of that Panel.

It is therefore necessary that Council commence the establishment of its own Committee to assess the appropriateness of our roads for hand over, once the assessment guidelines are made known under the Road Classification Review.

Sgd: Melanie Dagg

Date: 11 June 2019

**ENCLOSURES**

There are no enclosures for this report

Notices Of Motion

Report No. BN15/2019

General Manager's Unit



***NOTICES OF MOTION No. BN15/2019***

**SUBJECT:** *WASTE MANAGEMENT FACILITY SIGN*

**COUNCILLOR:** *Di Fitzgibbon*

***MOTION***

That the General Manager prepare a report for Council with 3 design/measurement options and preferred location options by the 2nd Ordinary meeting in July for a significant sign, which will be erected on the site of the new Waste Management Facility and paid for from the Waste Facility budget, informing the general public of:

1. The cost of the NSW Government Waste Levy per tonne.
2. The annual cost of the levy to the Cessnock community.
3. The benefits in tonnage terms from community recyclables.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 19 June 2019.

**RATIONALE**

There are still too many people in the Cessnock LGA who are unaware of the cost to council/ratepayer of the NSW Government Waste Levy. It is up to Council to provide the community with factual information to enable them to form an educated opinion.

Sgd: Di Fitzgibbon

Date: 11 June 2019

**ENCLOSURES**

There are no enclosures for this report



Notices Of Motion

Report No. BN16/2019

General Manager's Unit



***NOTICES OF MOTION No. BN16/2019***

**SUBJECT:** *ROAD RANKING*

**COUNCILLOR:** *Ian Olsen*

***MOTION***

- 1, That Council investigate the ranking of all roads in Cessnock LGA by putting together a ranking system that combines the current system of road condition data, usage and value for money.
2. When the investigation is complete a report is brought back to Council for ratification.
3. Once completed and ratified by Council, rank all roads for a priority listing and order of programming.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 19 June 2019.

**RATIONALE**

As our roads continue to deteriorate we need to spend ratepayer's money wisely and in a fashion that will get the best results for the money we spend and for the majority of our road users. Councillors, staff and residents will all then know the priority of all roads in the area. When setting our budget we will know what roads are going to get repaired and a timeframe for all work. If any changes need to be made to the list it will need to come back to council with a rationale on why we would move a road up the list but no road will be removed from the list.

Sgd: Ian Olsen

Date: 12 June 2019

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ54/2019

Works and Infrastructure

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**SUBJECT:** ***CESSNOCK ROAD, WESTON INTERSECTION - FIRST STREET / GOVERNMENT ROAD***

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

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**Q43/2019 – Cessnock Road, Weston Intersection – First Street / Government Road**

Asked by Councillor Olsen at the Ordinary Meeting of Council held on 5 June 2019.

*“Councillor Olsen referred to a previous question in relation to the Cessnock Road Weston intersection with First Street and Government Road and asked when will the repair work be carried out and where is money coming from”.*

The required funds to renew the failed existing pavement were not diverted from within the 2019/20 Local Road Renewal Program due to existing priorities.

The repair work is scheduled to be carried out by the end of December 2019 and will be funded from warranty provisions held within the Civil Works Reserve.

**ENCLOSURES**

There are no enclosures for this report.

**Answers To Questions For Next Meeting**

**Report No. AQ55/2019**

**Planning and Environment**

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**SUBJECT: STONEBRIDGE GOLF COURSE UPDATE**

**RESPONSIBLE OFFICER: Strategic Planning Manager - Martin Johnson**

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**Q44/2019 – Update on PE83/2018 – Planning Proposal at Stonebridge Golf Course**

Asked by Councillor Doherty at the Ordinary Meeting of Council held on 6 June 2019.

*“Referred to Council Report PE83/2018 in relation to the Stonebridge Golf Course and asked for an update?”*

Report PE83/2018 sought Council’s endorsement to request a Gateway determination for a Planning Proposal to rezone part of Lots 1000 and 1009 DP 1234890 from RE2 Private Recreation to R2 Low Density Residential and include an additional permitted use of ‘multi-dwelling housing’. The site forms part of the Cessnock Golf Course at Stonebridge Drive, Cessnock. The proponent for the proposal is Monteath and Powys, acting on behalf of Daracon, with permission from the Cessnock Golf Club Deed Administrator.

Following the Council meeting on 12 December 2018, the proposal was amended to remove the existing additional permitted use of Hotel and Motel Accommodation in accordance with the Council resolution. The Planning Proposal was then forwarded to the Department of Planning and Environment (DPE) seeking a Gateway determination on 18 December 2018.

The DPE requested further information on 19 December 2018 and 10 January 2019 and additional information was provided by Council in each instance. On 22 February 2019 the DPE requested further information regarding flooding on the site. The Proponent provided additional information regarding flooding on 24 May 2019 and this is currently being reviewed by Council staff.

**ENCLOSURES**

There are no enclosures for this report

## Answers To Questions For Next Meeting

Report No. AQ56/2019

Planning and Environment

**SUBJECT:** SECTION 7.11 RESIDENTIAL PLAN**RESPONSIBLE OFFICER:** Strategic Planning Manager - Martin Johnson**Q45/2019 – Section 7.11 Residential Plan**

Asked by Councillor Doherty at the Ordinary Meeting of Council held on 5 June 2019.

*“How much money is set aside in the Section 7.11 Residential Plan for roads?”*

The Residential s7.11 Contribution Plan collects contributions for roads in a number of catchments. The funds must only be spent on roads in the designated catchment. The current balance of each roads related line item in the Residential s7.11 Contribution Plan account is shown in **Table 1**.

**Table 1: The balance of the ‘roads related accounts’ in the Residential s7.11 Contribution Plan as of 7/6/2019 that have funds available.**

Line item	Current balance
District Roads – Rural	\$118,149.05
District Roads Urban	\$473,892.23
Local Roads	\$1,238.29
Local Roads – Abermain (small Holdings)	\$201,247.91
Local Roads – Illalong *	\$842.66
Local Roads – Kearsley	\$16,995.69
Local Roads – Mulbring	\$61,190.60
Local Roads – Mulbring South	\$6,616.26
Local Roads – North Rothbury	\$27,234.95
Local Roads – Nulkaba	\$18,858.78
Local Roads – Sawyers Gully	\$21,225.15
Local Roads – Urban	\$27,886.00
<b>Total</b>	<b>\$975,377.57</b>

\* The Residential Section 7.11 Plan currently lists Illalong as a catchment. This is a typographical error and should be Ellalong. This will be corrected in the review of the Plan.

**ENCLOSURES**

There are no enclosures for this report

Correspondence

Report No. CO10/2019

Corporate and Community Services



**SUBJECT:** *EMERGENCY SERVICES LEVY INCREASE 2019-20*  
**RESPONSIBLE OFFICER:** *Director Corporate and Community Services - Robert Maginnity*

**RECOMMENDATION**

**That the correspondence be noted.**

At its Ordinary Meeting of 15 May 2019 Council considered Mayoral Minute MM8/2019 – Emergency Services Levy Increase 2019-20 and resolved (inter alia):

- 4. That Council:**
- a. write to the Premier and Interim Opposition Leader, Minister for Customer Services, Minister for Emergency Services, Minister for Local Government and Shadow Minister for Local Government, and State Member for Cessnock to:**
    - i. call upon the NSW Government to fund the 12 months of this extra cost rather than requiring councils to find the funds at short notice when budgets have already been allocated**
    - ii. explain how this sudden increase will impact council services / the local community.**
    - iii. highlight that councils were not warned of the increased cost until May 2019, despite the new laws being passed in November 2018**
    - iv. explain that the poor planning and implementation of the increase is inconsistent with the Government's commitment to work in partnership with the sector**
    - v. ask the Government to work with local governments to redesign the implementation of the scheme to ensure it is fairer for councils and communities into the future.**

A response has been received from Clayton Barr MP, State Member for Cessnock advising that Council's concerns have been raised with the Premier, the Hon Gladys Berejiklian, MP; the Minister for Customer Service, the Hon Victor Dominello, MP; the Minister for Emergency Services, the Hon David Elliott, MP and the Minister for Local Government, the Hon Shelley Hancock, MP.

A copy of the response is attached for Council's information.

**ENCLOSURES**

[1](#) ➡ Response from State Member for Cessnock