



16 October 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, 23 October 2019 at 6.30 pm, for the purposes of transacting the undermentioned business.

**AGENDA:**

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| <b>(2) ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS</b>   |    |
| <b>(3) RECEIPT OF APOLOGIES</b>   |    |
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| Councillor Darrin Gray  |    |
| Councillor Melanie Dagg   |    |
| Councillor John Fagg  |    |
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‡ - Denotes that Report is for notation only.



## ***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
- Accountability
- Respect
- Excellence
- Teamwork

### ***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



## ***Notice of Copyright and Disclaimer***

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**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 2 OCTOBER 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  
Media & Communication Officer  
Corporate Governance Officer

The Mayor welcomed the newly appointed General Manager, Lotta Jackson.

**LEAVE OF  
ABSENCE:**

**MOTION**                      **Moved:** Councillor Suvaal  
**Seconded:** Councillor Stapleford  
1004

**RESOLVED** that the Leave of Absence requested for the 23 October 2019 Council meeting by Councillors Gray, Burke and Dagg be accepted.

<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**

**MINUTES:**

**MOTION**            **Moved:** Councillor Sander  
                          **Seconded:** Councillor Burke

1005

**RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 18 September 2019, as circulated, be taken as read and confirmed as a correct record.

<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**

**DISCLOSURES OF INTEREST**

**DISCLOSURES OF INTEREST NO. DI19/2019**

**SUBJECT: DISCLOSURES OF INTEREST**

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NIL

***PETITIONS***

**NIL**

***ADDRESS BY INVITED SPEAKERS***

**NIL**

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

**MOTION**            **Moved:**    Councillor Doherty            **Seconded:**    Councillor Suvaal  
1006

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

‡ CC83/2019	2020 Local Government Election - IPART review of costs for conducting local government elections .....	81
‡ CC84/2019	Disclosures of Interests in Written Returns .....	88
‡ CO24/2019	Impact of Emergency Services Levy (ESL) .....	108

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

<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**

**MOTIONS OF URGENCY**

**MOTIONS OF URGENCY NO. MOU17/2019**

**SUBJECT: MOTIONS OF URGENCY**

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**NIL**



## **PLANNING AND ENVIRONMENT**

### **PLANNING AND ENVIRONMENT NO. PE64/2019**

**SUBJECT: AMENDMENT OF THE CESSNOCK SECTION 7.12 CONTRIBUTIONS PLAN AND REPEAL OF TOURISM SECTION 94 CONTRIBUTIONS PLAN**

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**MOTION**            **Moved:**    Councillor Fitzgibbon    **Seconded:**    Councillor Gray  
1007

#### **RESOLVED**

1. That Council place the draft Section 7.12 Contributions Plan on public exhibition for a minimum period of 28 days.
2. That Council publish a notice of intent to repeal the Tourism S94 Contributions Plan in accordance with section 22 of the *Environmental Planning and Assessment Regulations 2000*.
3. That Council receive a report back on the amended S7.12 Contributions Plan after consultation with the community.
4. That Council, upon the repeal of the Tourism S94 Contributions Plan, transfer the funds from that Plan to the Section 7.12 Contributions Plan.
5. That the Pathways Construction Programme included in Schedule 1 (Clause 14) Works Schedule – Part A be changed from Medium to High.

<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. PE65/2019**

**SUBJECT: COUNCIL SUBMISSION TO IPART ISSUES PAPER - HWC PRICING PROPOSAL 2019 RELATING TO NORTH ROTHBURY PRIORITY SEWERAGE SCHEME**

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**MOTION**            **Moved:**    Councillor Fitzgibbon    **Seconded:**    Councillor Dagg  
1008

**RESOLVED**

1.     **That Council endorse the submission to the IPART Issues Paper – Review of prices for Hunter Water Corporation From 1 July 2020 with the following amendment being made to the wording, paragraph 2 provided in Council’s Submission:-**

*For many years Cessnock City Council and its representatives have been in consultation with HWC and its representatives in an effort to address the backlog of sewerage service works to the village of North Rothbury as a priority along with other villages within its Local Government Area.*

2.     **That consultation regarding Council’s submission to IPART be communicated back to the community of North Rothbury via the Branxton/Greta News.**
3.     **That Council’s submission be amended to include our concerns that local residents may not be able to afford an increase in their water rates. This should include socio economic data on our LGA.**

**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. CC83/2019**

**SUBJECT: 2020 LOCAL GOVERNMENT ELECTION - IPART REVIEW OF COSTS FOR CONDUCTING LOCAL GOVERNMENT ELECTIONS**

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**MOTION**            **Moved:**    Councillor Doherty            **Seconded:**    Councillor Suvaal  
1009  
**RESOLVED**

1. That Council note the impact of the recommendations arising from the final IPART report Costs for Conducting Local Government Elections and the decision by the NSW Government to provide a subsidy to all Councils to be paid directly as a separate payment, with this subsidy only applying to the 2020 election
2. That Council note the estimated cost for the NSW Electoral Commission to conduct the 2020 election will result in an increase from the 2016 election, even with the announced one off subsidy for 2020.
3. That Council note that based on the final report and the announced subsidy for 2020, there is no compelling reason to change the resolution of 6 February 2019 to engage the services of the NSW Electoral Commission to administer the 2020 local government election.

<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**

**CORPORATE AND COMMUNITY NO. CC84/2019**

**SUBJECT: DISCLOSURES OF INTERESTS IN WRITTEN RETURNS**

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**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Suvaal  
1010  
**RESOLVED**

**That Council note the tabling of the disclosures of interests written returns received from designated persons and Councillors within 3 months of 30 June 2019 by the General Manager in accordance with Council's Code of Conduct.**

<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**

### **WORKS AND INFRASTRUCTURE NO. WI63/2019**

**SUBJECT: NAMING OF COUNCIL ASSETS POLICY**

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**MOTION**            **Moved:**    Councillor Suvaal            **Seconded:**    Councillor Burke

1011

#### **RESOLVED**

1. That Council place the revised Naming of Council Assets Policy on public exhibition for a period of twenty eight (28) days and invite public submissions with the following amendments:-
  - 4.3 Add additional point "A 1 page fact sheet be supplied to applicants to simplify the process".
  - 4.5 Personal names, including those of persons still living, may be used for Council Assets e.g. amenities buildings, grandstands etc. however these features are not formally assigned by the GNB. Naming of these assets will be approved by resolution of Council following consultation with key internal and external stakeholders.
  - 5.2 Council will approve proposals to name smaller Council Assets e.g. amenities buildings, grandstands etc. following consultation with key internal and external stakeholders.
  - 5.3 Open Space & Community Facilities Team will consider proposals, undertake community engagement, consultation with relevant stakeholders and prepare a report for the elected Council's consideration for all Open Space & Community facilities and assets.
  - 5.4 Community & Cultural Engagement Team will consider proposals, undertake community engagement, consultation with relevant stakeholders and prepare a report for the elected Council's consideration for all Cultural facilities assets.
2. That a report on the outcomes of the exhibition be provided to Council prior to adopting the final Policy.

**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***

**WORKS AND INFRASTRUCTURE NO. WI64/2019**

**SUBJECT: GRETA CENTRAL PARK MASTERPLAN**

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**MOTION**      **Moved:** Councillor Suvaal      **Seconded:** Councillor Fitzgibbon  
1012  
**RESOLVED**

1. That Council adopt the draft Greta Central Park Masterplan.
2. That Council notify the key stakeholders of Councils decision.
3. That Council makes provisions for the implementation of the draft Masterplan in consideration of available resources including grant funding and development contributions.

<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. AQ95/2019**

**SUBJECT: DEVELOPER CONTRIBUTION EXPENDITURE**

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The answer was noted.

**ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ96/2019**

**SUBJECT: BRIDGES HILL PARK AND PEACE PARK**

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The answer was noted.



## **QUESTIONS FOR NEXT MEETING**

*Councillor Anthony Burke*

### **COOPER STREET WORKS**

Councillor Burke asked for an updated completion date for the Cooper Street works?

*Councillor Anthony Burke*

### **CLOSURE OF LINDSAY STREET**

Councillor Burke asked if Council had received any communication from Justice regarding the closure of Lindsay Street, Cessnock from Tuesday and the reasoning?

*Councillor Rod Doherty*

### **AIRPORT MASTER PLAN**

Councillor Doherty asked for an update on airport economics against the Airport Masterplan?

*Councillor Rod Doherty*

### **GOLDEN BEAR GOLF DEVELOPMENT**

Councillor Doherty asked for the update on the Golden Bear Golf Development?

*Councillor Anne Sander*

### **KURRI KURRI COMMUNITY CENTRE**

Councillor Sander asked what the timeframe is for the completion of the Kurri Community centre?

*Councillor Anne Sander*

### **TOURIST ENTRY SIGN – BLUE GUM ROAD**

Councillor Sander asked if Council would be constructing a tourist entry sign on the boundary on Blue Gum Road?

*Councillor Allan Stapleford*

### **CRUICKSHANK STREET DRAINAGE**

Councillor Stapleford asked for an update on the Cruickshank Street drainage?

*Councillor Melanie Dagg*

**MILLER PARK MASTERPLAN**

Councillor Dagg asked when further capital works will be undertaken at Miller Park given that Council has almost \$1m set aside for the implementation of the Miller Park Masterplan?

*Councillor Mark Lyons*

**CARMICHAEL PARK MASTERPLAN AND BELLBIRD NORTH SECTION 7.11 PLAN**

Councillor Lyons what coordination is there between the staff working on the Carmichael Masterplan and the Bellbird North Section 7.11 Plan?

*Councillor Ian Olsen*

**LIST OF MASTERPLANS**

Councillor Olsen asked for a list of all Masterplans that have been approved in the last 7 years and the total cost for each of those projects?

*Councillor Di Fitzgibbon*

**ST PHILLIPS COLLEGE MASTERPLAN**

Councillor Fitzgibbon asked if Council could contact St Phillips College regarding the timing of their submission of their Masterplan?

*Councillor Paul Dunn*

**ABBOTSFORD STREET BRIDGE**

Councillor Dunn asked for an update on the Abbotsford Street bridge?

## **CORRESPONDENCE**

**CORRESPONDENCE NO. CO23/2019**

**SUBJECT: WINE COUNTRY DRIVE - TRAFFIC AND SAFETY**

---

**MOTION**      **Moved:** Councillor Fitzgibbon      **Seconded:** Councillor Sander  
1013

**RESOLVED**

1. That Council note the correspondence received.
2. That Council be briefed on the corridor plan.
3. That Council obtain feedback from the police regarding targeted enforcement at the school drop and pick up times.

<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**

**CORRESPONDENCE NO. CO24/2019**

**SUBJECT: IMPACT OF EMERGENCY SERVICES LEVY (ESL)**

---

**MOTION**      **Moved:** Councillor Doherty      **Seconded:** Councillor Suvaal  
1014  
**RESOLVED**

**That the correspondence be 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 Lyons	
Councillor Pynsent	
<b>Total (13)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

# COUNCILLOR'S REPORTS

Mayor Pynsent

## Meeting with Minister for Local Government

The Mayor reported on his attendance at a meeting with the Minister for Local Government with the Deputy Mayor and Interim General Manager.

The issue of cost shifting, specifically the ones that were dealt with by Council, the Emergency Services Levy that had an increase of \$44,000 per year for the 19/20 year was discussed.

They discussed the affect the increase in the IPART enquiry into the cost of elections and showed gratification that that had been reduced.

The issue of the Valuer General Services was raised and another IPART review where Council would be faced with a 19% increase in the cost of valuation services.

Council's motion for the Local Government Conference in regards to the JRPP was also discussed and the Minister was a gasp to think that Council would be shut out as having a representative on the JRPP like Council is at present.

Council is being placed in a position to either cut services or increase rates which was pointed out the Minister, who showed a lot of compassion, particularly in regards to the Valuer General and the JRPP. She was unaware that that was the conditions that Council works under.

Actions coming out of the meeting are that her Advisor is going to contact Minister Dominello to follow up on the Valuer General cost and she thought that the best course of action for the JRPP and the motion before the Conference would be to write to Minister Stokes outlining the situation Council is in without a representative on that Panel without having the additional cost and seek solution before the Conference.

*The Meeting Was Declared Closed at 7.17pm*

**CONFIRMED AND SIGNED** at the meeting held on 23 October 2019

.....CHAIRPERSON

.....GENERAL MANAGER

Disclosures Of Interest

Report No. DI20/2019

Corporate and Community Services



**SUBJECT:** *DISCLOSURES OF INTEREST*

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

**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.

**Notice of Intention to Deal With Matters in Confidential Session**

**Report No. NI11/2019**

**Corporate and Community Services**



**SUBJECT:** ***NOTICE OF INTENTION TO DEAL WITH MATTERS IN CONFIDENTIAL SESSION.***

***CC91/2019 - CESSNOCK AIRPORT - HANGAR DISPUTE***

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

**RECOMMENDATION**

1. That Council considers in Confidential Session the following matters in accordance with Section 10A(2) (g) of the Local Government Act 1993:  
  
Report No. CC91/2019 – Cessnock Airport – Hangar Dispute as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
2. That Council requests the Mayor in accordance with Clause 14.21 of Councils Code of Meeting Practice to report on these matters to the meeting in Open Session following completion of the Confidential Session.

**SUMMARY**

It is necessary for the Council to adopt a resolution to formalise its intention to deal with certain matters in Confidential Session. The reports are incorporated in the “Confidential” business paper which has been circulated to Councillors.

The Local Government Act, 1993 requires the General Manager to identify those matters listed on the business paper which may be categorised as confidential in terms of Section 10A of the Local Government Act, 1993.

**ENCLOSURES**

There are no enclosures for this report.

Motions of Urgency

Report No. MOU18/2019

Corporate and Community Services



**SUBJECT:** *MOTIONS OF URGENCY*

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

**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.



Planning and Environment

Report No. PE68/2019

Planning and Environment



**SUBJECT:** *FEES AND CHARGES AMENDMENT - BUILDING, REGULATORY AND LIBRARY SERVICES*

**RESPONSIBLE OFFICER:** *Acting Health & Building Manager - Grant Hamilton*

### **SUMMARY**

The purpose of this report is to amend Council's fees and charges to correct a number of misdescriptions and minor omissions relating to Council's building, regulatory and library services.

### **RECOMMENDATION**

1. That Council adopts the correct fees that are set by regulations (fee type F).
2. That Council places on public exhibition for 28 days the proposed amendments to Council's adopted fees and charges that are not subject to regulations, (fee types A, D, E, G) to allow for public submissions prior to consideration of adopting the amended fees.

### **BACKGROUND**

A review of Council's adopted fees and charges has identified a few misdescriptions and omissions that do not accurately reflect the relevant fee or do not align with legislatively prescribed fees.

### **REPORT/PROPOSAL**

The proposal is to amend Council's adopted fees and charges due to misdescriptions and omissions relating to the following:

- Prescribed fees under the *Swimming Pools Act 1992*
- Clarification of fees relating to Complying Development Certificate, Principal Certifying Authority and Occupation Certificate for swimming pools and other ancillary development
- Rounding up of building certification fees
- Clarification of maximum fees payable for multiple wastewater treatment systems on the same property
- Clarification of fees associated with caravan parks and manufactured home estates
- Clarification of printing and photocopying fees at Council's libraries

The proposed amended fees for inclusion in the 2019/2020 fees and charges are as follows:

Planning and Environment

Report No. PE68/2019

Planning and Environment



**Swimming Pools Act 1992**

Name	Adopted 19/20 fee (Incl. GST)	Proposed 19/20 fee		GST	Fee Type
		Fee (Incl. GST)	Increase %		
Inspection fee	\$157.00	\$150.00	-4.4%	N	F
Re-inspection fee	\$105.00	\$100.00	-4.7%	N	F
Certificate of Compliance	\$157.00	\$150.00	-4.4%	N	F
Application for Exemption	\$74.00	\$250.00	237%	N	F
Registration of pool by Council on NSW State Swimming Pool Register	New	\$10.00		N	F

**Construction Certificates (CC) and Complying Development Certificates (CDC)**

Residential (BCA Class 1 only)

Dwellings – including additions/alterations, secondary dwellings, dual occupancy (BCA Class 1 only, excludes multi-unit and tourist accommodation development)

Name	Adopted 19/20 fee (Incl. GST)	Proposed 19/20 fee		GST	Fee Type
		Fee (Incl. GST)	Increase %		
Up to 60m <sup>2</sup>	\$469.19	\$470.00	0.1%	Y	G
Over 60m <sup>2</sup> to 200m <sup>2</sup>	\$600.00	\$622.00	3.6%	Y	G
Over 200m <sup>2</sup> to 400m <sup>2</sup>	\$923.90	\$925.00	0.1%	Y	G
Over 400m <sup>2</sup>	Quotation	Quotation		Y	G
Complying Development Certificate	Payment of the equivalent construction certificate fee plus 10%			Y	G

**Construction Certificates (CC) and Complying Development Certificates (CDC)**

Residential (BCA Class 10 only)

Sheds, garages, swimming pools etc

Name	Adopted 19/20 fee (Incl. GST)	Proposed 19/20 fee		GST	Fee Type
		Fee (Incl. GST)	Increase %		
Up to 100m <sup>2</sup>	\$413.09	\$415.00	0.4%	Y	G
Over 100m <sup>2</sup>	\$459.00	\$460.00	0.2%	Y	G
Swimming Pools – Less than 40 KL	\$357.00	\$360.00	0.8%	Y	G
Swimming Pools – Greater than 40 KL	\$402.90	\$405.00	0.5%	Y	G
Retaining Walls, Fences and Other Minor Structures	Quotation	Quotation		Y	G
Complying Development Certificate	Payment of the equivalent construction certificate fee plus 10%			Y	G

**PCA Inspection Fees**

Residential (BCA Class 1 only)

Dwellings – including additions/alterations, secondary dwellings, dual occupancy (BCA Class 1 only, excludes multi-unit and tourist accommodation development)

Name	Adopted 19/20 fee (Incl. GST)	Proposed 19/20 fee		GST	Fee Type
		Fee (Incl. GST)	Increase %		
Up to 60m <sup>2</sup>	\$533.00	\$535.00	0.3%	Y	G
Over 60m <sup>2</sup> to 200m <sup>2</sup>	\$634.44	\$635.00	0.08%	Y	G
Over 200m <sup>2</sup> to 400m <sup>2</sup>	\$740.00	\$755.00	2%	Y	G
Over 400m <sup>2</sup>	Quotation	Quotation		Y	G

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**PCA Inspection Fees**

Residential (BCA Class 10 only)

Sheds, garages, swimming pools etc

Name	Adopted 19/20 fee (Incl. GST)	Proposed 19/20 fee		GST	Fee Type
		Fee (Incl. GST)	Increase %		
Up to 100m <sup>2</sup>	\$265.20	\$265.00	-0.07%	Y	G
Over 100m <sup>2</sup>	\$372.31	\$375.00	0.7%	Y	G
Swimming Pools – Less than 40 KL	New	\$165.00		Y	G
Swimming Pools – Greater than 40 KL	New	\$205.00		Y	G
Retaining Walls, Fences and Other Minor Structures	Quotation	Quotation		Y	G

**Occupation Certificates**

Residential (BCA Class 1 only)

Dwellings – including additions/alterations, secondary dwellings, dual occupancy

(BCA Class 1 only, excludes multi-unit and tourist accommodation development)

Name	Adopted 19/20 fee (Incl. GST)	Proposed 19/20 fee		GST	Fee Type
		Fee (Incl. GST)	Increase %		
Up to 200m <sup>2</sup>	\$163.20	\$165.00	1.1%	Y	G
Over 200m <sup>2</sup> to 400m <sup>2</sup>	\$188.69	\$190.00	0.6%	Y	G
Over 400m <sup>2</sup>	Quotation	Quotation		Y	G

**Occupation Certificates**

Residential (BCA Class 10 only)

Sheds, garages, swimming pools etc

Name	Adopted 19/20 fee (Incl. GST)	Proposed 19/20 fee		GST	Fee Type
		Fee (Incl. GST)	Increase %		
Up to 100m <sup>2</sup>	\$96.90	\$100.00	3.1%	Y	G
Over 100m <sup>2</sup>	\$148.00	\$150.00	1.3%	Y	G
Swimming Pools – Less than 40 KL	New	\$100.00		Y	G
Swimming Pools – Greater than 40 KL	New	\$160.00		Y	G
Retaining Walls, Fences and Other Minor Structures	Quotation	Quotation		Y	G

Planning and Environment

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**Associated Wastewater Management Fees**

Name	Adopted 19/20 fee (Incl. GST)	Proposed 19/20 fee		GST	Fee Type
		Fee (Incl. GST)	Increase %		
Inspection – Light/General Commercial System	New	\$140.00		N	D
<i>*Where multiple systems on the same property are inspected concurrently, fees are charged for each system inspected up to a maximum equivalent of 4 systems</i>					
Inspection Complex Commercial	New	\$280.00		N	D
<i>*Where multiple systems on the same property are inspected concurrently, fees are charged for each system inspected up to a maximum equivalent of 4 systems</i>					
Inspection Residential System	No charge for periodic routine inspection, re-inspection is applicable			N	A
Re-inspection fee (all)	\$140.00	\$143.00	2.14%	N	D
Inclusive of inspections arising from a failure to act on the requirements of quarterly service report					
Re-use of waste water tank for water storage – inspection fee	\$140.00	\$143.00	2.14%	N	D
Extraordinary investigation costs	Costs + \$41	Costs as incurred by Council		N	D
Where extraordinary investigation is undertaken such as independent sample analysis, dye testing or installation of ongoing monitoring systems undertaken in exercise of Council's regulatory functions the cost incurred will be invoiced.					

Note: \*New wording to clarify the intent of the fee

**Approvals relating to Caravan Parks and Manufactured Home Estates**

Name	Adopted 19/20 fee (Incl. GST)	Proposed 19/20 fee		GST	Fee Type
		Fee (Incl. GST)	Increase %		
Application for approval to operate (sec.68 LG Act)	\$14.50 per site (minimum \$250 per caravan park)	\$15.00 per site (minimum \$270 per caravan park *or manufactured home estate)		N	D
Application to install manufactured home and/or associated structure on flood liable land within a manufactured home estate	New	\$420.00 (incl. 1 x site visit/ inspection)		N	D
Re-inspection fee	\$130.00 per inspection	\$133.00 per inspection		N	D
Certificate of Completion for manufactured home or associated structure within a manufactured home estate	New	\$235.00 (per site, incl. 1 x site visit/inspection)		N	D
Applications for objection of regulations (Sec.82 LG Act)	New	\$355.00		N	D

Note: \*New wording to clarify the intent of the fee

**Printing/Photocopying Black & White\***

Name	Adopted 19/20 fee (Incl. GST)	Proposed 19/20 fee		GST	Fee Type
		Fee (Incl. GST)	Increase %		
Each copy – A4	\$0.25 per copy	\$0.25 per copy		Y	E
Each copy – A3	\$0.50 per copy	\$0.50 per copy		Y	E

Note: \*New wording to clarify the intent of the fee

Planning and Environment

Report No. PE68/2019

Planning and Environment



**Printing/Photocopying Colour\***

Name	Adopted 19/20 fee (Incl. GST)	Proposed 19/20 fee		GST	Fee Type
		Fee (Incl. GST)	Increase %		
Each copy – A4	\$0.55 per copy	\$0.55 per copy		Y	E
Each copy – A3	\$1.10 per copy	\$1.10 per copy		Y	E

Note: \*New wording to clarify the intent of the fee

**OPTIONS**

Nil.

**CONSULTATION**

Business Partner & Service Accountant  
 Environmental Health Team Leader  
 Library Services Coordinator  
 Director Planning and Environment

**STRATEGIC LINKS**

**a. Delivery Program**

Objective 1.3.2 *“Carry out regulatory and education programs to protect residential amenity and community health and safety”*

Objective 1.3.3 *“Continue to comprehensively and professionally process construction certificates and complying development certificates”*

Objective 3.1.8 *“Carry out regulatory and educational programs to protect and enhance the natural environment and environmental health”*

**b. Other Plans**

Nil

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Nil

**b. Financial Implications**

The proposed changes specifically relate to Council’s adopted fees and charges. With specific reference to the prescribed fees under the *Swimming Pools Act 1992*, Council’s current incorrectly advertised fee may result in fees being charged in excess of legislative requirements. Council will likely have to refund customers who may have been charged in excess of statutory prescribed fees and potential breach of the *Local Government Act 1993*.

**Planning and Environment**

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**Planning and Environment**



The clarification to the building, regulatory and library services fees provides a more simplistic calculation and payment of fees (whole dollars) and removes the ambiguity when Council staff are imposing and explaining fees to customers.

**c. Legislative Implications**

As required under Sections 705 and 706 of the *Local Government Act 1993* public notice must be given for at least 28 days of proposed changes to an adopted fees and charges. Any public submission must be considered by Council before determining the matter notified.

**d. Risk Implications**

Failing to amend the current incorrectly advertised prescribed fees under the *Swimming Pools Act 1992* may result in Council acting in contrary to the provision of the Act.

**e. Environmental Implications**

Nil

**f. Other Implications**

Nil

**CONCLUSION**

A review of Council's current adopted fees and charges has identified a few misdescriptions and omissions that do not accurately reflect the relevant fee or do not align with legislatively prescribed fees. The proposal is to place the modified fees on public exhibition for 28 days to allow for public submissions prior to Council's consideration of adopting the amended fees.

**ENCLOSURES**

There are no enclosures for this report

Planning and Environment

Report No. PE69/2019

Planning and Environment



**SUBJECT:** ***COUNCIL SUBMISSION TO BETTER REGULATION DIVISION REGARDING THE DRAFT BUILDING AND DEVELOPMENT CERTIFIERS REGULATION 2019***

**RESPONSIBLE OFFICER:** *Acting Health & Building Manager - Grant Hamilton*

### **SUMMARY**

Council staff have reviewed the draft Building and Development Certifiers Regulation 2019 and have completed a submission for consideration and endorsement by Council.

### **RECOMMENDATION**

**That Council endorses the submission to the Better Regulation Division regarding the draft Building and Development Certifiers Regulation 2019.**

### **BACKGROUND**

In April 2018 a National Building Minister's Forum was held in Melbourne with the purpose of discussing the compliance and enforcement issues currently facing the building and construction industry.

Supporting the Forum was the outcomes of a major investigation into the industry conducted by Professor Peter Shergold AC and Ms Bronwyn Weir. Their report titled '*Building Confidence – Improving the effectiveness of compliance and enforcement systems for the building and construction industry across Australia*,' or the Shergold Weir report, has been used as the model to guide legislative decisions aimed at regulating the building and construction industry.

Amongst other issues, the Shergold Weir report "*identified that public confidence in the building and construction industry has diminished and that private certification is tainted with conflicts of interest and poor practices*". The State Government has sought to address some of these issues by drafting the Building and Development Certifiers Regulation 2019.

### **REPORT/PROPOSAL**

The NSW Department of Finance, Services and Innovation, Better Regulation Division released the draft Building and Development Certifiers Regulation 2019 for public submission on 30 September 2019. Interested parties are invited to make submission to the draft legislation by 28 October 2019.

Council staff have reviewed the draft Regulation and have drafted a submission for Council's consideration and endorsement. The main points within the submission include:

- Expressing Councils general views regarding private certification and the government's inability to effectively regulate an industry that at its core is driven by profit motive as opposed to the public interest

**Planning and Environment**

**Report No. PE69/2019**

**Planning and Environment**



- Demonstrates by way of an example how the legislation is out of touch with the workings of the building and construction industry and the ability for builders and certifiers to circumvent the regulations
- The effective role of Council building surveyors to act as an independent third party between the property owner and the builder in the assessment and certification of new buildings
- Confirms the suitability for Council building surveyors to be managed as Council employees via Council's Code of Conduct, policies and procedures and supports the retention of legislation that exempts Council employees from receiving fines from the Department of Fair Trading for disciplinary proceedings.

The draft submission is attached for Council's consideration.

**OPTIONS**

*Option 1*

Council should endorse the submission thereby notifying the State Government of Council's views and experiences with private certification and the inability to effectively regulate the industry. This is the preferred option.

*Option 2*

That Council note the report and take no further action or amend the current draft submission.

This is also an option due to the likelihood the State Government will proceed with the legislation regardless of Council's submission. By not making a submission though, Council will forgo the current opportunity to express their views on draft legislation intended to regulate the certification industry.

**CONSULTATION**

Acting Building Services Team Leader  
Acting Health and Building Manager  
Director Planning and Environment

**STRATEGIC LINKS**

**a. Delivery Program**

Objective 1.3: *Promoting safe communities* and specifically:

Action 1.3.3: *Continue to comprehensively and professionally process construction certificates and complying development certificates.*

**b. Other Plans**

Nil



## **IMPLICATIONS**

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

Nil

### **b. Financial Implications**

The outcomes of a financial analysis in 2016 substantiated Council's support to providing contestable building certification services showing the function as profit generating for the organisation.

On the reverse side, Council recently expended approximately \$25,000 in legal fees to have a privately certified complying development certificate surrendered for a non-complying dual occupancy development at Gullane Close, Heddon Greta. A complaint was lodged by Council to the Building Professionals Board who determined not to take any disciplinary action against the private certifier.

The submission highlights to the State Government Council's concerns regarding the inability for legislation to effectively regulate an industry that is driven by profit motive as opposed to the public interest. Should legislation remain ineffective, there is potential for Council to be impacted by future legal expense to overturn similar non-complying development decisions made by private certifiers.

### **c. Legislative Implications**

*Environmental Planning and Assessment Act 1979*

*Local Government Act 1993*

*Building and Development Certifiers Act 2018* (not commenced)

*Building and Development Certifiers Regulation 2019* (not commenced)

### **d. Risk Implications**

The draft legislation intends to improve the regulation of the building certification industry. There is risk that ineffective legislation to control the decisions and conduct of private certifiers will result in Council having to take action on behalf of its residents to have non-complying development decisions overturned or annulled.

### **e. Environmental Implications**

At its meeting on 20 March 2019, Council determined to refuse 24 development applications for dual occupancy developments within Heddon Greta. Council made its decision amongst other reasons, to refuse the applications on the grounds of public interest. The developer disregarded Council's decision and used a private certifier who issued an invalid complying development certificate for one of the same developments Council had previously refused.

**Planning and Environment**

**Report No. PE69/2019**

**Planning and Environment**



The State Government have essentially created an industry that allows developers to shop around for a certifier who is willing to approve their development. Council's submission, while acknowledging the intention to improve the regulation of certifiers, highlights Council's skepticism as to the legislative effectiveness in addressing the real problems within the industry where money is the driving force as opposed to acting independently and within the public interest.

Failing to adequately control the certification industry risks future negative community, social or environmental impacts where planning and building decisions are made with compromise or as incentive for future certification work.

**f. Other Implications**

Nil

**CONCLUSION**

Council staff have reviewed the draft Building and Development Certifiers Regulation 2019 and completed a submission for the review and endorsement by Council. The submission expresses Council's general views regarding the government's inability to effectively regulate an industry that is driven by money as opposed to the public interest. It also confirms its support for Council building certification and its ability to provide actual independence without compromise or incentive for future certification work.

**ENCLOSURES**

[1](#) Submission Building and Development Certifiers Regulation 2019



24 October 2019

Building and Development Certifiers  
Regulation 2019  
Better Regulation Division,  
Regulatory Policy Locked Bag 2906  
LISAROW NSW 2252

Contact: Mr Gareth Curtis  
Our Ref:  
Your Ref:

Dear Sir/Madam,

**Submission regarding the Building and Development Certifiers Regulation 2019**

Cessnock City Council (the 'Council') appreciates the opportunity to make a submission to the above draft regulation.

Council seeks to make a submission primarily in relation to questions 10 – 13 of the Regulatory Impact Statement (RIS) of the draft Building and Development Certifiers Regulation 2019 with a particular focus on acting in the public interest and conflicts of interest.

Council employs a team of Council accredited certifiers (building surveyors) who undertake certification work on behalf of Council as the Principal Certifying Authority. The team are committed to their work and pride themselves in undertaking their role with a high degree of professionalism and integrity. Council actively pursues contestable certification work in a conscious effort to reduce, what Council considers, the negative effects private certification has had and potentially will have on development within the Cessnock local government area.

Council's experiences have often found that some private certifiers do not genuinely act in the public interest. Recently, Council refused 24 development applications for dual occupancy developments from the same developer. Council made its decision amongst other planning reasons, to refuse the applications on the grounds of public interest. The developer circumvented Council's decision by using a private certifier who issued an invalid complying development certificate (CDC) for one of the same developments Council had previously refused. Council then expended approximately \$25,000 in legal fees to have the invalid CDC surrendered. A complaint was lodged by Council to the Building Professionals Board who determined not to take any disciplinary action against the private certifier.

t: 02 4993 4100 f: 02 4993 2500  
p: PO Box 152 Cessnock NSW 2325 or DX 21502 Cessnock  
e: council@cessnock.nsw.gov.au w: www.cessnock.nsw.gov.au  
ABN 60 919 148 928

Not only is Council concerned about the actions of private certifiers but also the apparent inability or unwillingness for regulators to take sufficient action to control the industry. It is understood the commencement of the *Building and Development Certifiers Act 2018* will dissolve the Building Professionals Board. While it is hoped the replacement regulators will be competent to control the industry, Council remains sceptical as to the legislative effectiveness in addressing the real problems within the industry where profit motive is the driving force as opposed to balancing that motive with acting independently and within the public interest.

The belief that the property owner 'engages' the certifier, whilst provided for in the legislation, does not consistently reflect how the industry actually operates. Both Council and private certifiers know that it's the builder that often determines who will certify their work hence why certifiers regularly meet with and seek to engage in certification agreements/contracts with builders.

To demonstrate the point, a major project home builder recently removed certification work from Council to a private certification company. Council's building surveyors met with the builder so as to understand the reasons for the change with the explanation given to the effect, the private certifier would interpret the State Environmental Planning Policy (Exempt and Development Codes) 2008 favourably as to how the builder wanted the legislation to be interpreted. When asked if Council were to adopt the same interpretation would they recommence using Council as 'their' certifier, the response was, "there are contractual agreements in place that would make changing certifiers difficult". Clearly this indicates the individual owners are being removed from their statutory right to select their own certifier.

The Shergold Weir Report (2018) acknowledges the potential for Council officials not to be "entirely free from potential conflict of interest" but highlights the "significant potential for conflict of interest given the commercial relationship that must necessarily exist between the designer/builder and building surveyor".

It is important to emphasise that Council employees are paid in accordance with the *Local Government (State) Award 2017* and do not receive bonuses, profit share or other pecuniary incentives or benefits from building companies or developers by undertaking their certification work. There is no financial incentive for Council building surveyors to compete in the certification industry other than the fear if all work becomes privatised, they will be forced to work within an industry they often perceive is dominated by profit motive more than protecting statutory requirements and the public interest. Council's building surveyors undertake their certification role because of the understanding and obligation they feel to act as the independent third party between the builder and the property owner who expects to get a building that has been determined as complying with the National Construction Code without compromise or expectation of future certification work.

The draft regulation proposes to maintain the current exemption for registered certifiers employed by Council from paying fines as a form of disciplinary action – Council building surveyors are answerable to Council's Code of Conduct, existing managerial processes and policies that in Council's view, achieves a sufficient level of protection and disincentive against corrupt or improper behaviour. It is not considered necessary or justified for Council employees to also be subjected to fines imposed by the Secretary.

While Council acknowledges and congratulates the efforts made by the Better Regulation Division to improve the regulation of the private certification industry, Council remains unconvinced and sceptical that the regulation will successfully achieve the desired independence or public interest focus while ever a profit motive is the driving force behind the private certification industry.

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Thank you again for providing an opportunity for the Council to make a submission on the draft Regulation.

If you have any further questions or should clarification be required, please do not hesitate to contact Gareth Curtis, Council's Director of Planning and Environment on telephone 02 4993 4194 or via email [gareth.curtis@cessnock.nsw.gov.au](mailto:gareth.curtis@cessnock.nsw.gov.au).

Yours faithfully

Lotta Jackson  
General Manager

DRAFT

Planning and Environment

Report No. PE70/2019

Planning and Environment



**SUBJECT:** *CLASS 1 APPEAL (2019/275377) IN THE NSW LAND AND ENVIRONMENT COURT AGAINST THE DEEMED REFUSAL OF DEVELOPMENT APPLICATION NO. 8/2017/460/1 PROPOSING A TORRENS TITLE SUBDIVISION TO CREATE 269 RESIDENTIAL LOTS, 2 SUPER LOTS AND 3 RESIDUE LOTS*

*TENNANT STREET (LOT 3 DP 597226), BELLBIRD*

**RESPONSIBLE OFFICER:** *Development Services Manager – Janine Maher*

### **SUMMARY**

Council is in receipt of a Class 1 appeal (Reference No. 2019/275377) in the NSW Land and Environment Court against the deemed refusal of Development Application No. 8/2017/460/1, proposing a Torrens Title subdivision to create 269 residential lots, two super lots and three residue lots at Tennant Street (Lot 3 DP: 597226), Bellbird.

The consent authority for the application is the Hunter and Central Coast Regional Planning Panel. In accordance with Section 8.15(4) of the *Environmental Planning and Assessment Act 1979*, Council is subject to the direction and control of the Panel in its conduct of the proceedings.

At the time of writing this report, the matter was listed for a directions hearing on 14 October 2019.

### **RECOMMENDATION**

1. That Council notes that the applicant has commenced an appeal against the deemed refusal of Development Application No. 8/2017/460/1 by the Hunter and Central Coast Regional Planning Panel, and that the Hunter and Central Coast Regional Planning Panel has been notified of the appeal.
2. That Council notes the attached estimate of costs prepared by Council's solicitors in respect of Land and Environment Court Appeal, No. 2019/275377 (relating to Development Application No. 8/2017/460/1).
3. That Council notes that Council officers will forward an assessment report in respect of Development Application No. 8/2017/460/1, to the Hunter and Central Coast Regional Planning Panel for consideration/determination, when prepared.
4. That Council delegates the management of Land and Environment Court Appeal, No. 2019/275377 (relating to Development Application No. 8/2017/460/1) to the General Manager, including the ability to enter into a Section 34 agreement, subject to the direction and control of the Hunter and Central Coast Regional Planning Panel.

### **BACKGROUND IN RESPECT OF DEVELOPMENT APPLICATION**

Development Application No. 8/2017/460/1 proposing a Torrens Title subdivision to create 286 residential lots at Tennant Street (Lot 3 DP: 597226), Bellbird, was lodged with Council on 24 August 2017.

In detail, it is noted that the development application proposes the staged subdivision of an (3) existing lot to create two hundred and seventy four (274) lots, comprising:

- two hundred and sixty nine (269) residential lots;
- two (2) super lots;
- three (3) residue lots; and
- associated removal of vegetation, bulk earthworks, construction of new roads and drainage facilities, landscaping and associated infrastructure works.

The application constitutes Nominated Integrated Development and requires the following additional approvals:

- Rural Fires Act 1997, s.100B
- Water Management Act, s.91
- National Parks and Wildlife Act 1974, s.90

The consent authority for the development application is the Hunter and Central Coast Regional Planning Panel (RPP).

The development application is scheduled to be considered/determined by the Hunter and Central Coast RPP at a meeting on 4 December 2019.

### **REPORT IN RESPECT OF CLASS 1 APPEAL**

Council received notice of a Class 1 appeal in the NSW Land and Environment Court on 11 September 2019 against the deemed refusal of the development application.

As outlined above, the Hunter and Central Coast RPP is the consent authority in respect of the development application. Council's solicitors have previously provided advice (in respect to a similar matter), regarding the management of proceedings in situations where the Hunter and Central Coast RPP is the consent authority. In accordance with Section 8.15(4) of the *Environmental Planning and Assessment Act 1979*, Council is subject to the direction and control of the Panel in its conduct of the proceedings. Specifically, Section 8.15(4) states as follows (emphasis added):

- '(4) ***If the determination or decision appealed against under this Division was made by a Sydney district or regional planning panel or a local planning panel, the council for the area concerned is to be the respondent to the appeal but is subject to the control and direction of the panel in connection with the conduct of the appeal.*** The council is to give notice of the appeal to the panel.'

As prescribed above, Council is required to notify the RPP of the appeal, and it is confirmed that Council's solicitors formally advised the RPP of the appeal on 26 September 2019.



**Planning and Environment**

**Report No. PE70/2019**

**Planning and Environment**



There is a notable division of responsibility in respect of the appeal. Specifically, Council is responsible for the assessment of the application, and for assisting the RPP with technical advice and support. Furthermore, whilst the RPP is the consent authority for the matter, Council is the respondent in the proceedings. Therefore, it is necessary for Council to resolve to give the General Manager a delegation to deal with the appeal, despite the fact that Council is not the consent authority in respect of the development application.

**OPTIONS**

N/A

**STRATEGIC LINKS**

**a. Delivery Program**

This report is linked to Objective 3.1.6 Continue to efficiently and effectively process development applications, and respond to planning related enquiries.

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

**b. Other Plans**

N/A

**IMPLICATIONS**

**a. Policy and Procedural Implications**

N/A

**b. Financial Implications**

Council's solicitors have advised that legal costs for a Section 34 conference are estimated to be in the vicinity of \$35,000 to \$40,000 (plus GST). An advice in respect of costs is attached as an Enclosure to this report.

Costs associated with the retention of independent experts to represent Council, will be additional to the legal costs.

As outlined within this report, Council is subject to the direction and control of the Hunter and Central Coast RPP in the proceedings. Costs may therefore change depending on the role the RPP takes and the specific direction they prescribe.

**c. Legislative Implications**

N/A

**d. Risk Implications**

N/A



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**e. Environmental Implications**

N/A

**f. Other Implications**

N/A

**CONCLUSION**

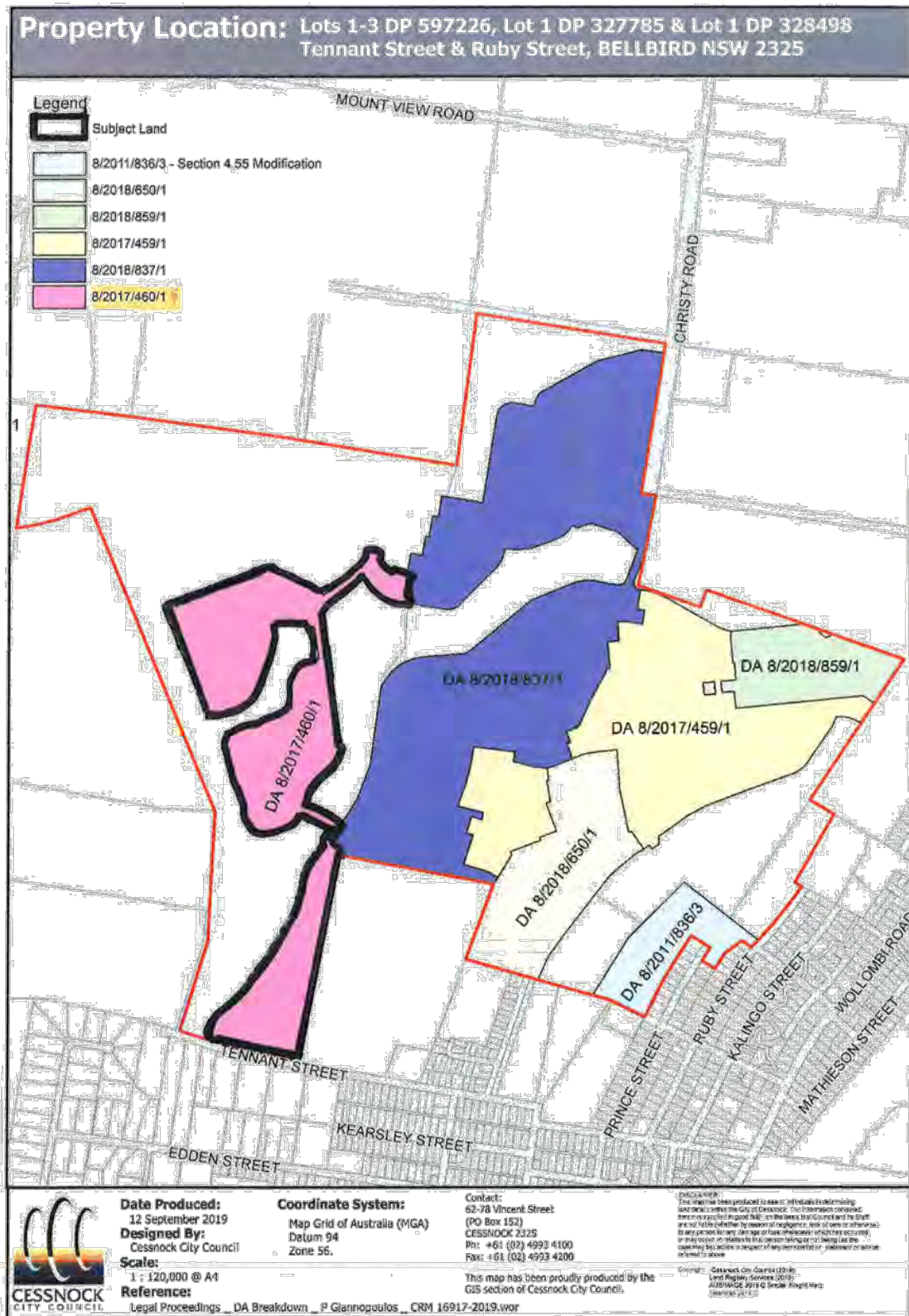
Council is in receipt of a Class 1 appeal (Reference No. 2019/275377) in the NSW Land and Environment Court against the deemed refusal of Development Application No. 8/2017/460/1.

The consent authority for the application is the Hunter and Central Coast Regional Planning Panel. In accordance with Section 8.15(4) of the *Environmental Planning and Assessment Act 1979*, Council is subject to the direction and control of the Panel in its conduct of the proceedings.

**ENCLOSURES**

- 1 Advice concerning Estimated Costs - *This matter is considered to be confidential under Section 10A(2) (g) of the Local Government Act, as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*
- [2](#) Map identifying the site the subject of the appeal

Tennant Street (Lot 3 DP 597226), Bellbird



Planning and Environment

Report No. PE71/2019

Planning and Environment



**SUBJECT:** *CLASS 1 APPEAL (2019/275365) IN THE NSW LAND AND ENVIRONMENT COURT AGAINST THE DEEMED REFUSAL OF DEVELOPMENT APPLICATION NO. 8/2017/459/1 PROPOSING A TORRENS TITLE SUBDIVISION TO CREATE 286 RESIDENTIAL LOTS, 2 SUPER LOTS AND A RESIDUE LOT RUBY STREET (LOT: 1 DP: 327785, LOT: 1 DP: 328498 AND LOT 1 DP: 597226), BELLBIRD*

**RESPONSIBLE OFFICER:** *Development Services Manager – Janine Maher*

### **SUMMARY**

Council is in receipt of a Class 1 appeal (Reference No. 2019/275365) in the NSW Land and Environment Court against the deemed refusal of Development Application No. 8/2017/459/1, proposing a Torrens Title subdivision to create 286 residential lots, two super lots and a residue lot at Ruby Street (Lot: 1 DP: 327785, Lot: 1 DP: 328498 and Lot 1 DP: 597226), Bellbird.

The consent authority for the application is the Hunter and Central Coast Regional Planning Panel. In accordance with Section 8.15(4) of the *Environmental Planning and Assessment Act 1979*, Council is subject to the direction and control of the Panel in its conduct of the proceedings.

At the time of writing this report, the matter was listed for a directions hearing on 14 October 2019.

### **RECOMMENDATION**

1. That Council notes that the applicant has commenced an appeal against the deemed refusal of Development Application No. 8/2017/459/1 by the Hunter and Central Coast Regional Planning Panel, and that the Hunter and Central Coast Regional Planning Panel has been notified of the appeal.
2. That Council notes the attached estimate of costs prepared by Council's solicitors in respect of Land and Environment Court Appeal, No. 2019/275365 (relating to Development Application No. 8/2017/459/1).
3. That Council notes that Council officers will forward an assessment report in respect of Development Application No. 8/2017/459/1, to the Hunter and Central Coast Regional Planning Panel for consideration/determination, when prepared.
4. That Council delegates the management of Land and Environment Court Appeal, No. 2019/275365 (relating to Development Application No. 8/2017/459/1) to the General Manager, including the ability to enter into a Section 34 agreement, subject to the direction and control of the Hunter and Central Coast Regional Planning Panel.

### **BACKGROUND IN RESPECT OF DEVELOPMENT APPLICATION**

Development Application No. 8/2017/459/1 proposing a Torrens Title subdivision to create 286 residential lots at Ruby Street (Lot: 1 DP: 327785, Lot: 1 DP: 328498 and Lot 1 DP: 597226), Bellbird, was lodged with Council on 24 August 2017.

In detail, it is noted that the development application proposes the staged subdivision of three (3) existing lots to create two hundred and eight nine (289) lots, comprising:

- two hundred and eight six (286) residential lots;
- two (2) super lots;
- one (1) residue lot; and
- associated removal of vegetation, bulk earthworks, construction of new roads and drainage facilities, landscaping and associated infrastructure works.

The application constitutes Nominated Integrated Development and requires the following additional approvals:

- Rural Fires Act 1997, s.100B
- Water Management Act, s.91
- National Parks and Wildlife Act 1974, s.90

The consent authority for the development application is the Hunter and Central Coast Regional Planning Panel (RPP).

The development application is scheduled to be considered/determined by the Hunter and Central Coast RPP at a meeting on 4 December 2019.

### **REPORT IN RESPECT OF CLASS 1 APPEAL**

Council received notice of a Class 1 appeal in the NSW Land and Environment Court on 11 September 2019 against the deemed refusal of the development application.

As outlined above, the Hunter and Central Coast RPP is the consent authority in respect of the development application. Council's solicitors have previously provided advice (in respect to a similar matter), regarding the management of proceedings in situations where the Hunter and Central Coast RPP is the consent authority. In accordance with Section 8.15(4) of the *Environmental Planning and Assessment Act 1979*, Council is subject to the direction and control of the Panel in its conduct of the proceedings. Specifically, Section 8.15(4) states as follows (emphasis added):

- '(4) ***If the determination or decision appealed against under this Division was made by a Sydney district or regional planning panel or a local planning panel, the council for the area concerned is to be the respondent to the appeal but is subject to the control and direction of the panel in connection with the conduct of the appeal.*** The council is to give notice of the appeal to the panel.'

As prescribed above, Council is required to notify the RPP of the appeal, and it is confirmed that Council's solicitors formally advised the RPP of the appeal on 26 September 2019.

**Planning and Environment**

**Report No. PE71/2019**

**Planning and Environment**



There is a notable division of responsibility in respect of the appeal. Specifically, Council is responsible for the assessment of the application, and for assisting the RPP with technical advice and support. Furthermore, whilst the RPP is the consent authority for the matter, Council is the respondent in the proceedings. Therefore, it is necessary for Council to resolve to give the General Manager a delegation to deal with the appeal, despite the fact that Council is not the consent authority in respect of the development application.

**OPTIONS**

N/A

**STRATEGIC LINKS**

**a. Delivery Program**

This report is linked to Objective 3.1.6 Continue to efficiently and effectively process development applications, and respond to planning related enquiries.

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

**b. Other Plans**

N/A

**IMPLICATIONS**

**a. Policy and Procedural Implications**

N/A

**b. Financial Implications**

Council's solicitors have advised that legal costs for the Section 34 conference are estimated to be in the vicinity of \$35,000 to \$40,000 (plus GST). An advice in respect of costs is attached as an Enclosure to this report.

Costs associated with the retention of independent experts to represent Council, will be additional to the legal costs.

As outlined within this report, Council is subject to the direction and control of the Hunter and Central Coast RPP in the proceedings. Costs may therefore change depending on the role the RPP takes and the specific direction they prescribe.

**c. Legislative Implications**

N/A

**d. Risk Implications**

N/A



**e. Environmental Implications**

N/A

**f. Other Implications**

N/A

**CONCLUSION**

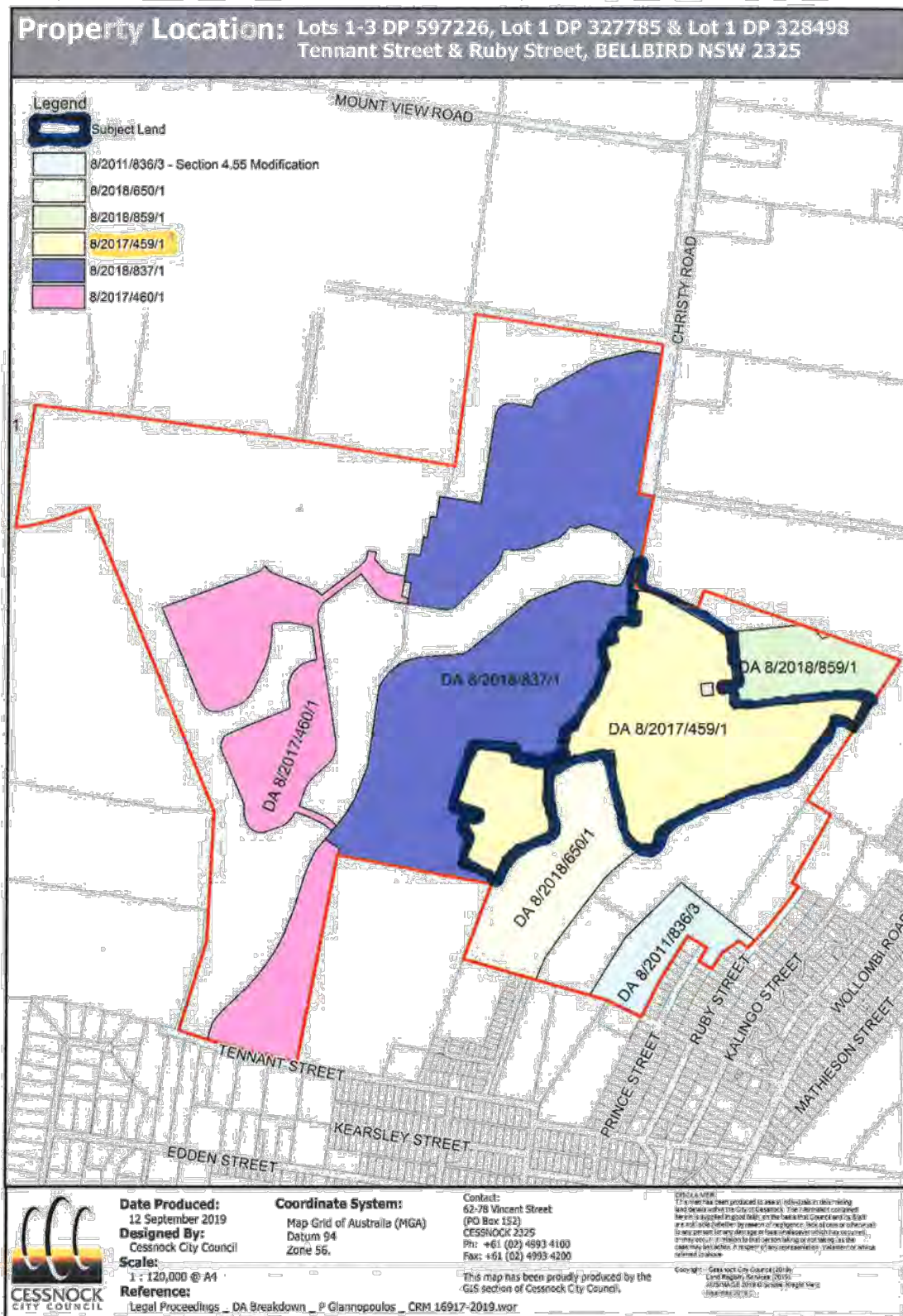
Council is in receipt of a Class 1 appeal (Reference No. 2019/275365) in the NSW Land and Environment Court against the deemed refusal of Development Application No. 8/2017/459/1.

The consent authority for the application is the Hunter and Central Coast Regional Planning Panel. In accordance with Section 8.15(4) of the *Environmental Planning and Assessment Act 1979*, Council is subject to the direction and control of the Panel in its conduct of the proceedings.

**ENCLOSURES**

- 1 Advice concerning estimated costs - *This matter is considered to be confidential under Section 10A(2) (g) of the Local Government Act, as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*
- [2](#) Map identifying the site the subject of the appeal





**SUBJECT:** *TENDER NO. T1819-15 - PLANT HIRE*  
**RESPONSIBLE OFFICER:** *Finance and Administration Manager - Andrew Glauser*

## SUMMARY

To supply a Panel of suppliers for the supply of Plant and Equipment Hire Wet and Dry Hire.

## RECOMMENDATION

1. That Council accepts the Tenders for Plant Hire (T1819-15) being in the following categories in no order of preference as a panel:
  - a. Dry Hire
    - Coates Hire Operations
    - Kennards Hire Pty Ltd
    - Conplant Pty Ltd
    - Lovetts Cessnock Earthmoving
  - b. Wet Hire
    - Hartchers Water Haulage
    - J & L Plant Hire Pty Ltd
    - Dannenberg Earth Moving
    - Lovetts Cessnock Earthmoving
    - Mitchell Bros Earthmoving
    - Roses Earthmoving T/A Kuhaca Pty Ltd
    - T & D Earthworks Pty Ltd
    - Woodbury Civil
2. That Council note the contract term for Tender for Plant Hire (T1819-15) is from 1 October 2019 to 30 September 2022 with an option for two 12-month contract extension based on satisfactory supplier performance.

## BACKGROUND

Council currently utilises contract Plant Hire (T1617-05). This contract ceases the 30 September 2019.

An hourly hire rate applies to Wet Hire (labour hire plus plant hire) and a daily rate applies to Dry Hire (plant hire only – No Labour component). Various additional subsidiary rates apply to these two primary categories to allow for overtime, weekly/monthly rates, machinery attachments and transport and the like.

The purpose of this Contract is to establish a panel of suppliers for the Hire of Plant and Equipment Wet and Dry Hire for Council projects within the Cessnock City Council (CCC) local government area. This will be for the period 1 October 2019 to 30 September 2022 with two one-year extensions upon satisfactory performance.



## REPORT

### **Request for Tender**

The Request for Tender (RFT) documents were prepared by Council officers, and reviewed by the Tender Audit Panel (TAP) before tenders were called. The form of contract selected was *Hunter Joint Organisations General Conditions of Contracts*. The RFT called for a panel tender with a schedule of rates tender for the hire of plant wet and dry.

### **Invitation**

Tenders were invited on VendorPanel on Council's e-tender portal and advertised in the following publications:

Publication	Day	Date
Newcastle Herald	Saturday	20 July 2019
Sydney Morning Herald	Tuesday	23 July 2019
Cessnock Advertiser	Wednesday	24 July 2019

### **Addenda**

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

Nil

### **Closure**

Tenders closed 2pm Tuesday 13 August 2019.

### **Evaluation of Tenders**

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

- Operations Accountant, Finance and Administration Services
- Works Engineer, Works and Operations
- Parks & Reserves Coordinator, Open Space and Community Facilities
- Senior Contracts and Tendering Officer (Observer)

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

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



The evaluation criteria and their weightings were documented in the Contract Preparation Checklist/Tender Evaluation Plan, reviewed by the Resource Coordinator and South Area Maintenance Coordinator prior to tenders being invited.

**1. Assessment of Receipt**

Tenders were received and assessed against the threshold Criterion 1:

Threshold Criteria	
Criterion 1	Submission on time

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

Tender No	Tenderer	Business Address	Criterion 1
1	Advance Sweepers	Gateshead NSW 2290	On Time
2	Altro Holding Pty Ltd T/a Orange Hire	Thornton NSW 2322	On Time
3	Allcott Hire Pty Ltd	Castle Hill NSW 2154	On Time
4	A-Plant and Equipment	Orange NSW 2800	On Time
5	Base Course Management	Riverstone NSW 2765	On Time
6	Brooks Hire Service	Canning Vale WA 6155	On Time
7	CEG Distributions/ asv sales and service	Kurri Kurri NSW 2327	On Time
8	Cleanaway Industrial/ Tox Free	Kooragang Island NSW 2304	On Time
9	Coates Hire Operations	Mascot NSW 2020	On Time
10	Conplant Pty Ltd	Weston NSW 2326	On Time
11	Dannenberg Earth Moving	Beresfield NSW 2322	On Time
12	Daracon Contractors	Beresfield NSW 2322	On Time
13	Digga Excavations	Jindabyne NSW 2627	On Time
14	Egans Plant Hire	Keilor East VIC 3033	On Time
15	Ezyquip Hire Pty Ltd	Dubbo NSW 2830	On Time
16	Fluren Pty Ltd	NSW 2322	On Time
17	Flynn Haulage and Earthmoving	Hinton NSW 2321	On Time

**Corporate and Community**

**Report No. CC85/2019**

**Corporate and Community Services**



18	Hartchers Water Haulage	Aberdare NSW 2325	On Time
19	Hunter Rail and Civil	Cessnock NSW 2325	On Time
20	Hyroll Hire Pty Ltd	NSW 2340	On Time
21	J & L Plant Hire Pty Ltd	Cessnock NSW 2325	On Time
22	Keegan Civil Pty Ltd	Mt White NSW 2250	On Time
23	Kennards Hire Pty Ltd	Seven Hills NSW 2147	On Time
24	Lantry Earth Moving	Morpeth NSW 2321	On Time
25	Lovetts Cessnock Earthmoving	Kurri Kurri NSW 2327	On Time
26	Mitchell bros Earthmoving	Cessnock NSW 2325	On Time
27	Mr Diggitt Pty Ltd	Fullerton Cove NSW 2318	On Time
28	PJM Machinery Pty Ltd	Horsham VIC 3401	On Time
29	Porter Excavations	Buninyong VIC 3357	On Time
30	Robbor Pty Ltd/ Arsk Civil	Warabrook NSW 2304	On Time
31	Rollers Australia	Sydney NSW 2028	On Time
32	Roses Earthmoving	Torryburn NSW 2421	On Time
33	Stabilcorp Pty Ltd	Wauchope NSW 2446	On Time
34	Sharpe Bros Australia Pty Ltd	Berkeley Vale NSW 2261	On Time
35	Sherrin Rentals Pty Ltd	NSW 2565	On Time
36	Rico Enterprises Pty Ltd ATF Rico Family Trust T/As Solo Resource Recovery	Heatherbrae NSW 2324	On Time
37	Solution Plant Hire	Wetherill Park NSW 2164	On Time
38	Specialised Pavement	Belrose NSW 2085	On Time
39	T & D Earthworks Pty Ltd	Abermain NSW 2326	On Time
40	Tutt Bryant Hire Pty Ltd	Beresfield NSW 2322	On Time
41	Wasp industries Pty Ltd	Cliftleigh NSW	On Time

42	Woodbury Civil	Black Hill NSW 2322	On Time
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All tenders were received on time and met threshold Criterion 1.

## 2. Assessment of Conformance

The tenders were then assessed for conformance to threshold Criterion 2:

Threshold Criteria	
Criterion 2	Conformance with the RFT;

Three tenders were considered non-conforming in threshold Criterion 2.

Tender No	Tenderer	Criterion 2
6	Brooks Hire Service	Did not submit Council tender schedules
13	Digga Excavations	Did not submit based in Jindabyne but came through vendor panel
37	Solution Plant Hire	Did not submit Council tender schedules

All other tenderers were progressed to the next stage of evaluation, subject to the financial capacity of those tenderers, found to be in contention, to be confirmed at the due diligence stage of evaluation.

## 3. Shortlisting

Thirty nine tenders were received, shortlisting was considered necessary

Threshold Criteria		Weighting %
Criterion 3	Location of Business	5%
Criterion 4	Suitability of Plant Categories submitted	10%

Shortlisting of the submissions was carried out on the business location, freight costs and plant suitability for operational requirements.

After shortlisting, the Tenderers were assessed using the weighted criteria.

#### 4. Weighted Evaluation

Tenders were then evaluated using the following weighted evaluation criteria:

Criterion	Description	Weighting %
Criterion 7	Tendered amount and plant (value for money)	55%
Criterion 8	Experience, past performance	15%
Criterion 9	Work Health and Safety Performance	15%

To assess tenders against the evaluation criteria, the TET used information obtained from the tender documents. Council has placed a significant emphasis on price and ability to meet Council's needs while achieving value for money.

A Weighted Evaluation Matrix, containing full details of the weighted evaluation is provided as **Enclosure 1**.

#### 5. Due Diligence

Information provided by the preferred tenderers was reviewed and confirmed. Performance on other known work was also considered.

#### 6. Evaluation Result

Following steps 1 to 5 of the evaluation process, the TET found that Tenderers listed in the recommendation met the requirements of the RFT and are able to offer a range of different plant options.

#### 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.*

#### **TIME FRAME**

The contract will commence the 1 October 2019 for three years until 30 June 2022 with an option for Two x 12 month extensions based on performance.

#### **LOCAL CONTENT**

Criterion three threshold allowed for local preference scoring in accordance with the Procurement Procedure 5% was awarded to suppliers.

#### **OPTIONS**

**Option 1:** That Council accept the panel tenderers for Dry and Wet hire as listed in the recommendations. This is the preferred option as a suitable variety of suppliers was achieved with good local supplier content.



**Option 2:** That Council decline to accept any offers and negotiate with other service providers. This option is not recommended, as it will negatively affect the project program.

### **CONSULTATION**

The following officers were consulted during the tender process:

- Works and Operations Manager
- Resource Coordinator
- Works Engineer
- Operations Accountant
- State Maintenance Coordinator
- South Area Maintenance Coordinator

### **STRATEGIC LINKS**

#### **a. Delivery Program**

Acceptance of the tender will contribute to achieving the following objectives of the Delivery Program 2017–21:

- Objective 4.2: Improving the Road Network

#### **b. Other Plans**

Road and Road Infrastructure Network Asset Management Plan

### **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**

Funding is available for acceptance of the tender via program budgets within Council's Operational Plan 2019-20.

**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, and 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.

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.

2. 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.
3. 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**

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

- Financial details
- Insurances
- Management and staff resources
- Physical Resources
- Previous Experience
- References
- Work Health & Safety

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,

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

- *AS/NZS 4801:2001 - Occupational Health and Safety Management Systems*

Regarding safety, the RFT requires the tenderer to:

- Requirements for on-site workers to have current general construction induction cards (white card) and licences/ tickets and inducted to the site, and
- Safe Work Method Statements, kept on site, and discussed at daily tool box talks
- Regarding safety, the RFT requires the Contractor to prepare and implement pre-start vehicle inspection reports and safe work method statements if required. It also requires the tenderer to be registered on a CCC VendorPanel plant hire list for Insurances compliance.

**CONCLUSION**

That Council accept the Tenders for Plant Hire (T1819-15).

That tenderers for Dry Hire:

- Coates Hire Operations
- Kennards Hire Pty Ltd
- Conplant Pty Ltd
- Lovetts Cessnock Earthmoving



**Corporate and Community**

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**Corporate and Community Services**

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and that tenderers for Wet Hire:

- Hartchers Water Haulage
- J & L Plant Hire Pty Ltd
- Dannenberg Earth Moving
- Lovetts Cessnock Earthmoving
- Mitchell bros Earthmoving
- Roses Earthmoving T/A Kuhaca Pty Ltd
- T & D Earthworks Pty Ltd
- Woodbury Civil

Be accepted in no order of preference as a panel.

**ENCLOSURES**

[1↓](#) Evaluation Matrix - Plant Hire Tender - T1819-15

Enclosure 1 - Evaluation Matrix - T1819 -15

EVALUATION CRITERIA	Stage 1 - Shortlisting			Status	Stage 2 - Evaluation				TOTALS	Panel Category
	Local (Within LGA 100, Hunter Region 95, Other 50)	suitability of Plant	Shortlisting Total		Price	Experience and past performance	Work Health & Safety Performance	Assessment Total		
	5%	10%	Total Out of 15%		55%	15%	15%	Total Out of 85%		
Company	Weighted Score	Weighted Score		Weighted Score	Weighted Score	Weighted Score				
Coates Hire Operations	5.0	10.0	15.0	Shortlisted	48.8	15.0	15.0	78.8	93.8	Dry Hire
Complant Pty Ltd	5.0	10.0	15.0	Shortlisted	50.5	15.0	13.1	78.6	93.6	Dry Hire
Kennards Hire Pty Ltd	4.8	9.5	14.3	Shortlisted	47.4	15.0	15.0	77.4	90.6	Dry Hire
Lowrie Cessnock Earthmoving	5.0	10.0	15.0	Shortlisted	42.7	15.0	13.1	69.8	84.8	Dry Hire
Dansenberg Earth Moving	4.8	10.0	14.8	Shortlisted	50.8	15.0	13.1	78.9	93.7	Wet Hire
Hartchers Water Haulage	5.0	10.0	15.0	Shortlisted	49.5	15.0	11.3	75.8	90.8	Wet Hire
J & L Plant Hire Pty Ltd	5.0	10.0	15.0	Shortlisted	55.0	15.0	14.1	84.1	99.1	Wet Hire
Lowrie Cessnock Earthmoving	5.0	10.0	15.0	Shortlisted	41.9	15.0	13.1	68.1	83.1	Wet Hire
Milwell Bros Earthmoving	5.0	10.0	15.0	Shortlisted	42.5	15.0	11.3	68.8	83.8	Wet Hire
Roses Earthmoving T/A Hunaca Pty Ltd	4.0	10.0	14.0	Shortlisted	48.7	15.0	13.1	76.8	91.8	Wet Hire
T & O Earthworks Pty Ltd	5.0	10.0	15.0	Shortlisted	55.0	15.0	13.1	83.1	98.1	Wet Hire
Woodbury Civil	5.0	10.0	15.0	Shortlisted	49.0	15.0	11.3	75.3	90.3	Wet Hire
Advance Sweepers	4.8	2.0	6.8	Not Shortlisted	0.0	0.0	0.0	0.0	6.8	
Altre Holding Pty Ltd Iia Orange Hire	4.5	0.0	4.5	Not Shortlisted	0.0	0.0	0.0	0.0	4.5	
Alcott Hire Pty Ltd	4.5	0.0	4.5	Not Shortlisted	0.0	0.0	0.0	0.0	4.5	
A-Plant and Equipment	4.5	0.0	4.5	Not Shortlisted	0.0	0.0	0.0	0.0	4.5	
Base Course Management	4.5	0.0	4.5	Not Shortlisted	0.0	0.0	0.0	0.0	4.5	
CEG Distributions Pty Ltd / A&V sales and service	5.0	5.0	10.0	Not Shortlisted	0.0	0.0	0.0	0.0	10.0	
Cleanaway Industrial	4.8	2.0	6.8	Not Shortlisted	0.0	0.0	0.0	0.0	6.8	
Daracon Contractors	4.8	3.0	7.8	Not Shortlisted	0.0	0.0	0.0	0.0	7.8	
Egans Plant Hire	4.5	0.0	4.5	Not Shortlisted	0.0	0.0	0.0	0.0	4.5	
Ezyquip Hire Pty Ltd	4.5	0.0	4.5	Not Shortlisted	0.0	0.0	0.0	0.0	4.5	
Fluren Pty Ltd	4.5	0.0	4.5	Not Shortlisted	0.0	0.0	0.0	0.0	4.5	
Flynn Haulage and Earthmoving	4.8	5.0	9.8	Not Shortlisted	0.0	0.0	0.0	0.0	9.8	
Hunter Rail and Civil	5.0	4.0	9.0	Not Shortlisted	0.0	0.0	0.0	0.0	9.0	
Hytrol Hire Pty Ltd	4.5	0.0	4.5	Not Shortlisted	0.0	0.0	0.0	0.0	4.5	
Kiagan Civil Pty Ltd	4.5	0.0	4.5	Not Shortlisted	0.0	0.0	0.0	0.0	4.5	
Lantry Earth Moving	4.8	5.0	9.8	Not Shortlisted	0.0	0.0	0.0	0.0	9.8	
Mr Diggitt Pty Ltd	4.8	2.0	6.8	Not Shortlisted	0.0	0.0	0.0	0.0	6.8	
PJM Machinery Pty Ltd	4.5	0.0	4.5	Not Shortlisted	0.0	0.0	0.0	0.0	4.5	
Porter Excavators Pty Ltd T/A Porter Plant	4.5	0.0	4.5	Not Shortlisted	0.0	0.0	0.0	0.0	4.5	
Robbor Pty Ltd Iia Ansk Civil Pty Ltd	4.8	2.0	6.8	Not Shortlisted	0.0	0.0	0.0	0.0	6.8	
Rollers Australia	4.5	0.0	4.5	Not Shortlisted	0.0	0.0	0.0	0.0	4.5	
Stabilcorp Pty Ltd	4.5	0.0	4.5	Not Shortlisted	0.0	0.0	0.0	0.0	4.5	
Sharpe Bros Australia Pty Ltd	4.5	0.0	4.5	Not Shortlisted	0.0	0.0	0.0	0.0	4.5	
Sharrin Rentals Pty Ltd	4.5	0.0	4.5	Not Shortlisted	0.0	0.0	0.0	0.0	4.5	
Solo Resource recovery	4.8	2.0	6.8	Not Shortlisted	0.0	0.0	0.0	0.0	6.8	
Specialised Pavement	4.5	0.0	4.5	Not Shortlisted	0.0	0.0	0.0	0.0	4.5	
Tutt Bryant Hire Pty Ltd	4.8	5.0	9.8	Not Shortlisted	0.0	0.0	0.0	0.0	9.8	
Wasp Industries Pty Ltd	4.8	2.0	6.8	Not Shortlisted	0.0	0.0	0.0	0.0	6.8	
Brooks Hire Service	0.0	0.0	0.0	Non Conforming	0.0	0.0	0.0	0.0	0.0	
Digga Excavators	0.0	0.0	0.0	Non Conforming	0.0	0.0	0.0	0.0	0.0	
Solution Plant Hire	0.0	0.0	0.0	Non Conforming	0.0	0.0	0.0	0.0	0.0	

**SUBJECT:** *COUNCIL SUBMISSIONS TO IPART REPORTS*

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

### **SUMMARY**

The purpose of this report is to table Council's submissions to be made (Enclosures 1 through to 4) about the following final reports prepared by the Independent Pricing and Regulatory Tribunal (**IPART**):

1. A review of reporting and compliance burdens on local government (due 25 October 2019) ; and
2. A review of local government compliance and enforcement (due 15 November 2019).

### **RECOMMENDATION**

**That Council endorses the proposed submissions to be made in response to the following final reports prepared by the Independent Pricing and Regulatory Tribunal:**

1. **A review of reporting and compliance burdens on local government; and**
2. **A review of local government compliance and enforcement.**

### **BACKGROUND**

To support the NSW Government's long term commitment to a fair and equitable rating system for ratepayers, as well as ensuring local councils have a stable and reliable revenue base so they can continue to independently plan and deliver improved services for their communities into the future, the Government asked IPART to undertake several independent reviews.

The purpose of these reviews was to identify ways to strengthen councils by improving their ability to serve the needs of their communities into the future.

These reviews focus on areas of government regulation that required detailed consideration, consultation and review. The final reports for these are:

- Report 1 - a review of the local government rating system (submissions closed on Friday 13 September 2019),
- Report 2 - a review of reporting and compliance burdens on local government (due 25 October 2019), and
- Report 3 - a review of local government compliance and enforcement (due 15 November 2019).

Council's submissions for Report 1 were tabled to a Council meeting on 4 September 2019 as the date for the submissions of this report was 13 September 2019.

**Corporate and Community**

**Report No. CC86/2019**

**Corporate and Community Services**



The Government has been carefully considering each and every recommendation and has ruled out some recommendations because they would impact on vulnerable members of the community, affect regional jobs and economies, and substantially increase costs for taxpayers and the broader community.

In addition, a number of recommendations have already been implemented through other reform programs and some recommendations that would adversely impact vulnerable members of the community, such as pensioners or charities, or have a substantial financial impact upon taxpayers or the broader community have been ruled out (Enclosure 5).

***REPORT/PROPOSAL***

Report 2 focuses on reducing burdens placed on local government by the State. Report 3 focuses on reducing costs imposed by local government on business and the community.

Council's submissions with respect to these two reports are outlined in Enclosures 1 through to 4 in a form that reflects the manner in which IPART is seeking feedback. The attachments are provided by directorate to provide context. In addition, recommendations against which no consultation is allowed is also provided to enable councillors to view all recommendations and provide context of the proposed feedback.

The IPART reviews have been wide ranging and the recommendations are detailed and diverse. It is therefore difficult to reflect all the changes by item in the form of a summary. There are however some general themes which can be summarised as follows:

- There is a general focus on simplifying and standardising processes on a case by case basis rather than undertake a complete redesign from first principles.
- A risk based approach has been incorporated in a number of recommendations to ensure processes, where simplified, will be done so without unduly impacting risk. There are some recommendations where Council has indicated a concern that the changes might create higher risk and that this risk might outweigh the benefit realised from streamlining these processes.
- A number of recommendations focus on standardising processes and forms or templates. This is generally supported by our Council managers,
- A shift to delegating some responsibility to the General Manager to enable more flexible Council operations and some recommendations seek to standardise the duration of community consultation.
- The State Government is seeking to provide supporting infrastructure to assist with processing. In some instances this involves leveraging existing solutions. This includes the development of portals to enable online submission of some statements or forms. There is support for this approach however there are concerns in some instances that certain risks might be elevated, processes might be less efficient or a centralised solution might complicate reconciliations. These concerns will be noted specifically in Council's feedback.

**Corporate and Community**

**Report No. CC86/2019**

**Corporate and Community Services**



- There is recognition that the current data collection from councils by State Government entities is not efficient and that there is a lack of standardisation and a degree of duplication. These recommendations to improve this area are generally supported and also the recommendation to fund councils for the automation of some data extracts is also supported.
- A number of recommendations are provided for information only and are not open to consultation. A number of these relate to the various regulated fees and charges being reviewed and the amount determined on the “efficient cost” of providing each particular service. From experience, the amounts assessed in the past often understate the true cost of providing a service. In addition and probably more importantly, regulated fees and charges are not adjusted annually to reflect inflationary impacts. This results in regulated fees and charges diverging significantly from actual costs over time. Council’s concern is that there needs to be more frequent (ideally annual) adjustments for these fees and charges.

The submissions against each recommendation will be made by entering feedback received into the online portal and will be completed by the required submission dates noted in this report.

**OPTIONS**

NIL

**CONSULTATION**

Executive Leadership Team  
General Manager’s Unit  
Corporate and Community Services  
Works and Infrastructure  
Planning and Environment

**STRATEGIC LINKS**

**a. Delivery Program**

Council providing this submission is in line with the community’s desired outcome of: “*Civic Leadership and Effective Governance*”

**b. Other Plans**

NIL

**IMPLICATIONS**

**a. Policy and Procedural Implications**

NIL



**b. Financial Implications**

NIL

**c. Legislative Implications**

NIL

**d. Risk Implications**

NIL

**e. Environmental Implications**

NIL

**f. Other Implications**

NIL

**CONCLUSION**

The purpose of this report is to table Council's submissions to be made (Enclosure 1 through to 4) about the following final reports prepared by IPART:

1. A review of reporting and compliance burdens on local government (due 25 October 2019); and
2. A review of local government compliance and enforcement (due 15 November 2019).

**ENCLOSURES**

- [1↓](#) Review of Local Government Compliance and Enforcement, and Reporting and Compliance Burdens - Planning and Environment
- [2↓](#) Review of Local Government Compliance and Enforcement, and Reporting and Compliance Burdens - Works & Infrastructure
- [3↓](#) Review of Local Government Compliance and Enforcement, and Reporting and Compliance Burdens - Corporate and Community Services
- [4↓](#) Review of Local Government Compliance and Enforcement, and Reporting and Compliance Burdens - General Manager's Unit
- [5↓](#) The Government's Interim Response to IPART's reports

Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments
5.	B11	<p>That the NSW Government review the basis upon which the fees for Development Applications (DAs) are calculated to:</p> <ul style="list-style-type: none"> <li>• better reflect the efficient cost to councils and the NSW Government of processing Das,</li> <li>• minimise disputes and subsequent adjustments, and</li> <li>• facilitate online payment of DA fees.</li> </ul>	<p>Not for consultation</p>	<p>Further information is available on the Department of Planning, Industry and Environment’s website linked <a href="#">HERE</a>.</p>		
10.	B12	<p>That the Department of Planning and Environment, including through the Office of Local Government, review public notice print media requirements in the <i>Local Government Act 1993</i>, the <i>Local Government (General) Regulation 2005</i>, the <i>Environmental Planning and Assessment Act 1979</i>, and the <i>Environmental Planning and Assessment Regulation 2000</i> and, where the cost to councils of using print media exceeds the benefit to the community, remove print media requirements and allow online advertising, mail-outs and other forms of communication as alternatives.</p>	<p>Not for consultation</p>			
11.	B13	<p>That the Department of Primary Industries Water (DPI Water) regulate Local Water Utilities (LWUs) on a catchment or regional basis, rather than on an individual LWU basis, using a whole-of-government, risk-based and outcomes-focused regulatory approach.</p>	<p>Not for consultation</p>	<p>Information about future related consultation will be found on the Department of</p>		

Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments
			Industry's website linked <a href="#">HERE</a> when available.			
12.	B13	<p>That DPI Water amend the Best-Practice Management of Water Supply and Sewerage Guidelines to:</p> <ul style="list-style-type: none"> <li>• streamline the NSW Performance Monitoring System to ensure each performance measure reported is:                             <ul style="list-style-type: none"> <li>○ linked to a clear regulatory objective,</li> <li>○ used by either most Local Water Utilities (LWUs) or DPI Water for compliance or meaningful comparative purposes,</li> <li>○ not in excess of the performance measures required under the National Water Initiative, and</li> <li>○ not duplicating information reported to other NSW Government agencies.</li> </ul> </li> <li>• not duplicating information reported to other NSW Government agencies.</li> </ul>	<p>Not for consultation</p> <p>Information about future related consultation will be found on the Department of Industry's website linked <a href="#">HERE</a> when available.</p>			
13.	B13	<p>That the Office of Local Government determine a standardised service report template to be used by technicians undertaking quarterly servicing of aerated wastewater treatment systems, in consultation with NSW Health and councils.</p>	EHealth		Support	<p>Consideration as to the regulation of technicians including certification and assignment of statutory responsibilities and requirements should also be considered to complement quality and consistency improvement of service reports.</p>



Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments
14.	B13	<p>That the <i>Local Government (General) Regulation 2005</i> be amended to require service reports to be provided to councils using the template determined by the Office of Local Government as a standard condition of approval to operate an aerated wastewater treatment system.</p>	EHealth		Partially Support	<p>In principle mandatory use of prescribed service reports is supported however, doing so via a condition on the Authority to Operate (ATO) would impose the requirement on the operator of the system (homeowner) as opposed to the technician who completes the service. This may not be within the control of the system operator and should be targeted at technicians completing the work.</p> <p>Also consider the inclusion of mandatory timeframes for submission, and notification of critical non-compliances.</p>
15.	B14	<p>That the Department of Planning and Environment (DPE):</p> <ul style="list-style-type: none"> <li>• Implement a data sharing model with the Australian Bureau of Statistics in relation to building approvals in NSW.</li> <li>• Introduce a consolidated data request of councils for the purposes of the Local Development Performance Monitoring (LDPM), Housing Monitor, State Environmental Planning Policy (Affordable Rental Housing) 2009 (Affordable Rental Housing)</li> </ul>	BS Admin		Support	<p>Discussion with DPIE has commenced in relation to data sharing with ABS as a part of the NSW Planning Portal project.</p> <p>Support financial assistance to fund council system upgrades to automate reporting for LDPM. The Development Data</p>

Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments
		<p>and State Environmental Planning Policy No 1 – Development Standards (SEPP 1 variations).</p> <ul style="list-style-type: none"> <li>• Fund an upgrade of councils’ software systems to automate the collection of data from councils for the purposes of the LDPM, Housing Monitor, Affordable Rental Housing and SEPP 1 variations.</li> <li>• Publish the data collected from councils on Affordable Rental Housing and SEPP 1 variations data.</li> <li>• Seek agreement with the Land &amp; Environment Court to obtain appeal data directly from the Court.</li> <li>• Remove the administrative requirement for councils to report to DPE on political donations or gifts under section 147 of the Environmental Planning &amp; Assessment Act 1979.</li> </ul>				<p>Analytics (DDA) project which commenced in 2018 has reviewed API Integration for automation. DPIE working with council system vendors as the next step in the DDA project.</p>
16.	B14	<p>That the <i>Environmental Planning and Assessment Act 1979</i> be amended to enable information or certificates under section 149(2) of the <i>Environmental Planning and Assessment Act 1979</i> to be provided through the NSW Planning Portal.</p> <p>Prior to this amendment, as part of the Department of Planning and Environment’s (DPE) review of the Environmental Planning and Assessment Regulation 2000, DPE should:</p> <ul style="list-style-type: none"> <li>• review section 149(2) and (5) planning certificates to clarify and simplify the information to be provided, and ensure only information relevant in the conveyancing process is provided in a section 149(2) planning certificate, and</li> <li>• consider what section 149(2) information should be provided through the Planning Portal and whether that information should be provided in certificate form, having regard to:</li> </ul>	Not for consultation			

Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments
		<ul style="list-style-type: none"> <li>○ data quality assurance</li> <li>○ liability for accuracy of State or council information</li> <li>○ State and council costs, and</li> <li>○ mechanisms to recover costs.</li> </ul>				
17.	B15	<p>That the <i>Environmental Planning and Assessment Regulation 2000</i> be amended to specify the information that can be provided by councils in accordance with section 149(2) and (5) of the <i>Environmental Planning &amp; Assessment Act 1979</i>.</p>	<p>Not for consultation</p> <p>The Department of Planning, Industry and Environment is currently conducting a review of the <i>EP&amp;A Regulation 2000</i>, which contains some related provisions. Further information about the review, including how to make a submission can be found <a href="#">HERE</a>.</p>			

Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments
18.	B15	<p>That DPE amend the NSW Planning Portal to provide for online:</p> <ul style="list-style-type: none"> <li>• payment of fees and charges by applicants and for the Planning Reform Fund fee to then be automatically directed to DPE</li> <li>• information or certificates under section 149(2) of the <i>Environmental Planning &amp; Assessment Act 1979</i>, and</li> <li>• joint applications for development approvals and construction certificates.</li> </ul>	BS Admin/CS		Partially Support	<p>The process for payment of fees via the NSW Planning Portal raises concerns in terms of council’s adopted fees and charges (not for statutory fees) and the updating each financial year. Reconciliation and payment back to Council would need to be considered a priority.</p> <p>CCC Online Certificates via Authority eServices is a much more streamlined service, Again, reconciliation of fee payments to Council would be required to be a priority.</p> <p>The legal requirement for a certificate under conveyancing legislation means that certificates should detail planning matters affecting the Lot/DP. Certificates ensure that Planning information is adequately made available. A sole reliance on the Planning Portal increases risk if appropriate due diligence is not done by Solicitors or Conveyancers.</p>

Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments
						<p>Moving the information to the Planning Portal and reducing the detail in or removing the requirement for a planning certificate is a substantial risk. How would agencies and local government demonstrate that the information was provided? Additionally, how will version histories be made available when planning legislation changes?</p> <p>A recommendation to ePlanning at DPIE to allow for combined DA/CC applications was issued 26/07/2019 from CCC. This is due to the large market share in certification and an improved customer experience with less data entry via the NSW Planning portal.</p>

Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments
19.	B15	That DPE: <ul style="list-style-type: none"> <li>• notify councils electronically at least 21 days prior to the commencement of legislative changes that will affect the structure or content of section 149 planning certificates, and</li> <li>• maintain an up-to-date, publicly available list of all legislative instruments with the potential to affect the structure or content of the certificates.</li> </ul>	Not for consultation			
20.	B15	That DPE manage referrals to NSW Government agencies through a 'one-stop shop' in relation to: <ul style="list-style-type: none"> <li>• planning proposals (LEPs)</li> <li>• development applications (DAs), and</li> <li>• integrated development assessments (IDAs).</li> </ul>		<i>Department of Planning, Industry and Environment has begun rolling out a digital system that allows councils to lodge all documentation online and send requests for advice directly to agencies. A number of councils are currently using the digital system with all councils to be trained and rolled into the system progressively through 2019. DPIE has also implemented various other regulatory measures to improve integrated development assessment processes.</i>		CCC online with all NSW Planning Portal services since 8/07/2019.
21.	B15	That DPE develop suites of standardised development consent conditions and streamline conditions that require consultant reports or subsequent approvals, in consultation with councils, NSW Government agencies and other key stakeholders.		<i>The Standard Conditions and Compliance Reporting and Post Approval Requirements documents were published in 2018</i>		

Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments
30.	B17	<p>That the Department of Planning and Environment, through the Office of Local Government, review all approvals required under section 68 of the <i>Local Government Act 1993</i> in order to:</p> <ul style="list-style-type: none"> <li>determine the activities for which a separate local council approval under section 68 is necessary,</li> <li>revise the regulatory frameworks within NSW legislation to remove duplication,</li> <li>place as many approval requirements as possible in specialist legislation, and</li> <li>where appropriate, enable mutual recognition of approvals issued by another council.</li> </ul>	EHealth / Building		Partially Support	<p>Supportive although, any mutual recognition provisions should be supported by state-wide databases to minimise administrative burden.</p> <p>Agree – there are discrepancies between EP&amp;A Act and LG Act eg manufactured homes that need to be reviewed.</p>
34.	B17	<p>That clauses 15 and 16, schedule 3 of the <i>Environmental Planning and Assessment Amendment Act 2014</i> (which adds new sub-sections 158(1A) and (4A) to the EP&amp;A Act) be proclaimed in order to allow councils a licence or a warranty to use copyright material for the purposes of the <i>EP&amp;A Act</i> (including making available development applications and related documents which may be subject to copyright).</p>	Not for consultation			
35.	B18	<p>That the NSW Government:</p> <ul style="list-style-type: none"> <li>Repeal clause 3, schedule 1 of the <i>Government Information (Public Access) Regulation 2009</i>.</li> <li>Amend the <i>Environmental Planning and Assessment Act 1979</i> (EP&amp;A Act) to require councils to make available information and documents currently prescribed as open access information in clause 3, schedule 1 of the <i>Government Information (Public Access) Regulation 2009</i> (DA information) to a person (on request).</li> <li>Amend the EP&amp;A Act to allow councils to charge a person making a request the efficient costs of</li> </ul>	<p>Not for consultation</p> <p>This matter will be considered by DPIE as part of the ongoing review of the EP&amp;A Regulation 2000. Further information</p>			

Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments
		making DA information available (after the 'submission period' under section 79(1) of the EP&A Act has expired). <ul style="list-style-type: none"> <li>Consistent with recommendation 4, review the efficient costs to councils of making DA information available to a person (on request).</li> <li>Amend the <i>Environmental Planning and Assessment Regulation 2000</i> to set the fees for accessing DA information (after the submission period has closed) at the efficient cost to councils.</li> </ul>	about the review, including how to make a submission can be found <a href="#">HERE</a> .			
37.	B19	That the Building Professionals Board or the proposed Office of Building Regulation (in consultation with Department of Planning and Environment, Fire & Rescue NSW and local government) design the new online system for submitting annual fire safety statements (AFSS) to allow councils to identify buildings in their area that require an AFSS, and where follow up or enforcement action is required.	Building		Partially Support	The register should focus on fire risk such as those buildings that require fire safety systems (eg hydraulic, fire detection and alarm and/or mechanical ducted smoke control systems). Low risk buildings requiring a single fire extinguisher should be exempt/not require mandatory regulation
38.	B19	That the <i>Environmental Planning and Assessment Regulation 2000</i> be amended to clarify what constitutes a 'significant fire safety issue'.	Not for consultation			
39.	B19	That section 121ZD of the <i>Environmental Planning and Assessment Act 1979</i> be amended to allow councils to delegate authority to the General Manager to consider a report by the Fire Brigade, make a determination and issue an order, rather than having the report considered at the next council meeting.	Building		Support	Strongly agree. These matters are operational decisions and do not require the decision of the elected Council



Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments
42	C29	<p>Councils should not adopt measures to simplify and streamline the approvals process for local community events. This could include:</p> <ul style="list-style-type: none"> <li>• specifying some temporary uses of land as exempt development in local environmental plans, or</li> <li>• issuing longer-term development consents for periods of three to five years for recurrent local community events (subject to lodging minor variations under section 96 of the <i>Environmental Planning and Assessment Act 1979</i> (NSW)).</li> </ul>	Not for consultation			
46.	B20	<p>That the <i>Impounding Act 1993</i> be amended to treat caravans and trailers (including advertising trailers) in the same way as boat trailers when considering whether they are unattended for the purposes of the Act.</p>	Not for consultation			
47.	B21	<p>That the Office of Local Government’s redesign and modernisation of the central Register of Companion Animals includes the following functionality:</p> <ul style="list-style-type: none"> <li>• online registration, accessible via mobile devices anywhere,</li> <li>• a one-step registration process, undertaken at the time of microchipping and identifying an animal,</li> <li>• the ability for owners to update change of ownership, change of address and other personal details online,</li> <li>• unique identification information in relation to the pet owner (ie, owner’s date of birth, driver licence number or Medicare number),</li> <li>• the ability to search by owner details,</li> </ul>	Not for consultation			

Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments
		<ul style="list-style-type: none"> <li>the ability for data to be analysed by Local Government Area (not just by regions),</li> <li>the ability for data to be directly uploaded from pound systems, and</li> <li>centralised collection of registration fees so funding can be directly allocated to councils.</li> </ul>				
48.	B21	That the <i>Companion Animals Act 1998</i> and <i>Companion Animals Regulation 2008</i> be amended to require unique identification information in relation to the pet owner (ie, owner's date of birth, drivers licence number or Medicare number), to be entered in the register at the time of entering animal identification information and when there is a change of ownership.	Not for consultation			
49.	B22	That the NSW Government, in consultation with councils, review how councils are currently applying Alcohol Free Zone (AFZ) and Alcohol Prohibited Area (APA) provisions in response to alcohol related anti-social behaviour and clarify the rationale and processes for declaring AFZs and APAs in the <i>Local Government Act 1993</i> and Ministerial Guidelines on Alcohol-Free Zones.			Don't Support	
1.	C20-21	Subject to cost benefit analysis, the NSW Department of Planning and Environment should engage in a Partnership Model with Local government, similar to the Food Regulation Partnership, to enhance the capacity and capability of councils to undertake their regulatory functions. This should include: <ul style="list-style-type: none"> <li>enshrining the partnership model in legislation,</li> <li>clear delineation of regulatory roles and responsibilities,</li> <li>risk-based approach to regulation supported by a compliance and</li> <li>enforcement policy,</li> </ul>		<i>Significant reform has been undertaken in recent years in relation to the NSW planning system, including the introduction of comprehensive amendments to the Environmental Planning and Assessment Act 1979 (EP&amp;A Act) in 2018. A review of the EP&amp;A Regulation is also currently</i>	Support	

Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments
		<ul style="list-style-type: none"> <li>• use and publication of reported data to assess and assist council,</li> <li>• dedicated consultation forum for strategic collaboration with councils,</li> <li>• ability for councils to recover their efficient regulatory costs,</li> <li>• system of periodic review and assessment of the partnership agreement,</li> <li>• dedicated local government unit to provide:                             <ul style="list-style-type: none"> <li>○ council hotline to provide support and assistance,</li> <li>○ password-protected local government online portal,</li> <li>○ guidelines, advice and protocols,</li> <li>○ standardised compliance tools (eg forms and templates), and</li> <li>○ coordinated meetings, workshops an training with councils and other stakeholders.</li> </ul> </li> </ul>		<p><i>underway. You may wish to visit <a href="#">DPE's policy and legislation website</a> for further information about these reforms before making a submission on this Recommendation.</i></p>		
2.	C21	Subject to cost benefit analysis, the NSW Environment Protection Authority should engage in a Partnership Model with local government, similar to the Food Regulation Partnership (as per Recommendation 1.).	EHealth		Support	Support in principle and should extend to include joint information databases and registers such as for Underground Petroleum Storage Systems, and the s.308 Protection of the Environment Operations Register.

Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments
3.	C21	State agencies administering legislation with regulatory responsibilities for local government, such as the NSW Ministry of Health, NSW Office of Liquor, Gaming and Racing, Office of Local Government, and Roads and Maritime Services, should adopt relevant elements of the Partnership Model.			Support	
4.	C21	The Department of Premier and Cabinet should revise the NSW <i>Guide to Better Regulation</i> (November 2009) to include requirements for developing regulations involving regulatory or other responsibilities for local government, in particular: <ul style="list-style-type: none"> <li>• consideration of whether a regulatory proposal involves responsibilities for local government,</li> <li>• clear identification and delineation of State and local government responsibilities,</li> <li>• consideration of the costs and benefits of regulatory options on local government,</li> <li>• assessment of the capacity and capability of local government to administer and implement the proposed responsibilities, including consideration of adequate cost recovery mechanisms for local government,</li> <li>• collaboration with local government to inform development of the regulatory proposal,</li> <li>• is establishing a jointly provide service or function, agreement with local government as to the objectives, design, standards and shared funding arrangements,</li> <li>• development of an implementation and compliance plan.</li> </ul>			Support	Supportive  Agree. State government regulation enforced by local government must provide for council's to undertake their own cost/benefit analysis for matter such as resourcing

Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments
5.	C22	<p>The NSW Government should establish better regulation principles with a statutory basis. This would require:</p> <ul style="list-style-type: none"> <li>• amendment of the <i>Subordinate Legislation Act 1989</i> (NSW or new legislation,</li> <li>• giving statutory force to the <i>NSW Guide to Better Regulation</i> (November 2009) and enshrining principles in legislation.</li> </ul>	Not for consultation			
10.	C23	<p>The NSW Government should publish and distribute guidance material for;</p> <ul style="list-style-type: none"> <li>• Councils in setting their regulatory fees and charges (to apply to fees and charges, where councils have discretion)</li> <li>• State agencies in setting councils’ regulatory fees and charges.</li> </ul> <p>This guidance material should include principles and methodologies for estimating efficient costs, setting fees and charges and reviewing and updating these fees and charges over time. The guidance material should also include ways to address affordability issues through hardship provisions, if required.</p>			Support	Supportive
13	C24	<p>The <i>Local Government Act 1993</i> (NSW) should be reviewed and amended in consultation with councils to:</p> <ul style="list-style-type: none"> <li>• Remove duplication between approvals under the <i>Local Government Act 1993</i> (NSW) and other Acts, including the <i>Environmental Planning &amp; Assessment Act 1979</i> (NSW) and <i>Roads Act 1993</i> (NSW) in terms of: footpath restaurants; installation of amusement devises; installation and operation of manufactured homes; stormwater drainage approvals</li> <li>• Allow for longer duration and automatic renewal of approvals</li> </ul>			Support	<p>Supportive</p> <p>Agree with an emphasis on prior consultation with council</p>

Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments
		<ul style="list-style-type: none"> <li>Provide more standard exemptions or minimum requirements from section 68 approvals, where possible, in areas such as: footpath restaurants; A-frames or sandwich boards; skip bins; domestic oil or solid fuel heaters; busking; set up, operation or use of a loudspeaker or sound amplifying device and deliver a public address or hold a religious service or public meeting.</li> </ul>				
14	C24	<p>The <i>Local Government Act 1993</i> (NSW) should be amended to enable councils to recognise section 68 approvals issued by another council (ie, mutual recognition of section 68 approvals), subject to published local requirements, for example with mobile food vendors and skip bins. Councils should be able to recover the costs of compliance associated with approvals granted by another council.</p>	Not for consultation			
15.	C24	<p>The <i>Local Government Act 1993</i> (NSW) should be amended to abolish Local Approvals Policies (LAPs) or, alternatively: reduce the consultation period to 28 days in line with Development Control Plans; remove sunseting clauses; require Ministerial approval only for amendments of substance; centralise LAPs in alphabetical order in one location on the Office of Local Government’s (OLG) website; consolidate activities within one LAP per council; and OLG to provide a model LAP in consultation with councils.</p>			Partially Support	<p>Agree that LAPs should be more easily developed, reviewed and implemented by a council without complex ministerial vetting/approvals</p>

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16.	C24	<p>The NSW Government, as part of its reforms of the <i>Local Government Act 1993 (NSW)</i>, should amend the Act to provide a modern, consolidated, effective suite of compliance and enforcement powers and sanctions for councils and council enforcement officers.</p> <p>The powers would be applicable to all new State Acts or regulations. This suite should be based on the best of existing provisions in other legislation and developed in consultation with the NSW Ombudsman, Department of Premier and Cabinet, State and local government regulators. This should include effective cost recovery mechanisms to fund enforcement activities.</p>			Support	Generally agree with an emphasis on prior consultation
17	C25	Councils should support the use of alternative and internal review mechanisms (for example, the NSW Ombudsman, Office of the NSW Small Business Commissioner, and private providers of alternative dispute resolution services) to provide business and the community with a path of redress for complaints) not including complaints concerning penalty notices) that is less time-consuming and costly than more formal appeal options.	Not for consultation	Please refer to <a href="#">HERE</a> for further information.		
18	C25	<p>As part of the State’s Quality Regulatory Services initiative, the NSW Government should require all State agencies that devolve regulatory responsibilities to local government to:</p> <ul style="list-style-type: none"> <li>Consider councils’ responsibilities in developing their risk-based approach to compliance and enforcement</li> <li>Consider councils’ responsibilities in defining the regulatory outcomes and setting monitoring mechanisms to measure the outcomes, and</li> </ul>	Not for consultation			

Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments
		<ul style="list-style-type: none"> <li>Identify what information needs to be obtained from councils in relation to their regulatory activities to measure regulatory outcomes and how this data will be used or published to assess and assist council performance.</li> </ul> <p>These requirements should be developed in consultation with local government regulators and commence by the end of 2015.</p>				
19	C25	<p>The Department of Planning and Environment, in consultation with key stakeholders and on consideration of existing approaches, should:</p> <ul style="list-style-type: none"> <li>Identify which development consent conditions may be applied across council areas, including regional groupings of councils, and which conditions will vary across council areas</li> <li>Then develop (where appropriate) a standardised and consolidated set of development consent conditions for councils to use for different forms of development.</li> </ul>	Planning		Support	Standardised conditions of consent would assist the development industry in terms of continuity. It is noted that specific conditions will always apply to certain LGAs due to localised issues. It is possible that, in addition to standardised conditions being prepared, each LGA could have an individual Appendix (or similar) that would prescribe LGA specific conditions .
20	C25-26	<p>The NSW Government should:</p> <ul style="list-style-type: none"> <li>subject to a cost benefit analysis, create a stronger, single State regulator, the Building Authority, containing, at a minimum, the roles of the Building Professionals Board, the building regulation expertise of the Department of Planning and Environment and the building trades regulation aspects of NSW Fair Trading, and</li> </ul>	Not for consultation			



Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments
		<ul style="list-style-type: none"> <li>create a more robust, coordinated framework for interacting with councils through instituting a 'Partnership Model' (as discussed in Chapter 2).</li> </ul>				
21	C26	<p>The Building Professionals Board or Building Authority (if adopted) should: 287</p> <ul style="list-style-type: none"> <li>initially, modify its register of accredited certifiers to link directly with its register of disciplinary action 287</li> <li>in the longer term, create a single register that enables consumers to check a certifier's accreditation and whether the certifier has had any disciplinary action taken against them at the same time.</li> </ul>	Not for consultation			
22	C26	NSW Fair Trading, in its consumer building guide or other appropriate arterial, and the Building Professionals Board, in its mandatory contracts between certifiers and clients or other appropriate material, should refer consumers of building services to the Building Professionals Board's register of accredited certifiers and register of disciplinary action.	Not for consultation			
23	C26	Councils seeking to impose conditions of consent above that of the National Construction Code must conduct a cost benefit analysis justifying the benefits of these additional requirements and seek approval from an independent body, such as IPART, under a 'gateway' model.	Planning / Building		Don't Support	Council's shouldn't be able to impose conditions in excess of NCC requirements which is a performance based statute. DA conditions are traditionally prescriptive

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24	C26	<p>Certifiers should be required to inform councils of builders’ breaches if they are not addressed to the certifier’s satisfaction by the builder within a fixed time period. Where councils have been notified:</p> <ul style="list-style-type: none"> <li>• if the breach relates to the National construction Code (NCC), the council should be required to respond to the certifier in writing within a set period of time</li> <li>• if the breach is not related to the NCC, the council should be required to respond to the certifier in writing within a set period of time, then the certifier can proceed to issue an occupation certificate.</li> </ul>	<p>Not for consultation</p> <p>DPE is currently conducting a review of the EP&amp;A Regulation 2000, which contains some related provisions. Further information about the review, including how to make a submission can be found <a href="#">HERE</a>.</p>			
25	C26	<p>The Building Professionals Board (BPB) or Building Authority (if adopted) should incorporate into the current Principal Certifying Authority signage information setting out contact details for specific complaints (eg, off-site impacts like building refuse or run-off and onsite issues). The BPB or Building Authority should trial the use of such a sign in a specific local government area to see if time is reduced in redirecting complaints for councils, the BPB/Authority and certifiers.</p>	<p>Not for consultation</p> <p>DPE is currently conducting a review of the EP&amp;A Regulation 2000, which contains some related provisions. Further information about the</p>			

Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments	
				review, including how to make a submission can be found <a href="#">HERE</a> .			
26	C26	The NSW Government (eg, the Department of Planning and Environment) should enable building owners to submit Annual Fire Safety Statements online for access by councils and the Commissioner of the Fire and Rescue Service.	Building		Support	Support online submission. The mandatory submission of AFSS's should be based on risk, i.e low risk portable fire extinguisher SOU's should be exempted/not regulated in the same manner	
27	C27	All councils should adopt the NSW Food Authority's guidelines on mobile food vendors. This will allow for food safety inspections to be conducted in a mobile food vendor's "home jurisdiction", which will be taken into account by other councils when considering if inspection is warranted.	<p><i>Not for consultation</i></p> <p><i>Further information can be found <a href="#">HERE</a>.</i></p>				
28	C27	The NSW Food Authority, in consultation with councils, should provide guidance on reducing the frequency of routine inspections by councils of retail food businesses with a strong record of compliance to reduce over-inspection and costs.	<p>Not for consultation</p> <p>Further information can be found <a href="#">HERE</a>.</p>				

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29	C27	<p>The NSW Food Authority should finalise its internal review and work with councils to implement its reforms within 18 months of its review being completed to:</p> <ul style="list-style-type: none"> <li>remove any regulatory overlap (eg, of related retail and non-retail food business on the same premises)</li> <li>develop a system of notification for all food businesses that avoids the need businesses to notify both councils and the Food Authority.</li> <li>Review the notification system to determine whether negligible risk food businesses should be exempt from the requirement to notify</li> <li>Ensure the introduction of a standard inspections template for use by all councils in NSW, to enhance the consistency of inspections across the State.</li> </ul>	<p>Not for consultation</p> <p>Further information can be found <a href="#">HERE</a>.</p>			
30	C27	<p>The Office of Local Government should:</p> <ul style="list-style-type: none"> <li>Develop a ‘model’ risk-based inspections program to assist councils in developing their own programs under the <i>Swimming Pools Act 1992</i> (NSW)</li> <li>Promote and assist councils to use shared services or ‘flying squads’ for swimming pool inspections, if a backlog becomes apparent under the new regulatory regime</li> <li>Review the <i>Swimming Pools Act 1992</i> (NSW) within five years from commencement of the amendments to determine whether the benefits of the legislative changes clearly outweigh the costs</li> <li>Review councils’ regulatory performance and inspection fees prescribed by the <i>Swimming Pools Regulation 2008</i> (NSW), including whether inspection fees recover councils’ efficient costs</li> <li>Undertake regular reviews of its guidance material for councils and pool owners to ensure this material is current, reflects best practice, and that</li> </ul>	Building	<p><i>Responsibility for the Swimming Pools Act 1992 now lies with NSW Fair Trading. However, responsibility for regulation of councils under the Local Government Act 1993, remains with the Office of Local Government. Comment is being sought on this Recommendation as some aspects of this Recommendation must be addressed through OLG</i></p>	Support	<p>Every effort that improves education/awareness and regulation of swimming pools is supported. Resourcing remains the major restriction/concern. Perhaps a levy on each swimming pool with an LGA should go towards education/regulation of pools within that LGA. The income would be proportionate to the number of pools/regulatory demand etc.</p>

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		it incorporates learning from implementation of amendments to the <i>Swimming Pools Act 1992</i> (NSW).				
31	C28	NSW Fair Trading should undertake regular reviews of the boarding house guidance material for councils and boarding house operators to ensure this material is current, reflects best practice, and that it incorporates learnings from implementation of the <i>Boarding Houses Act 2012</i> (NSW).	Not for consultation			
32	C28	<p>The Department of Planning and Environment, in consultation with the NSW Environment Protection Authority and other relevant stakeholders, should:</p> <ul style="list-style-type: none"> <li>• develop standard waste management requirements for inclusion in the NSW Housing and NSW Industrial and Commercial Codes, which establishes site waste management standards and requirements for exempt and complying development, and</li> <li>• remove the need for applicants to submit separate Waste Management Plans to councils for complying developments.</li> </ul>	Planning / Building		Support	Would assist the development industry in terms of clear and consistent expectations/requirements.

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33	C28	<p>Councils should either:</p> <ul style="list-style-type: none"> <li>solely use the State Debt Recovery Office (SDRO) to handle parking fine requests for review or appeals to remove current confusion, duplication and reduce costs, or</li> <li>adopt the SDRO’s guide for handling representations where a council is using SDRO’s basic service package and retain the role of handling parking fine requests for review or appeals, to ensure consistency and fairness across the state.</li> </ul>			Support	CCC currently uses the Revenue NSW to adjudicate (review) parking fines on their behalf.
34	C28	The Office of Local Government should review and, where necessary update, its free parking area agreement guidelines (including model agreements) for use in agreements with private companies, State agencies and owners corporations. Councils should then have a free parking area agreement in place consistent with these guidelines.		The Guidelines were updated by OLG in December 2016 to largely deal with strata parking legislation.	Support	However these guidelines were updated in 2016.
36	C29	<p>The Office of Local Government should allow for an optional one-step registration process, whereby:</p> <ul style="list-style-type: none"> <li>the owner could microchip and register their pet at the same time</li> <li>the person completing the microchipping would act as a registration agent for councils either by providing access to online facilities (per recommendation below) or passing the registration onto councils (on an opt-in, fee-for-service basis).</li> </ul>	Not for consultation			

Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments
37	C29	The Office of Local Government should allow for online companion animals registration (including provision to change owner address and contact details online for animals that are not under declaration).	Not for consultation			
38	C29	The Office of Local Government should implement targeted, responsible pet ownership campaigns with councils in particular locations/communities of concern with the input of industry experts, providing accessible facilities for desexing where these campaigns are rolled out.	Not for consultation  Further information on these resources can be found <a href="#">HERE</a> .			
39	C29	The Office of Local Government should amend the companion animal's registration form so an owner's date of birth is mandatorily captured information, as well as other unique identifiers such as driver's licence number or official photo ID number or Medicare number.	Not for consultation			
40	C29	The Office of Local Government should amend the <i>Companion Animals Regulation 2008 (NSW)</i> to enable fees to be periodically indexed by CPI.	Not for consultation			

Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments
40.	B20	<p>That the NSW Government transfer Crown reserves with local interests to councils:</p> <ul style="list-style-type: none"> <li>• as recommended by the NSW Crown Lands Management Review and piloted through the Local Land Program Pilot, and</li> <li>• where the transfer is agreed by the council, including where this agreement is conditional on change of land classification.</li> </ul>	Not for consultation.	This has been addressed by the introduction of the <i>Crown Lands Management Act 2016</i> and the Land Negotiation Program (LNP). You can find further information on the LNP <a href="#">HERE</a>		
41.	B20	<p>Consistent with its response to the Crown Lands Legislation White Paper, that the NSW Government ensure that Crown reserves managed by councils are subject to <i>Local Government Act 1993</i> requirements in relation to:</p> <ul style="list-style-type: none"> <li>• Ministerial approval of licences and leases, and</li> <li>• reporting.</li> </ul>	Not for consultation			
42.	B20	<p>That the NSW Government streamline the statutory process for closing Crown roads, including the arrangements for advertising road closure applications.</p>	Not for consultation			



Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments
43.	B20	That the NSW Government reduce the backlog of Crown road closure applications to eliminate the current waiting period for applications to be processed.	Not for consultation			
45.	B20	That Roads and Maritime Services provide greater support for councils to develop the competency to conduct route access assessments and process heavy vehicle applications. This support should be focused on developing the competency and skills within councils to perform these regulatory functions.	Not for consultation			
49.	B22	That the NSW Government, in consultation with councils, review how councils are currently applying Alcohol Free Zone (AFZ) and Alcohol Prohibited Area (APA) provisions in response to alcohol related anti-social behaviour and clarify the rationale and processes for declaring AFZs and APAs in the <i>Local Government Act 1993</i> and Ministerial Guidelines on Alcohol-Free Zones.			Don't Support	

Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments
50.	B22	That the NSW Government provide an efficient process for consultation and decision making on temporary and events-based alcohol restrictions.			Don't Support	
51.	B22	<p>That the <i>Graffiti Control Act 2008</i> be amended to:</p> <ul style="list-style-type: none"> <li>• allow councils to prosecute individuals and organisations that commission or produce bill posters that are visible from a public place within their local government area, and</li> <li>• provide councils with compliance and enforcement powers to support their enforcement role under the Act, similar to those provided under Chapter 7 of the <i>Protection of the Environment Operations Act 1997</i>.</li> </ul>	<p>Not for consultation</p> <p>The Department of Justice is currently reviewing the <i>Graffiti Control Act 2008</i>. This review will consider all aspects of the Act, including the issues raised by the IPART recommendation.</p>			
4.	C21	<p>The Department of Premier and Cabinet should revise the <i>NSW Guide to Better Regulation</i> (November 2009) to include requirements for developing regulations involving regulatory or other responsibilities for local government, in particular:</p> <ul style="list-style-type: none"> <li>• consideration of whether a regulatory proposal involves responsibilities for local government,</li> <li>• clear identification and delineation of State and local government responsibilities,</li> </ul>			Support	

Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments
		<ul style="list-style-type: none"> <li>• consideration of the costs and benefits of regulatory options on local government,</li> <li>• assessment of the capacity and capability of local government to administer and implement the proposed responsibilities, including consideration of adequate cost recovery mechanisms for local government,</li> <li>• collaboration with local government to inform development of the regulatory proposal,</li> <li>• is establishing a jointly provide service or function, agreement with local government as to the objectives, design, standards and shared funding arrangements,</li> <li>• development of an implementation and compliance plan.</li> </ul>				
5.	C22	<p>The NSW Government should establish better regulation principles with a statutory basis. This would require:</p> <ul style="list-style-type: none"> <li>• amendment of the <i>Subordinate Legislation Act 1989</i> (NSW or new legislation),</li> <li>• giving statutory force to the <i>NSW Guide to Better Regulation</i> (November 2009) and enshrining principles in legislation.</li> </ul>	Not for consultation			
10.	C23	<p>The NSW Government should publish and distribute guidance material for;</p> <ul style="list-style-type: none"> <li>• Councils in setting their regulatory fees and charges (to apply to fees and charges, where councils have discretion)</li> <li>• State agencies in setting councils’ regulatory fees and charges.</li> </ul> <p>This guidance material should include principles and methodologies for estimating efficient costs, setting fees and charges and reviewing and updating these fees and charges over time. The guidance material should also include ways to address affordability issues through hardship provisions, if required.</p>			Support	

Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments
13	C24	<p>The <i>Local Government Act 1993</i> (NSW) should be reviewed and amended in consultation with councils to:</p> <ul style="list-style-type: none"> <li>• Remove duplication between approvals under the <i>Local Government Act 1993</i> (NSW) and other Acts, including the <i>Environmental Planning &amp; Assessment Act 1979</i> (NSW) and <i>Roads Act 1993</i> (NSW) in terms of: footpath restaurants; installation of amusement devises; installation and operation of manufactured homes; stormwater drainage approvals</li> <li>• Allow for longer duration and automatic renewal of approvals</li> <li>• Provide more standard exemptions or minimum requirements from section 68 approvals, where possible, in areas such as: footpath restaurants; A-frames or sandwich boards; skip bins; domestic oil or solid fuel heaters; busking; set up, operation or use of a loudspeaker or sound amplifying device and deliver a public address or hold a religious service or public meeting.</li> </ul>			Support	
14	C24	<p>The <i>Local Government Act 1993</i> (NSW) should be amended to enable councils to recognise section 68 approvals issued by another council (ie, mutual recognition of section 68 approvals), subject to published local requirements, for example with mobile food vendors and skip bins. Councils should be able to recover the costs of compliance associated with approvals granted by another council.</p>	Not for consultation			

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15.	C24	<p>The <i>Local Government Act 1993</i> (NSW) should be amended to abolish Local Approvals Policies (LAPs) or, alternatively: reduce the consultation period to 28 days in line with Development Control Plans; remove sunseting clauses; require Ministerial approval only for amendments of substance; centralise LAPs in alphabetical order in one location on the Office of Local Government’s (OLG) website; consolidate activities within one LAP per council; and OLG to provide a model LAP in consultation with councils.</p>			Support	
16.	C24	<p>The NSW Government, as part of its reforms of the <i>Local Government Act 1993</i> (NSW), should amend the Act to provide a modern, consolidated, effective suite of compliance and enforcement powers and sanctions for councils and council enforcement officers.</p> <p>The powers would be applicable to all new State Acts or regulations. This suite should be based on the best of existing provisions in other legislation and developed in consultation with the NSW Ombudsman, Department of Premier and Cabinet, State and local government regulators. This should include effective cost recovery mechanisms to fund enforcement activities.</p>			Support	
17	C25	<p>Councils should support the use of alternative and internal review mechanisms (for example, the NSW Ombudsman, Office of the NSW Small Business Commissioner, and private providers of alternative dispute resolution services) to provide business and the community with a path of redress for complaints) not including complaints concerning penalty notices) that is less time-consuming and costly than more formal appeal options.</p>	<p>Not for consultation. Please refer to <a href="#">HERE</a> for further information.</p>			

Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments
34	C28	The Office of Local Government should review and, where necessary update, its free parking area agreement guidelines (including model agreements) for use in agreements with private companies, State agencies and owners corporations. Councils should then have a free parking area agreement in place consistent with these guidelines.		<i>The Guidelines were updated by OLG in December 2016 to largely deal with strata parking legislation.</i>	Support	
35	C28	That the NSW Government: <ul style="list-style-type: none"> <li>notes the potential red tape savings and net benefits that could accrue to NSW through the National Heavy Vehicle Regulator (NHVR) providing technical assistance to councils in certifying local roads for access by heavy vehicles and engineering assessment of infrastructure; and</li> <li>in the events of delay in the NHVR providing these elements of the national reforms, funds an interim unit to provide this assistance to local government.</li> </ul>	Not for consultation			
41	C29	The NSW Government should amend section 125 of the Roads Act 1993 (NSW) to extend the approval term for footway restaurants to 10 years and councils should ensure that approval conditions enable adequate access by utility providers.			Support	

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42	C29	<p>Councils should not adopt measures to simplify and streamline the approvals process for local community events. This could include:</p> <ul style="list-style-type: none"> <li>• specifying some temporary uses of land as exempt development in local environmental plans, or</li> <li>• issuing longer-term development consents for periods of three to five years for recurrent local community events (subject to lodging minor variations under section 96 of the <i>Environmental Planning and Assessment Act 1979</i> (NSW)).</li> </ul>			Support	

Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments
1.	B10	<p>That the Department of Finance, Services and Innovation (DFSI) revise the NSW Guide to Better Regulation to include requirements for State agencies developing regulations involving regulatory or other responsibilities for local government, as part of the regulation-making process, to: consider whether a regulatory proposal involves responsibilities for local government</p> <ul style="list-style-type: none"> <li>• consider whether a regulatory proposal involves responsibilities for local government,</li> <li>• clearly identify and delineate State and local government responsibilities,</li> <li>• consider the costs and benefits of regulatory options on local government,</li> <li>• assess the capacity and capability of local government to administer and implement the proposed responsibilities, including consideration of adequate cost recovery mechanisms for local government,</li> <li>• take a coordinated, whole-of-government approach to developing the regulatory proposal,</li> <li>• collaborate with local government to inform development of the regulatory proposal,</li> <li>• if establishing a jointly provided service or function, reach agreement with local government as to the objectives, design, standards and shared funding arrangements, and</li> <li>• develop an implementation and compliance plan.</li> </ul>		<p><i>Treasury is currently developing a new regulatory policy guideline, which will provide guidance on undertaking proportional assessment of the costs and benefits of regulations, including the cost impact on State and Local Government, consideration of alternatives, and engagement with all affected stakeholders to inform the development of regulatory policies In December 2017, the Premier assigned responsibility for the NSW regulatory framework to the Treasurer. This mean Treasury is now the lead agency for the whole-of-government regulatory initiatives (instead of DPC).</i></p>	Support	
2.	B10	<p>That the NSW Government maintain a <i>Register of local government reporting, planning and compliance obligations</i> that should be used by NSW Government agencies in the regulation-making process to manage the volume of regulatory requirements imposed on councils and to avoid creating unnecessary or duplicative requirements.</p>	Not for consultation			



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3.	B11	That the NSW Government remove restrictions on fees for statutory approvals and inspections to allow for the recovery of efficient costs, subject to monitoring and benchmarking.	Not for consultation			
4.	B11	Where fees continue to be set by statute, that the relevant NSW Government agency reviews the level of the fees every three to five years and amends the relevant legislation to allow these fees to increase annually in line with CPI or an index of fee-related costs.	Not for consultation			
5.	B11	<p>That the NSW Government review the basis upon which the fees for Development Applications (DAs) are calculated to:</p> <ul style="list-style-type: none"> <li>• better reflect the efficient cost to councils and the NSW Government of processing DAs,</li> <li>• minimise disputes and subsequent adjustments, and</li> <li>• facilitate online payment of DA fees.</li> </ul>	<p>Not for consultation</p> <p>Further information is available on the Department of Planning, Industry and Environment's website inked <a href="#">here</a>.</p>			

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6.	B11	That if statutory fees are capped below cost recovery to ensure affordability or for other policy reasons, then the NSW Government should reimburse councils for the shortfall in efficient costs.	Not for consultation			
7.	B11	<p>That the Department of Premier and Cabinet amend the <i>Good Practice Guide to Grant Administration</i>, to:</p> <ul style="list-style-type: none"> <li>• recognise local government as separate from non-government organisations,</li> <li>• remove acquittal requirements for untied grants,</li> <li>• explicitly address ongoing maintenance and renewal costs when funding new capital projects,</li> <li>• require agencies to rely on existing council reporting to assess financial stability and management performance of councils,</li> <li>• lengthen acquittal periods for ongoing grant programs to four years, and use Memorandum of Understanding (MOU) arrangements, rather than requiring councils to reapply annually, and</li> <li>• provide for a streamlined acquittal process for grants of less than \$20,000 in total, examples of streamlining include: <ul style="list-style-type: none"> <li>○ not requiring further external financial audit</li> <li>○ using risk-based controls and requirements, and</li> <li>○ confining performance measurement to outcomes consistent with the purpose of the grant.</li> </ul> </li> </ul>	Finance			

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8.	B12	That NSW Government agencies collecting local government data and information make this data discoverable through the Data NSW open data portal or the Information Asset Register maintained by the Department of Finance, Services and Innovation.	Governance		Partially Support	<p>Council is supportive of this recommendation. Councils should only report the same data to the State Government once, through one State agency.</p> <p>Council believes the use of on-line portals would help to make reporting more accurate and efficient through self-validation rules and greater ease of use and that having a central may make reporting more efficient and help in measuring the cumulative effect of reporting requirements.</p> <p>Having noted the above, Council</p>

Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments
						does not support a charge to use such a portal.
9.	B12	<p>That the Department of Finance, Services and Innovation:</p> <ul style="list-style-type: none"> <li>• support NSW Government agencies to use the Open Data Rolling Release Schedule to establish clear timeframes for publishing local government data and information in Data NSW (in machine readable formats),</li> <li>• support councils to make local government data and information available for discovery through Data NSW or the Information Asset Register, and</li> <li>• support the Office of Local Government to develop a central portal for local government reporting and streamlined data collection.</li> </ul>			Partially Support	As noted above in relation to B12
10.	B12	<p>That the Department of Planning and Environment, including through the Office of Local Government, review public notice print media requirements in the <i>Local Government Act 1993</i>, the <i>Local Government (General) Regulation 2005</i>, the <i>Environmental Planning and Assessment Act 1979</i>, and the <i>Environmental Planning and Assessment Regulation 2000</i> and, where the cost to councils of using print media exceeds the benefit to the community, remove print media requirements and allow online advertising, mail-outs and other forms of communication as alternatives.</p>	Not for consultation			

Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments
22.	B16	That the NSW Government streamline the reporting requirements for the Integrated Planning and Reporting (IP&R) framework in the revised <i>Local Government Act 1993</i> .	Finance	<i>Feedback on recommendation 22 is being sought via a combined response with recommendation 23 below.</i>	Support	
23.	B16	<p>Ahead of the 2020 IP&amp;R cycle, that the Office of Local Government:</p> <ul style="list-style-type: none"> <li>• provide councils with a common set of performance indicators to measure performance within the IP&amp;R framework,</li> <li>• conduct state-wide community satisfaction surveys and release the results to allow comparisons between councils and benchmarking,</li> <li>• provide guidance to councils on the form and content of the End of Term Report and its relationship to local councils' Annual Reports,</li> <li>• clarify for councils the purpose, form and content of the State of the Environment report and clarify its relationship to the End of Term Report,</li> <li>• work with the Office of Environment and Heritage, the NSW Environment Protection Authority and other relevant agencies to develop performance indicators for councils to use, and</li> <li>• where relevant, amend the IP&amp;R Guidelines and Manual to incorporate this material.</li> </ul>		<p><i>Feedback on recommendation 22 is also being sought via this response. It should also be noted that the requirement for State of the Environment reporting will be removed from the Local Government Act prior to the next cycle of reporting under the IP&amp;R framework.</i></p> <p><i>The Government values the role that IP&amp;R plays in helping councils and their communities to plan effectively for the future and deliver meaningful outcomes.</i></p> <p><i>Similarly, the IP&amp;R framework recognises that each community is unique, with its own particular needs and priorities. Therefore a 'one size fits all' approach to</i></p>	Support	<p><b>Compliance element of IP&amp;R Framework:</b></p> <ul style="list-style-type: none"> <li>- compliance is resource-intensive and, for some councils, the cost exceeds the benefit</li> </ul> <p>Alignment with Local Strategic Planning Statements (EP&amp;A Act) will need to be recognised and duplication across documents should be avoided if we are to achieve streamlined reporting.</p>

Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments
				<p><i>measuring IP&amp;R outcomes would not be appropriate. However, the Government acknowledges the need to support councils in developing suitable methods of reporting that are clearly focused on social, environmental, economic and governance outcomes and avoid unnecessary duplication.</i></p> <p><i>Therefore comments are sought with respect to how the IP&amp;R framework could best be shaped to achieve this.</i></p> <p><i>As part of the Government's ongoing commitment to strengthening transparency and accountability in the local government sector, OLG will continue to work with local councils to improve how we measure their performance, clarify what is expected of them and provide better reporting.</i></p>		

Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments
24.	B16	That the Office of Local Government remove requirements for councils to report more in the General Purpose Financial Statements than is required by the Australian accounting standards, issued by the Australian Accounting Standards Board, except for requirements which are unique and high value to local government such as Note 21 and Special Schedule 7.	Not for consultation			
25.	B16	That clause 163(2) of the <i>Local Government (General) Regulation 2005</i> be amended to allow the Office of Local Government to determine the councils for which the threshold for formal tendering would be increased to \$250,000, with this threshold to be reviewed every five years.	Not for consultation			
26.	B16	That section 377(1)(i) of the <i>Local Government Act 1993</i> be amended to allow the Council to delegate the acceptance of tenders to General Managers.	Not for consultation			
27.	B16	That section 55(3)(g) of the <i>Local Government Act 1993</i> be amended to allow local government access to the full range of prequalification panels run by NSW Procurement.	Not for consultation			

Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments
28.	B17	That the Department of Planning and Environment, through the Office of Local Government, review the requirements in the <i>Local Government Act 1993</i> for Ministerial approvals and remove those that are not justified on the basis of corruption prevention, probity or protecting the interests of the State.	Governance		Support	
29.	B17	That the Office of Local Government introduce guidelines that specify maximum response times for different categories of Ministerial approvals.	Governance		Support	
33.	B17	That section 31 of the <i>Public Interest Disclosures Act 1994</i> be amended to require councils to report on public interest disclosures in their annual reports and remove the requirement for an annual public interest disclosures report to be provided to the Minister for Local Government.	Not for consultation			
36.	B18	That the Office of Local Government assist the Information and Privacy Commission to circulate to councils information related to the <i>Government Information (Public Access) Act 2009</i> .	Not for consultation			



Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments
40.	B20	<p>That the NSW Government transfer Crown reserves with local interests to councils:</p> <ul style="list-style-type: none"> <li>• as recommended by the NSW Crown Lands Management Review and piloted through the Local Land Program Pilot, and</li> <li>• where the transfer is agreed by the council, including where this agreement is conditional on change of land classification.</li> </ul>	Not for consultation	This has been addressed by the introduction of the <i>Crown Lands Management Act 2016</i> and the Land Negotiation Program (LNP). You can find further information on the LNP <a href="#">HERE</a> .		
41.	B20	<p>Consistent with its response to the Crown Lands Legislation White Paper, that the NSW Government ensure that Crown reserves managed by councils are subject to <i>Local Government Act 1993</i> requirements in relation to:</p> <ul style="list-style-type: none"> <li>• Ministerial approval of licences and leases, and</li> <li>• reporting.</li> </ul>	Not for consultation			
44.	B20	<p>That the NSW Government streamline the provisions of the <i>Local Government Act 1993</i> relating to plans of management for community land to enable councils to align public notice and consultation with councils' community engagement for Integrated Planning and Reporting purposes.</p>			Support	

Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments
4.	C21	<p>The Department of Premier and Cabinet should revise the <i>NSW Guide to Better Regulation</i> (November 2009) to include requirements for developing regulations involving regulatory or other responsibilities for local government, in particular:</p> <ul style="list-style-type: none"> <li>• consideration of whether a regulatory proposal involves responsibilities for local government,</li> <li>• clear identification and delineation of State and local government responsibilities,</li> <li>• consideration of the costs and benefits of regulatory options on local government,</li> <li>• assessment of the capacity and capability of local government to administer and implement the proposed responsibilities, including consideration of adequate cost recovery mechanisms for local government,</li> <li>• collaboration with local government to inform development of the regulatory proposal,</li> <li>• is establishing a jointly provide service or function, agreement with local government as to the objectives, design, standards and shared funding arrangements,</li> <li>• development of an implementation and compliance plan.</li> </ul>			Support	
5.	C22	<p>The NSW Government should establish better regulation principles with a statutory basis. This would require:</p> <ul style="list-style-type: none"> <li>• amendment of the <i>Subordinate Legislation Act 1989</i> (NSW or new legislation),</li> <li>• giving statutory force to the <i>NSW Guide to Better Regulation</i> (November 2009) and enshrining principles in legislation.</li> </ul>	Not for consultation			

Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments
6.	C22	<p>The NSW Government should maintain the register of local government regulatory functions (currently available on IPART’s website) to:</p> <ul style="list-style-type: none"> <li>• Manage the volume of regulation delegating regulatory responsibilities to local government,</li> <li>• Be used by State agencies in the policy development of regulations to avoid creating duplications or overlaps with new or amended functions or powers.</li> </ul>		<p><i>Treasury is currently developing a new regulatory policy guideline, which will include requirements for early engagement with affected stakeholders, and a rigorous analysis of operational burden on Government (including Local Government) in administering regulations.</i></p>	Support	
7.	C22	<p>The Department of Premier and Cabinet should:</p> <ul style="list-style-type: none"> <li>• Develop a Regulators’ Code for local government, similar to the one currently in operation in the UK, to guide local government in undertaking enforcement activities. This should be undertaken in consultation with the NSW Ombudsman and State and local government regulators.</li> <li>• Include local government regulators in the Department of Premier and Cabinet’s regulators group.</li> <li>• Develop simplified cost benefit analysis guidance material or a resource kit for local government to undertake proportional assessments of the costs and benefits of regulatory actions or policies, including consideration of alternatives.</li> <li>• Develop simplified guidance for the development of local government policies and statutory instruments, and on risk-based compliance.</li> </ul>		<p><i>As noted above, Treasury is currently developing a new regulatory policy guideline, which will provide guidance on undertaking proportional assessments of the costs and benefits of regulations, including the cost impact on State and Local Government, consideration of alternatives, and engagement with all affected stakeholders to inform the development of regulatory policies. In December 2017, the Premier assigned responsibility for the NSW regulatory framework to the Treasurer. This means Treasury is now the lead agency for the whole-of-government</i></p>	Support	

Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments
				<i>regulatory initiatives (instead of DPC).</i>		
8.	C22	<p>The NSW Ombudsman should be given a statutory responsibility to develop and maintain a more detailed model enforcement policy and updated guidelines for use by councils to guide on-the-ground enforcement:</p> <ul style="list-style-type: none"> <li>• the model policy should be developed in collaboration with State and local government regulators;</li> <li>• the model policy should be consistent with the proposed Regulators' Code, if adopted; and</li> <li>• the NSW Ombudsman should assist councils to implement the model enforcement policy and guidelines, through fee-based training.</li> </ul> <p>All councils should adopt the new model enforcement policy, make the policy publicly available and train compliance staff in exercising discretion and implementation of the policy.</p>	Not for consultation			
9.	C23	<p>The Local Government Act 1993 should be amended to abolish Local Orders Policies (LOPs), as the function of LOPs will be replaced by adoption of the new model enforcement policy.</p>				

Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments
10.	C23	<p>The NSW Government should publish and distribute guidance material for;</p> <ul style="list-style-type: none"> <li>• Councils in setting their regulatory fees and charges (to apply to fees and charges, where councils have discretion)</li> <li>• State agencies in setting councils’ regulatory fees and charges.</li> </ul> <p>This guidance material should include principles and methodologies for estimating efficient costs, setting fees and charges and reviewing and updating these fees and charges over time. The guidance material should also include ways to address affordability issues through hardship provisions, if required.</p>			Support	
11.	C23	<p>The <i>Local Government Act 1993</i> (NSW) should be amended to remove any impediments to, or facilitate the easier use of, shared regulatory services, in particular, consideration should be given to:</p> <ul style="list-style-type: none"> <li>• Removing or amending section 379 – which currently restricts the delegation of a council’s regulatory functions under Chapter 7 of the Local Government Act, including to shared services bodies</li> <li>• Amending section 377, which prohibits any delegation by a council of the acceptance of tenders.</li> </ul> <p>Whichever forms of council collaboration are used in future, consideration should be given to whether the Act should specify how and in what form the collaborative arrangements should be established (including whether management frameworks should be prescribed).</p>	Not for consultation			

Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments
12.	C23	<p>The NSW Government should encourage and develop incentives to form collaborative arrangements in relation to regulatory functions. This should include training, guidance and promotion of leading practice collaborative arrangements, and the availability of repayable funding arrangements to assist in setting up shared regulatory services. Councils could obtain a loan with a concessional rate of interest that is repayable within a specified period. This should tend to be cost neutral over time, as cost savings to councils would be achieved from the collaborative arrangements.</p>	Not for consultation			
13.	C24	<p>The NSW Government, as part of its reforms of the <i>Local Government Act 1993</i> (NSW), should amend the Act to provide a modern, consolidated, effective suite of compliance and enforcement powers and sanctions for councils and council enforcement officers.</p> <p>The powers would be applicable to all new State Acts or regulations. This suite should be based on the best of existing provisions in other legislation and developed in consultation with the NSW Ombudsman, Department of Premier and Cabinet, State and local government regulators. This should include effective cost recovery mechanisms to fund enforcement activities.</p>			Support	
17.	C25	<p>Councils should support the use of alternative and internal review mechanisms (for example, the NSW Ombudsman, Office of the NSW Small Business Commissioner, and private providers of alternative dispute resolution services) to provide business and the community with a path of redress for complaints) not including complaints concerning penalty notices) that is less time-consuming and costly than more formal appeal options.</p>	<p>Not for consultation</p> <p>Please refer to <a href="#">HERE</a> for further information.</p>			

Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments
31.	B17	That the <i>Local Government Act 1993</i> be amended to transfer current requirements relating to the length of time for temporary appointments under section 351(2) to the <i>Local Government (General) Regulation 2005</i> or the relevant awards.			Support	
32.	B17	Extend the maximum periods of temporary employment from 12 months to four years within any continuous period of five years, similar to Rule 10 of the Government Sector Employment Rules 2014.			Partially Support	Extension to 2 year is supported, however 4 years is too long
4.	C21	<p>The Department of Premier and Cabinet should revise the <i>NSW Guide to Better Regulation</i> (November 2009) to include requirements for developing regulations involving regulatory or other responsibilities for local government, in particular:</p> <ul style="list-style-type: none"> <li>• consideration of whether a regulatory proposal involves responsibilities for local government,</li> <li>• clear identification and delineation of State and local government responsibilities,</li> <li>• consideration of the costs and benefits of regulatory options on local government,</li> <li>• assessment of the capacity and capability of local government to administer and implement the proposed responsibilities, including consideration of adequate cost recovery mechanisms for local government,</li> <li>• collaboration with local government to inform development of the regulatory proposal,</li> <li>• is establishing a jointly provide service or function, agreement with local government as to the objectives, design, standards and shared funding arrangements,</li> <li>• development of an implementation and compliance plan.</li> </ul>			Support	<p>There needs to be clear understanding of the resourcing implications of regulatory compliance on LG</p> <p>There also needs to be provision of State funding for the imposed services, rather than just user pays or unrealistic set regulatory fees</p>

Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments
5.	C22	<p>The NSW Government should establish better regulation principles with a statutory basis. This would require:</p> <ul style="list-style-type: none"> <li>• amendment of the <i>Subordinate Legislation Act 1989</i> (NSW) or new legislation,</li> <li>• giving statutory force to the <i>NSW Guide to Better Regulation</i> (November 2009) and enshrining principles in legislation.</li> </ul>	Not for consultation			
10.	C23	<p>The NSW Government should publish and distribute guidance material for;</p> <ul style="list-style-type: none"> <li>• Councils in setting their regulatory fees and charges (to apply to fees and charges, where councils have discretion)</li> <li>• State agencies in setting councils' regulatory fees and charges.</li> </ul> <p>This guidance material should include principles and methodologies for estimating efficient costs, setting fees and charges and reviewing and updating these fees and charges over time. The guidance material should also include ways to address affordability issues through hardship provisions, if required.</p>			Support	
16.	C24	<p>The NSW Government, as part of its reforms of the <i>Local Government Act 1993</i> (NSW), should amend the Act to provide a modern, consolidated, effective suite of compliance and enforcement powers and sanctions for councils and council enforcement officers.</p> <p>The powers would be applicable to all new State Acts or regulations. This suite should be based on the best of existing provisions in other legislation and developed in consultation with the NSW Ombudsman, Department of Premier and Cabinet, State and local government regulators. This should include effective cost recovery mechanisms to fund enforcement activities.</p>			Support	



Ref #	Page #	Recommendation Description	Relevant Business Unit	Feedback	Response	Comments
17	C25	Councils should support the use of alternative and internal review mechanisms (for example, the NSW Ombudsman, Office of the NSW Small Business Commissioner, and private providers of alternative dispute resolution services) to provide business and the community with a path of redress for complaints) not including complaints concerning penalty notices) that is less time-consuming and costly than more formal appeal options.	Not for consultation	Please refer to <a href="#">HERE</a> for further information.		



## GOVERNMENT RESPONSE RELEASE OF THE IPART REVIEWS INTO LOCAL GOVERNMENT

The NSW Government is pleased to have made progress on three reviews of the local government system completed by the Independent Pricing and Regulatory Tribunal (IPART).

At the Government's request, IPART undertook broad ranging reviews of the local government rating system, reporting and compliance burdens on local government and local government compliance and enforcement in recent years. The Government acknowledges IPART's expertise, as well as the valuable input of councils and many others in the community involved in undertaking these reviews.

IPART's final reports have now been released publicly and the Office of Local Government will commence a public consultation process on recommendations that are open for consultation. Submissions may be made through the Office of Local Government's website or the NSW Government *Have Your Say* website during these consultation periods.

Each of IPART's reviews were commissioned to identify how best to deliver the Government's commitment to ensure a fair and equitable rating system, cut red tape and reduce costs and delays for business and the community. These issues are critical to the future of local government and local communities across NSW.

IPART provided the Government with substantial final reports that recommend significant reforms and, therefore, require serious consideration. They address a number of complex issues, including the current structure of the rating system, arrangements for rating exemptions and pensioner concessions, and a broad range of local government regulation and compliance issues.

A significant number of IPART's recommendations could substantially change our system of local government and impact directly upon communities. Having considered IPART's findings and recommendations at length, the Government has ruled out implementing recommendations that would adversely impact vulnerable members of the community, such as pensioners or charities, or have a substantial financial impact upon taxpayers or the broader community. These include;

### **REPORTING & COMPLIANCE REVIEW REPORT**

- The removal of restrictions on fees for statutory approvals and inspections (recommendation 3); and
- The capping of statutory fees below cost recovery (recommendation 6).

### **REVIEW OF THE LOCAL GOVERNMENT RATING SYSTEM REPORT**

- Fundamental restructure of the current rates exemption framework, including the removal of a number of important rates exemptions. Instead the Government will address clear anomalies with existing rating exemptions (recommendations 14, 15, 17 and 19-21); and
- The creation of a rates deferral scheme for eligible pensioners to replace the existing pensioner concession framework (recommendation 26-28).



## GOVERNMENT RESPONSE RELEASE OF THE IPART REVIEWS INTO LOCAL GOVERNMENT

Further, a number of recommendations concern matters which are now the subject of separate consultation and review processes by a range of NSW Government agencies. These recommendations will not be consulted on through this process and are identified as such in the relevant consultation guide.

The Government's *Local Government (Amendment) Bill 2019* passed Parliament on 19 June 2019 and will shortly commence.

Once assented to, the new provisions will provide, among other things, more time for recently established councils to have important conversations with their communities regarding rates harmonisation, whilst not precluding those councils who wish to harmonise, and subsequently wish to apply to IPART for a Special Rates Variation.

The new provisions will also extend the cut-off date for councils to make a decision on the administration of elections in 2020.

In addition, the new provisions will remove some of the current limits on local government procurement, and proposes further amendments to cut red tape and reduce the regulatory burden on councils and local communities. Specifically, the Bill:

- increases the tender threshold for councils from \$100,000 to \$250,000. However, the threshold for contracts involving services provided by council employees at the time the tendering process is undertaken will remain at \$150,000;
- provides sensible exemptions on disclosing fees to prevent councils from being commercially disadvantaged in procurement negotiations;
- provides options to utilise pre-qualified professional services, to directly procure services from disability employment organisations; and
- enables further steps towards supporting cost-sharing and service provision between neighbouring councils by allowing for agreed delegation of regulatory functions and mutual recognition of Section 68 approvals, where appropriate.

With this in mind, the NSW Government is now seeking additional feedback from councils, communities and other interested stakeholders on the remaining recommendations in IPART's final reports.

Public consultation on each of IPART's Final Reports closes on the following dates:

- *Local Government Rating System* - September 13
- *Reporting and Compliance Burdens on Local Government* - October 25, and
- *Local Government Compliance and Enforcement* - November 15.

To support the community in providing feedback, a consultation guide has been issued with each report indicating which of IPART's proposals are still under consideration. Copies of these guides are attached for your further information.

Following the completion of public consultation, the NSW Government will consider what further action should be taken on IPART's recommendations.

**SUBJECT:** *INVESTMENT REPORT - SEPTEMBER 2019*  
**RESPONSIBLE OFFICER:** *Finance and Administration Manager - Andrew Glauser*

### **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 receives the report and notes:

- Investments are held in accordance with Council's Investment Policy which accords with the Ministerial Investment Order; and
- Council's month end balance was \$41,269,809, year to date interest earned to 30 September was \$205,301 and the interest earned for September was \$66,963.

### **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 September 2019 exceeded the benchmark in the Investment Policy with an actual level of return at 95.49% of the budget for September 2019.

The Reserve Bank of Australia (RBA) official cash rate as at 30 September 2019 was 1.00%. 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 01 October 2019 lowered the official cash rate by 25bps to 0.75%.



**Investment Portfolio Information**

**Table 1** Total cash and investments held by Council as at 30 September 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			0.65%	3,129
	Commonwealth Bank	At Call			0.10%	41
1243	AMP Bank	At Call			1.30%	500
1277v	Greater Bank	FRN	91	25-Nov-19	2.41%	500
1281j	National Bank	TD	245	31-Mar-20	1.81%	700
1298p	Newcastle Permanent Building Society	VRD	92	03-Oct-19	2.54%	800
1306g	Suncorp Bank	TD	206	13-Dec-19	2.30%	900
1324d	National Bank	TD	208	06-Jan-20	2.10%	900
1325c	Members Equity Bank	TD	272	19-May-20	1.68%	900
1330b	National Bank	TD	209	21-Jan-20	2.00%	900
1332c	Suncorp Bank	TD	271	25-Feb-20	2.15%	1,000
1335b	Suncorp Bank	TD	217	15-Oct-19	2.60%	1,000
1337c	Bankwest	TD	192	13-Dec-19	2.00%	1,200
1338b	Bankwest	TD	203	14-Jan-20	1.87%	800
1341b	AMP Bank	TD	280	12-May-20	2.00%	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
1349a	Bankwest	TD	175	03-Dec-19	2.00%	1,000
1353a	Suncorp Bank	TD	217	08-Oct-19	2.60%	1,500
1358a	National Bank	TD	154	20-Nov-19	2.07%	1,000
1360a	National Bank	TD	210	24-Mar-20	1.63%	1,000
1361a	AMP Bank	TD	339	05-Jun-20	2.20%	1,000
1362a	AMP Bank	TD	337	10-Jun-20	2.20%	1,000
1366a	Bankwest	TD	210	10-Mar-20	1.62%	1,000
1367	AMP Bank	TD	217	08-Nov-19	2.75%	1,000
1368a	Suncorp Bank	TD	222	14-Apr-20	1.61%	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
1372	AMP Bank	TD	217	24-Jan-20	2.30%	1,000
1373	Bank of QLD	TD	270	17-Mar-20	2.08%	1,000
1374	National Bank	TD	216	29-Jan-20	2.00%	1,000
1375	National Bank	TD	186	04-Feb-20	1.83%	1,000
1376	Suncorp Bank	TD	193	11-Feb-20	1.80%	800
1377	Suncorp Bank	TD	200	18-Feb-20	1.80%	600
1378	Bankwest	TD	33	01-Oct-19	1.55%	600
1379	Commonwealth Bank	TD	68	05-Nov-19	1.63%	600
1380	Commonwealth Bank	TD	61	04-Nov-19	1.61%	600
1381	Macquarie bank	TD	215	07-Apr-20	1.75%	1,000
1382	Bankwest	TD	40	15-Oct-19	1.50%	1,000
1383	Macquarie bank	TD	224	21-Apr-20	1.75%	1,000
1384	Macquarie bank	TD	224	28-Apr-20	1.75%	1,000
1385	Commonwealth Bank	TD	273	23-Jun-20	1.52%	900
<b>TOTAL</b>						<b>41,270</b>

**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%	5,270	12.78%
Bankwest	A1+	25%	5,600	13.57%
IMB Bank	A2-	10%	1,000	2.42%
National Bank	A1+	25%	8,300	20.11%
Suncorp Bank	A1	25%	8,400	20.35%
Members Equity Bank	A2	10%	1,900	4.60%
Newcastle Permanent Building Society	A2	10%	800	1.94%
AMP Bank	A2-	10%	5,500	13.33%
Greater Bank	A2	10%	500	1.21%
Bank of QLD	A2	10%	1,000	2.42%
Macquarie bank	A1	25%	3,000	7.27%
<b>TOTAL</b>			<b>41,270</b>	<b>100.00%</b>

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

Investment Type	Risk Assessment		Amount \$'000	% of Portfolio
	Capital	Interest		
Term Deposits	Low	Low	36,300	87.96%
Cash/At Call Deposits	Low	Low	3,670	8.89%
Variable Rate Notes	Low	Low	800	1.94%
Floating Rate Deposit	Low	Low	500	1.21%
<b>TOTAL</b>			<b>41,270</b>	<b>100.00%</b>

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

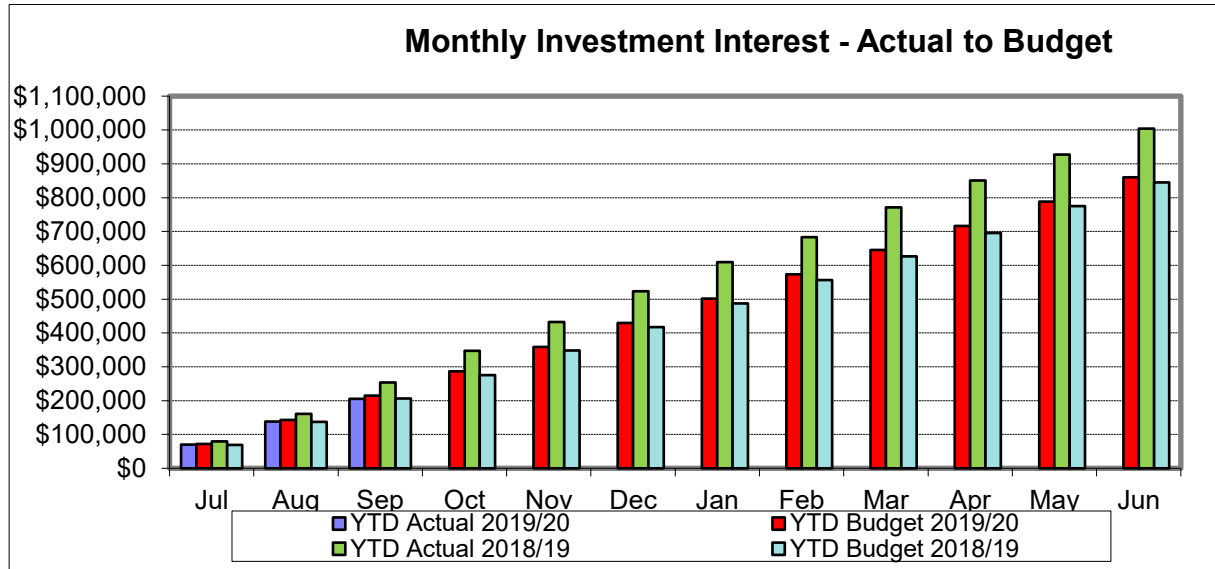
Performance Measures	This Year	Last Year
Portfolio Average Interest Rate (year to date)	2.08%	2.55%
BBSW Average Interest Rate (year to date) *	1.02%	1.97%
Actual Investment Interest Earned (last month)	\$66,963	\$96,435
Actual Investment Interest Earned (year to date)	\$205,301	\$253,242
Budget Investment Interest (year to date)	\$215,000	\$206,250
Original Budget Investment Interest (Annual)	\$860,000	\$825,000
Revised Budget Investment Interest (Annual)	\$860,000	\$845,000

Investment Balances (Par Value)	This Year	Last Year
Opening Balance as at 1 July	\$39,874,176	\$38,760,390
Month End Current Balance	\$41,269,809	\$43,528,837

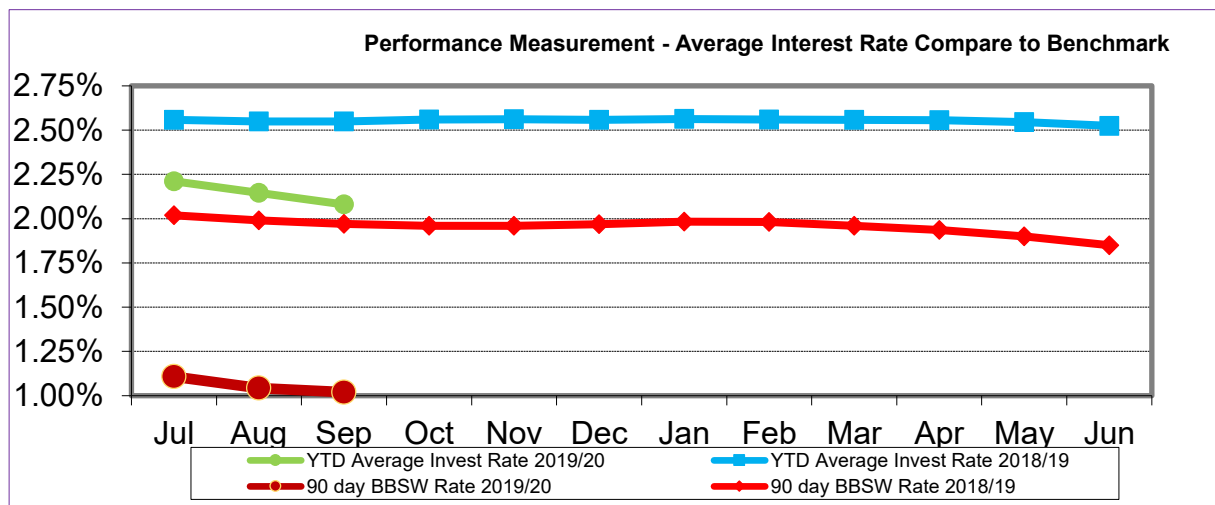
- BBSW 90 day Bank Bill Reference Rate (performance measure as per Council's Investment Policy)



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



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





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

Month End Totals \$'000	Sep 2019	Aug 2019	July 2019	June 2019	May 2019	Apr 2019
Developer contributions-general	12,831	12,679	12,376	12,731	12,373	12,228
RMS contributions	2,083	2,083	2,102	2,102	2,103	2,303
Specific purpose unexpended grants	928	1,272	1,272	3,012	2,842	1,894
Domestic waste management reserve	430	430	430	430	430	430
Stormwater management	112	155	-	-	-	-
<b>External Restrictions</b>	<b>16,384</b>	<b>16,619</b>	<b>16,180</b>	<b>18,275</b>	<b>17,748</b>	<b>16,855</b>
Plant and vehicle replacement	1,484	1,615	2,029	2,453	2,275	2,079
Employees leave entitlement	3,076	3,076	2,621	2,719	2,719	2,719
Carry over works	928	1,114	-	-	-	-
Bridge replacement	1,103	1,103	1,103	923	923	923
Lawn cemeteries	69	69	69	6	6	6
Computer services	485	485	368	284	284	362
Energy efficiency	38	38	38	23	23	51
Insurance provisions	1,308	1,308	1,544	937	922	922
Miscellaneous and property	2,094	1,914	1,914	1,386	1,386	739
Operations and programs	612	612	412	282	282	488
Property investment fund	906	906	781	867	935	945
Rezoning fees	85	85	85	85	85	85
Civil Works	786	790	820	761	820	1,773
Waste depot and rehabilitation	3,998	3,998	3,998	5,588	5,588	5,588
Unexpended loan funds	185	421	537	560	573	570
Committed projects(SRV)*	1,575	1,800	1,800	1,800	-	-
<b>Internal Restrictions</b>	<b>18,732</b>	<b>19,334</b>	<b>18,119</b>	<b>18,674</b>	<b>16,821</b>	<b>17,250</b>
<b>Unrestricted - Balance of funds</b>	<b>6,154</b>	<b>4,889</b>	<b>3,673</b>	<b>2,925</b>	<b>4,866</b>	<b>2,250</b>
<b>Total Cash &amp; Investments</b>	<b>41,270</b>	<b>40,842</b>	<b>37,972</b>	<b>39,874</b>	<b>39,435</b>	<b>36,355</b>



## **OPTIONS**

N/A

## **CONSULTATION**

Director Corporate and 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.

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**d. Risk Implications**

Investment risks are detailed within this report.

**e. Other Implications**

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

***CONCLUSION***

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

***ENCLOSURES***

There are no enclosures for this report.

**SUBJECT:** *REQUEST FOR EASEMENT OVER COUNCIL LAND  
JEFFERY PARK, 24 CONGEWAI STREET KEARSLEY LOT  
2882 DP 1158212*

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

### **SUMMARY**

The purpose of this report is to obtain the authority of Council to grant an easement benefiting Lot 156 DP 755215, 80 Caledonia Street, Kearsley burdening Council owned land known as Jeffery Park, Lot 2882 DP 1158212, 24 Congewai Street, Kearsley and connecting to existing Hunter Water sewer infrastructure off Congewai Street, Kearsley. The plan of the proposed sewer easement is enclosed **Enclosure 1**.

### **RECOMMENDATION**

**That Council consents to the granting of an easement benefiting Lot 156 DP 755215 burdening Council land being Lot 2882 DP 1158212 for connection to Hunter Water sewer infrastructure subject to the following:**

- a) **That Council gives landowners consent for the lodgment of a development application that includes a proposed easement for sewer main over the Council land;**
- b) **The easement to be located generally on the western boundary of Lot 2882 DP 1158212 and in accordance with the proposed sewer easement plan;**
- c) **That the sewer main infrastructure be constructed underground within the easement that also benefits Cessnock City Council;**
- d) **That Council delegates to the General Manager the power to negotiate the terms for the granting of an easement including the location and compensation that is subject to an independent valuation;**
- e) **That Council advises the Applicant that all costs associated with the granting of the easement including survey, registration costs, Council's reasonable legal and valuation costs be borne by the benefiting property owner;**
- f) **That Council authorises the Common Seal of Cessnock City Council to be affixed to documents relating to the granting of the easement, and**
- g) **That Council authorises the Mayor and General Manager to execute the documents relating to the granting of the easement.**

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## **BACKGROUND**

A request has been received from Marshall Scott Surveyor (Applicant) on behalf of the owners of 80 Caledonia Street, Kearsley (Owners) to acquire an easement over Council owned land being Jeffrey Park, 24 Congewai Street, Kearsley for the purposes of connecting their property to Hunter Water sewer infrastructure near Congewai Street, Kearsley.

## **REPORT/PROPOSAL**

The Applicant requests the consent of Council to install a sewer main through Jeffrey Park to connect the owners land to Hunter Water sewer infrastructure in Congewai Street, Kearsley. A survey plan showing the proposed sewer easement is attached **Enclosure 1**.

The Applicant has researched the options for the proposed easement and the proposal to connect to Hunter Water sewer infrastructure through Council land is considered the only practical option.

The proposal will also include a crossing of Wilson Street and this will be subject to further consideration as part of the development application process. Wilson Street is a public road and Cessnock City Council is the roads authority.

The Council land known as Jeffrey Park is classified as 'community land' and is managed in accordance with the Generic Parks Plan of Management. In accordance with s46 of the *Local Government Act 1993*, Council may grant a lease, licence or other estate in respect of community land for the purposes of providing pipes under the surface of the ground for the connection of premises adjoining the community land to a facility of the Council or other public utility providers. Therefore the granting of an easement for this purpose is permitted under the *Local Government Act 1993* and it is proposed that Council also benefit from the proposed easement.

Council's Asset managers for the land have been consulted regarding the proposal and raise no objection provided the Owners reinstate the land to its original condition and the works are carried out in accordance with any development consent if granted. The proposal will require an independent valuation to be obtained by the Owners as a means to negotiate compensation payable by the Owners for the easement and all costs associated with the proposal shall be borne by the Owners.

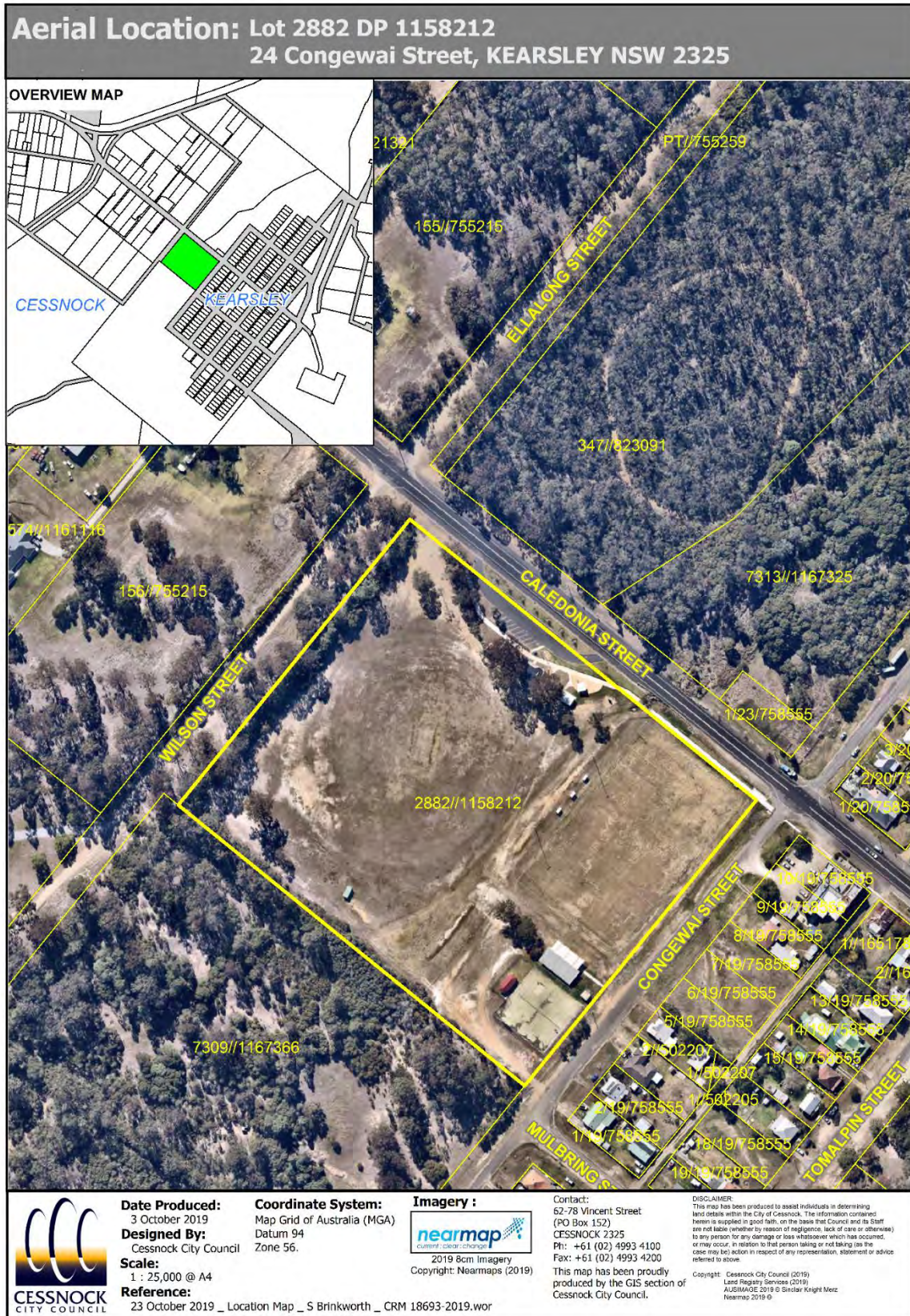
Council's Property Management Policy and Guidelines provide a framework for the management of Council's property assets and requires suitably qualified valuers to be engaged to value Council land for the purposes of acquisition, sale or rental.

The below location plans identify the Council land. Figure 1 is the cadastre plan and Figure 2 is the aerial plan.





Figure 2 – Aerial Photo



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## **OPTIONS**

### **Option 1:**

Council may grant an easement for the sewer main to be located within Council's land burdening Lot 2882 DP 1158212 and benefiting Lot 156 DP 755215. Section 46 of the *Local Government Act 1993* makes provision for an easement to be granted over Council's land to connect to Hunter Water sewer infrastructure. All costs associated with the proposal are the responsibility of the Owners and this is the preferred option. Noting that the proposal is subject to development approval.

### **Option 2:**

Council may choose to reject the proposal by the Applicant for an easement for a sewer main over the Council land to connect to Hunter Water sewer infrastructure.

## **CONSULTATION**

Director Corporate & Community Services  
Finance and Administration Manager  
Principal Recreation & Community Facilities Planner  
Principal Engineer Infrastructure

## **STRATEGIC LINKS**

### **a. Delivery Program**

This report is linked to Council's Delivery Program and the Community's Desired Outcomes of "Civic Leadership and Effective Governance" in respect to compliance with legislation.

### **b. Other Plans**

Nil

## **IMPLICATIONS**

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

Council has a procedure for the Use of Council's Seal and Cessnock City Council Property Management Policy. Both of these documents were referred to during the preparation of this report.

### **b. Financial Implications**

The recommendation in this report has a positive impact on Council's budget with the payment of compensation to Council by the benefiting property owner (who is also responsible for all costs associated with the proposal).



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**c. Legislative Implications**

Section 46 of the *Local Government Act 1993*, provides that Council may grant a lease, licence or other estate in respect of community land for the purposes of providing pipes under the surface of the ground for the connection of premises adjoining the community land to a facility of the Council or other public utility providers.

Clause 400 of the Local Government (General) Regulation 2005 sets out the requirements for the fixing of Council's Seal to a document related to the business of the Council.

**d. Risk Implications**

The benefiting property owner is responsible for the preparation and registration of documents identifying the easement and all costs associated with the matter will be borne by the benefiting property owner.

**e. Environmental Implications**

The proposal is subject to development consent and therefore any environmental or community concerns and consultation will be managed during that process.

**f. Other Implications**

NIL

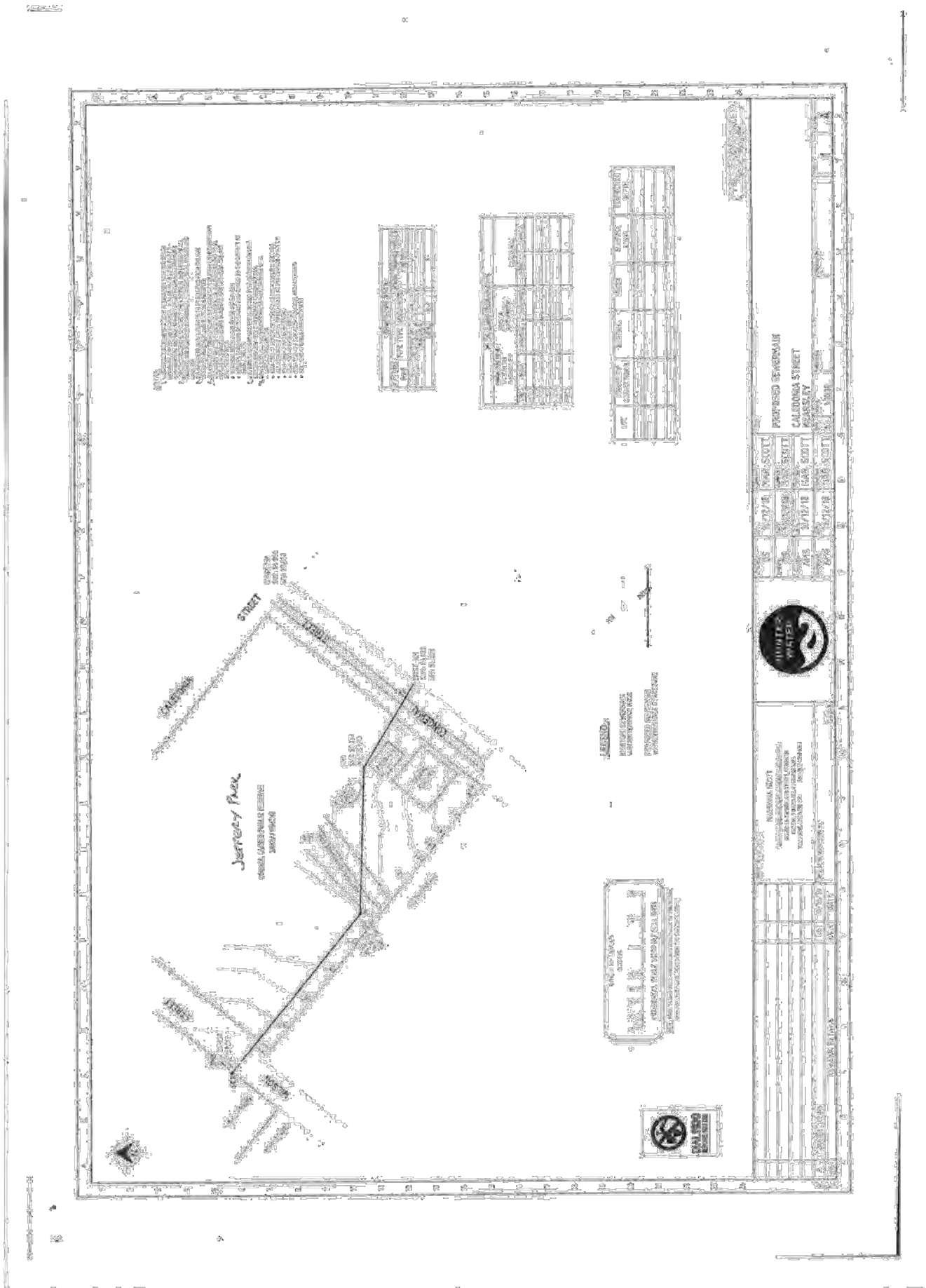
**CONCLUSION**

In accordance with s46 of the *Local Government Act 1993*, Council has the power to grant an easement on community land for the purposes of providing pipes under the surface of the ground for connection of premises adjoining the community land to a facility of the Council or other public utility provider. The proposal is subject to development approval, provides a financial benefit to the Council and will have minimal impact on the land.

**ENCLOSURES**

- [1](#) Plan of proposed sewermain





**SUBJECT:** *REQUEST FOR EASEMENT FOR STORMWATER OVER COUNCIL LAND PART OF BRANXTON PARK 4 JOHN ROSE AVENUE, BRANXTON LOT 2 DP 1049557*

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

### **SUMMARY**

The purpose of this report is to obtain the authority of Council to provide landowners consent for the Applicant to lodge a s4.55 application to amend an existing development consent DA8/2011/400/2 and grant an easement over Council land benefiting the Owner's land at 84 Maitland Road, Branxton being folio identifiers 672/1003593, 1/1094098, 2/1094098, 3/1094098 and 34/70289 for storm water purposes. The easement is proposed to be located on the northern boundary of Lot 2 DP 1049557 being Council owned community land part of Branxton Oval, 4 John Rose Avenue, Branxton discharging to an existing waterway.

### **RECOMMENDATION**

**That Council consents to the granting of an easement benefiting the Owner's Land (Folio identifiers 672/1003593, 1/1094098, 2/1094098, 3/1094098 and 34/70289 burdening Council land being Lot 2 DP 1049557 for storm water purposes subject to the following:**

- a) **That Council provides landowners consent for the lodgment of a s4.55 application to amend an existing development approval for DA8/2011/400/2 regarding the proposed easement for storm water.**
- b) **The easement to be 4m wide, located on the northern boundary of Lot 2 DP 1049557 in accordance with plan of proposed easement and the storm water drainage infrastructure be constructed underground within the easement connecting to the existing waterway in accordance with the development consent ;**
- c) **That Council delegates to the General Manager the power to negotiate the terms for the granting of an easement including compensation that is subject to an independent valuation;**
- d) **That Council advises the Owners that all costs associated with the granting of the easement including survey, registration costs, Council's reasonable legal and valuation costs be borne by the benefiting property owner;**
- e) **That Council authorises the Common Seal of Cessnock City Council to be affixed to documents relating to the granting of the easement, and**
- f) **That Council authorises the Mayor and General Manager to execute the documents relating to the granting of the easement.**



**BACKGROUND**

A request has been received from WPP Planning and Property (the Applicant) on behalf of the Owners of 83A Maitland Street, Branxton to acquire an easement for storm water purposes over Council owned land being Lot 2 DP 1049557 part of Branxton Oval at 4 John Rose Avenue, Branxton. Development approval has been granted (DA8/2011/400/2) that includes a storm water easement within the adjoining land discharging over council land. The Location Plan is shown below.

**Figure 1 – Cadastre location plan**

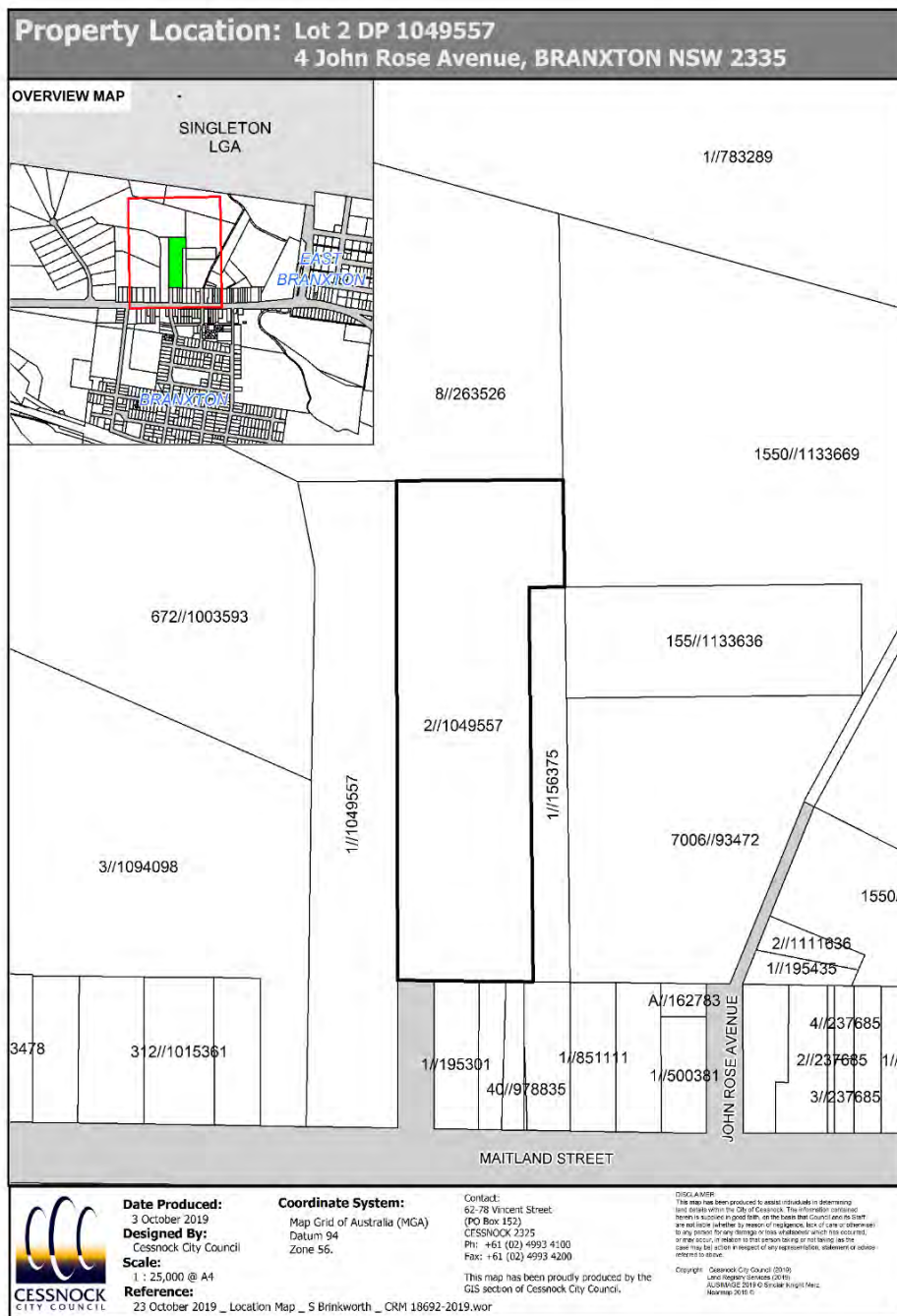
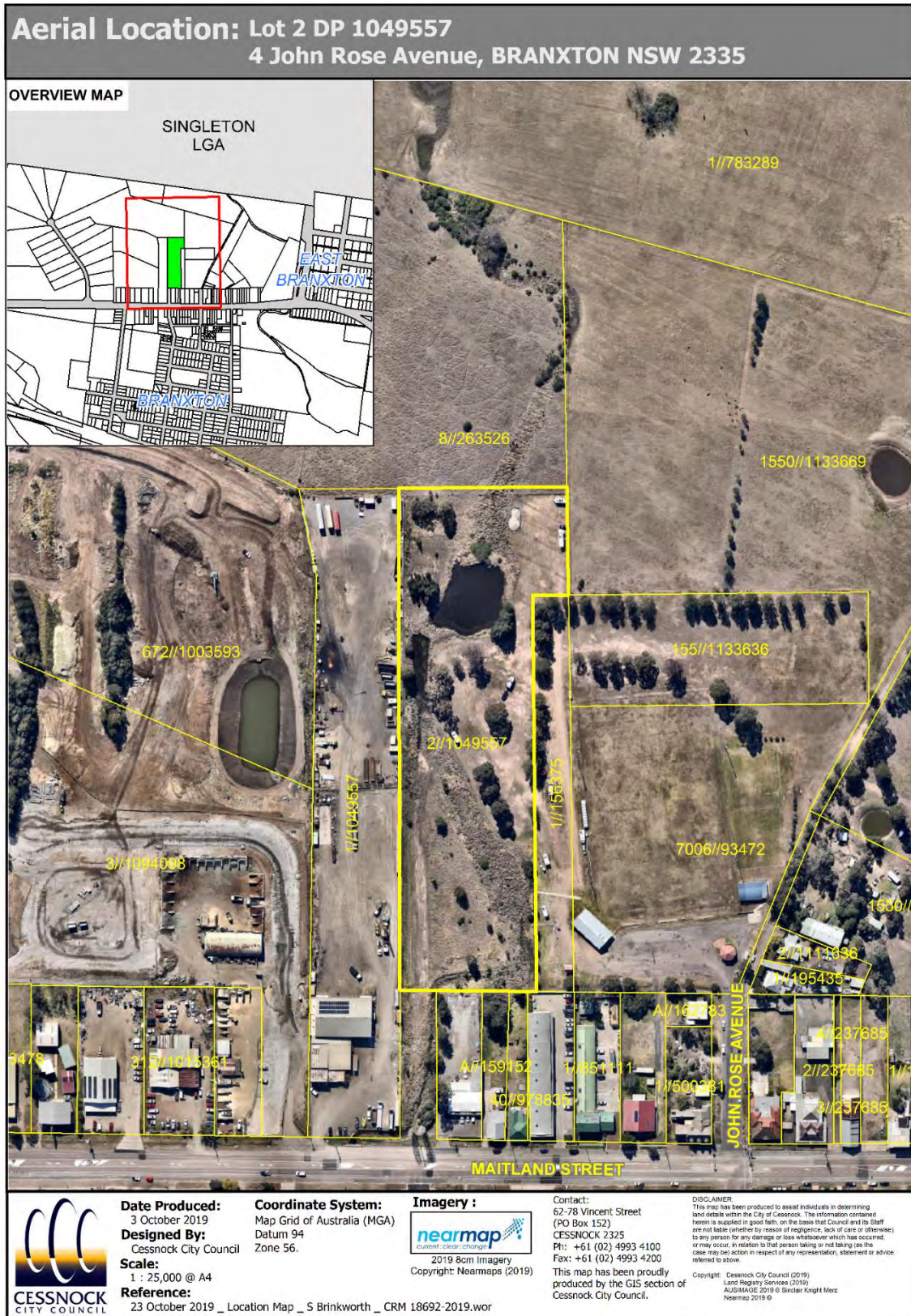




Figure 2 – Aerial location plan



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## **REPORT/PROPOSAL**

The Owners have received a Notice of Determination (DA8/2011/400/2) that includes an easement within an adjoining property to a discharge point adjoining the Council land. The Applicant has requested the discharge point to be constructed on Council land and proposes to lodge a s4.55 application to amend the development consent.

The Applicant has researched the options for the proposed easement and a pipeline across the northern boundary of the council land discharging to the existing waterway is considered the only practical option. The Council land Lot 2 DP 1049557 is community land and managed in accordance with the Sportsground Generic Plan of Management under the *Local Government Act 1993*. In accordance with s46 of the *Local Government Act 1993*, Council may grant a lease, licence or other estate in respect of community land for the purposes of providing pipes under the surface of the ground for the connection of premises adjoining the community land to a facility of the Council or other public utility providers.

The Applicant is therefore required to negotiate an easement through the Council land Lot 2 DP1049557 being part of Branxton Oval. Council's Planning department has advised that the proposal is the most practical solution. A copy of the Applicant's plan of proposed storm water easement is attached **Enclosure 1**.

Council's Property Management Policy and Guidelines provide a framework for the management of Council's property assets and requires suitably qualified valuers to be engaged to value council land for the purposes of acquisition, sale or rental. An independent valuation is required to be obtained to negotiate compensation payable by the Owner for the acquired easement and all costs associated with the proposal shall be borne by the Owner.

## **OPTIONS**

### **Option 1:**

Council may grant an easement for the storm water pipeline within Council's land burdening Lot 2 DP 1049557 and benefiting the Owner's Land. Section 46 of the *Local Government Act 1993* makes provision for an easement to be granted over Council's land to connect an adjoining property to the drainage infrastructure. All costs associated with the proposal are the responsibility of the benefiting property owner and the proposal provides a financial benefit to Council. This is the preferred option.

### **Option 2:**

Council may choose to reject the request for an easement for storm water purposes. The approved Development application includes the discharge of storm water over Council's land from a discharge point on the adjoining land and is not considered desirable.

## **CONSULTATION**

Director Corporate & Community Services  
Finance and Administration Manager  
Acting Recreation Services Manager  
Projects Engineer Infrastructure  
Principal Development Engineer  
Planning Assessment Officer

## **STRATEGIC LINKS**

### **a. Delivery Program**

This report is linked to Council's Delivery Program and the Community's Desired Outcomes of "Accessible Infrastructure Services and Facilities, specifically flooding and drainage" as well as "Civic Leadership and Effective Governance" in respect to compliance with legislation.

### **b. Other Plans**

Nil

## **IMPLICATIONS**

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

Council's procedure for the Use of Council's Seal, Council's Generic Plan of Management for Sportsgrounds (specifically Branxton Oval), Council's Property Management Policy and Guidelines were referred to during the preparation of this report.

### **b. Financial Implications**

The recommendation in this report has a positive impact on Council's budget with the payment of compensation to Council and the benefiting property owner responsible for all costs associated with the easement and pipeline.

### **c. Legislative Implications**

Section 46 of the *Local Government Act 1993*, provides that Council may grant a lease, licence or other estate in respect of community land for the purposes of providing pipes under the surface of the ground for the connection of premises adjoining the community land to a facility of the Council or other public utility providers.

Clause 400 of the Local Government (General) Regulation 2005 sets out the requirements for the fixing of Council's Seal to a document related to the business of the Council.

### **d. Risk Implications**

The benefiting property owner is responsible for the preparation and registration of documents identifying the easement and all costs associated with the matter will be borne by the benefiting property owner.

If Council elects not to grant the easement, the Owner may have the right to apply to the Supreme Court to seek compulsory acquisition for the easement.

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**e. Environmental Implications**

The existing development consent allows for the discharge of storm water onto the council land without the need for storm water pipes to the existing waterway. This may cause damage to council's land during period of high rainfall. Piping the storm water to the existing creek will minimize the impacts on Council's land.

**f. Other Implications**

The easement is proposed to be located on the northern boundary of the property and the pipes will be underground to minimise the impact on the Council land and use of the land by the community.

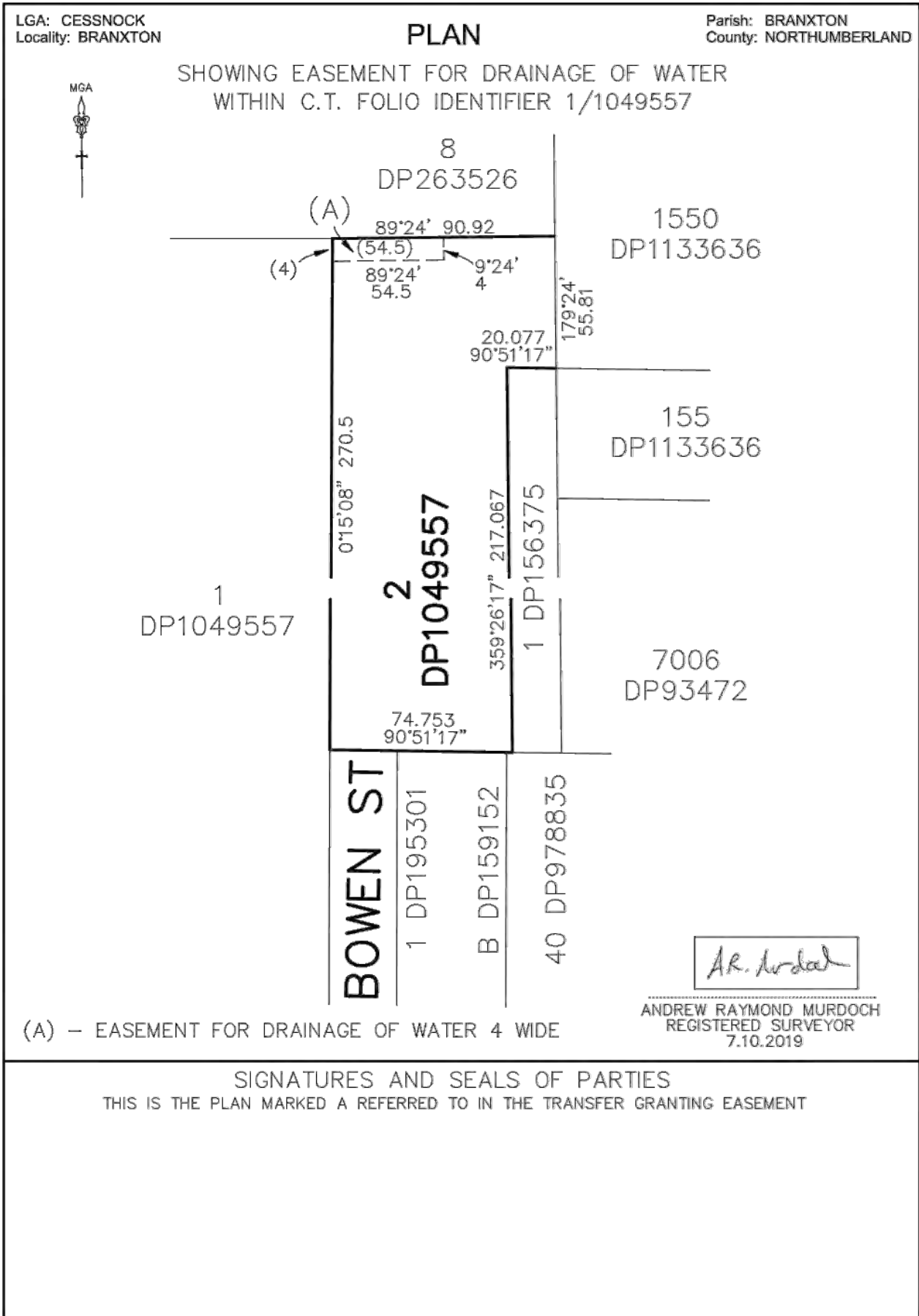
**CONCLUSION**

In accordance with s46 of the *Local Government Act 1993*, Council has the power to grant an easement on community land for the purposes of providing pipes under the surface of the ground for connection of premises adjoining the community land to a facility of the Council or other public utility provider or waterway. The granting of the easement will have minimal impact on the land and provides a financial benefit to the Council.

**ENCLOSURES**

- [1](#) Plan of proposed stormwater easement







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Report No. CC90/2019  
Corporate and Community Services



**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 13 September 2019 to 16 October 2019.

**RECOMMENDATION**

**That Council receives the report and notes the information in the Resolutions Tracking Report.**

**ENCLOSURES**

- [1](#) Completed actions 13 September 2019 to 16 October 2019
- [2](#) Outstanding Actions

**Report CC90/2019 - Resolutions Tracking Report**

**Enclosure 2**

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 6/02/2019	Leayr, Renae	Proposed changes to Engineering Requirements for Development, Section 4.0 Road Design, 4.5.9 Urban Roads Carriageway Widths	2/10/2019	8/02/2019	15/10/2019
BN1/2019 <a href="#">744</a> 11 Jun 2019 - 10:09 AM - Rachael O'Hara Item 1 - Drafting report for presentation to Council. Item 2 - Procured additional resource to finalise revised Engineering Requirements for Development including nature strip parking (as per WI43/2018) and road widths. 4 Jul 2019 - 1:43 PM - Rachael O'Hara Item 1 - Drafted report for presentation to Council. Item 2 - Prepared draft Engineering Guidelines for Design and Construction for peer review, including nature strip parking (WI43/2018) and road widths. 13 Aug 2019 - 11:34 AM - Tracey Cocking Item 1 - Draft report WI49/2018 being presented at Ordinary Council Meeting of 21 August 2019. Item 2 - Prepared draft Engineering Guidelines for Design and Construction for peer review, including nature strip parking (WI43/2018/ and road widths. 15 Oct 2019 - 2:44 PM - Renae Leayr Item 1 - Report presented to Council on 21 August 2019. Item 2 - Revision of road widths has been included in review of Guidelines. 15 Oct 2019 - 2:46 PM - Renae Leayr Action completed by: Leayr, Renae Revision of road widths has been included in review of Guidelines.	Fitzpatrick-Barr, Justin					

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 21/08/2019	Allan, Darrylen	Encourage Kaufland Supermarkets to Set-up a Store in Cessnock	18/09/2019	26/08/2019	13/09/2019
BN18/2019 <a href="#">942</a> 10 Sep 2019 - 2:38 PM - Linda Lewis Draft letter DOC2019/092646 has been prepared in preparation for distribution 13 Sep 2019 - 4:39 PM - Darrylen Allan Action completed by: Keegan, Robyn Letter with prospectus PDF's emailed to marketing@kaufland.com.au AND immobilien@kaufland.de PLEASE NOTE: the referenced email address on the Kaufland letter did not work, so the email was sent to immobilien@kaufland.de	Jackson, Lotta					

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 17/04/2019	Jeffery, Warren	Tomalpin Street	16/10/2019	23/04/2019	14/10/2019
BN7/2019 <a href="#">883</a> 6 May 2019 - 4:07 PM - Tracey Cocking Item 1 - Planning communication with School Community. Item 2 - Arranging consultation with School Principal. Item 3 - Preparing briefing.  29 May 2019 - 2:03 PM - Tracey Cocking Item 1 - School Principal is communicating with the School Community via newsletters on behalf of Council. Item 2 - Ongoing consultation with school principal. Item 3 - Preparing briefing - due October 2019 3 Jun 2019 - 1:06 PM - Tracey Cocking	Fitzpatrick-Barr, Justin					

Item 1 - Communication with School Community ongoing.  
 Item 2 - Consultation with School Principal ongoing.  
 Item 3 - Preparing briefing - due October 2019  
*4 Jul 2019 - 2:27 PM - Rachael O'Hara*  
 Item 1 - Consulting school community and investigating and developing Concept Options.  
 Item 2 - Consulting School Principal regarding internal pedestrian links.  
 Item 3 - Preparing Councillor Briefing for October 2019.  
*2 Sep 2019 - 3:13 PM - Warren Jeffery*  
 Item 1 - Liaised with Roads & Maritime Services to facilitate discussions with the school for the installation of a NO PARKING - Kiss & Drop Zone.  
 Item 2 - Internal pedestrian paths were installed in 2016 by the school, absent consultation with external stakeholders.  
 Item 3 - Drafted concept plans for internal and external consultation on options for Tomalpin Street - footpath and parking.  
*9 Oct 2019 - 4:37 PM - Warren Jeffery*  
 Item 3 - Briefed Councillors on investigation results and ensuing Concept Plans for pedestrian and parking facility upgrades on Tomalpin Street, Kearsley on 25 September 2019 and prepared relevant Report to Ordinary Meeting of Council - 23 October 2019.  
*14 Oct 2019 - 3:32 PM - Warren Jeffery*  
 Action completed by: Cocking, Tracey  
 Actions complete.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 15/05/2019	Drage, Natalie	Minutes of the Cultural Facilities Committee Meeting of Cessnock City Council held 17 April 2019	31/12/2019	17/05/2019	2/10/2019
CC34/2019 <a href="#">906</a>		Maginnity, Robert				
<p><i>27 May 2019 - 4:56 PM - Natalie Drage</i>                      Resolution of Council noted. Correspondence being prepared to issue to Samaritans advising Council's intention not to issue a further lease. Option to renew the current lease 1 July 2018 to 30 June 2019 for a further 12 months is being executed and document is being prepared to confirm this.  <i>27 May 2019 - 4:59 PM - Natalie Drage</i>                      Revised Target Date changed by: Drage, Natalie From: 12 Jun 2019 To: 31 Jul 2019                      Reason: EOI for use of Marthaville Arts and Cultural Centre being developed.  <i>31 May 2019 - 9:44 AM - Natalie Drage</i>                      Email and postal correspondence issued to Samaritans Foundation advising of Council's resolution (Item 3) and included documentation for signature finalising the 12 month extension option.  <i>1 Jul 2019 - 4:12 PM - Natalie Drage</i>                      An architect has been engaged to scope opportunities for a cultural hub at Cessnock Performing Arts Centre with engagement meeting held 28 June 2019.  <i>7 Aug 2019 - 2:39 PM - Natalie Drage</i>                      An Expression of Interest process is open with close date of 28 August 2019 for use of the studio space at Marthaville Arts and Cultural Centre.  <i>7 Aug 2019 - 2:43 PM - Natalie Drage</i>                      Revised Target Date changed by: Drage, Natalie From: 31 Jul 2019 To: 31 Dec 2019                      Reason: Architectural drawings are still being confirmed.  <i>2 Oct 2019 - 2:33 PM - Natalie Drage</i>                      The next meeting of the Cultural Facilities Committee is 24 October 2019.</p> <p><i>2 Oct 2019 - 2:36 PM - Natalie Drage</i>                      Action completed by: Drage, Natalie                      Investigation for Cultural Hub at Cessnock Performing Arts Centre will be included on the Cultural Facilities Committee Meeting Agenda.</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
CC61/2019 <a href="#">937</a>	Ordinary Council 7/08/2019	Eftimova, Esma Maginnity, Robert	Unreasonable Customer Conduct Policy and Guideline	11/09/2019	9/08/2019	10/10/2019
<p><i>14 Aug 2019 - 1:03 PM - Esma Eftimova</i></p> <p>1. Council has put the draft Unreasonable Customer Conduct Policy and Guideline on public exhibition on 8 August 2019 on Council's website for a period of 28 days (ends 5 September 2019). If no relevant submissions are received the Policy and Guideline will be adopted upon the finalisation of the public exhibition period.</p> <p>2. The Customer Request Response System Policy will be rescinded once the Unreasonable Customer Conduct Policy and Guideline are adopted.</p> <p><i>14 Aug 2019 - 1:09 PM - Esma Eftimova</i></p> <p>Revised Target Date changed by: Eftimova, Esma From: 4 Sep 2019 To: 11 Sep 2019</p> <p>Reason: The policy and guideline are on public exhibition until 5 September 2019.</p> <p><i>10 Oct 2019 - 2:27 PM - Esma Eftimova</i></p> <p>Action completed by: Eftimova, Esma</p> <p>This action was re-allocated to me on Wed 9/10/2019 9:12 AM. The UCC Policy and Guideline were on public exhibition from 8 August to 5 September 2019. Council received one submission which was addressed at the Council meeting held on 18 September 2019 and that is when the Policy and Guideline were adopted. They were also placed on Council's website on 19 September 2019 and the Customer Request Response System Policy was taken down as the policy was rescinded the moment the UCC Policy and Guideline were adopted.</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
CC66/2019 <a href="#">930</a>	Ordinary Council 21/08/2019	Drage, Natalie Maginnity, Robert	Lease of 16 Vincent Street to Cessnock Regional Art Gallery and request for financial support	20/12/2019	26/08/2019	4/10/2019
<p><i>3 Sep 2019 - 2:35 PM - Natalie Drage</i></p> <p>12 month lease being prepared for use of the art gallery building.</p> <p><i>3 Sep 2019 - 2:38 PM - Natalie Drage</i></p> <p>Revised Target Date changed by: Drage, Natalie From: 18 Sep 2019 To: 20 Dec 2019</p> <p>Reason: Lease being prepared and will be discussed with the Cessnock Regional Art Gallery Inc.</p> <p><i>17 Sep 2019 - 1:59 PM - Natalie Drage</i></p> <p>Correspondence issued to Cessnock Regional Art Gallery Management Committee seeking a meeting with Council staff to discuss the items listed in the resolution.</p> <p><i>2 Oct 2019 - 2:31 PM - Natalie Drage</i></p> <p>Meeting scheduled with representatives from Cessnock Regional Art Gallery 4 October 2019.</p> <p><i>4 Oct 2019 - 4:27 PM - Natalie Drage</i></p> <p>Meeting held with representatives from Cessnock Regional Art Gallery Management Committee 4 October 2019. In discussing the lease arrangements month to month holding over provisions preferred by the Management Committee with their operations currently under review. Update and discussion also occurred for investigations of a cultural hub at Cessnock Performing Arts Centre.</p> <p><i>4 Oct 2019 - 4:34 PM - Natalie Drage</i></p> <p>Next meeting scheduled for Cultural Facilities Committee 24 October 2019.</p> <p><i>4 Oct 2019 - 4:35 PM - Natalie Drage</i></p> <p>Action completed by: Drage, Natalie</p> <p>Matter resolved.</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 18/09/2019	Allan, Darrylen	Election of Deputy Mayor	16/10/2019	23/09/2019	9/10/2019
CC75/2019		Jackson, Lotta				
<p>9 Oct 2019 - 9:36 AM - Darrylen Allan                      Action completed by: Keegan, Robyn                      Only one nomination had been received for Deputy Mayor and as per Schedule 7, Part 1 (3) Election (1) if only one Councillor is nominated then that Councillor is elected. Councillor Dagg was elected Deputy Mayor.</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 18/09/2019	Glauser, Andrew	Grant Funding Leverage Reserve - Consideration of Allocation	16/10/2019	23/09/2019	16/10/2019
CC76/2019		Maginnity, Robert				
<p><a href="#">991</a>                      16 Oct 2019 - 9:10 AM - Andrew Glauser                      Action completed by: Glauser, Andrew                      action will be as per resolution</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 18/09/2019	Allan, Darrylen	19th International Cities, Town Centres and Communities Conference 2019	16/10/2019	23/09/2019	9/10/2019
CC77/2019		Jackson, Lotta				
<p><a href="#">992</a>                      9 Oct 2019 - 9:37 AM - Darrylen Allan                      Action completed by: Keegan, Robyn                      Council endorse the attendance of Councillors Gray and Dagg to the 19th International Cities, Town Centres and Communities Conference 2019 to be held in Townsville from 23-25 October 2019.</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 18/09/2019	Eftimova, Esma	Adoption of the proposed Unreasonable Customer Conduct policy and guideline	16/10/2019	23/09/2019	24/09/2019
CC78/2019		Maginnity, Robert				
<p><a href="#">993</a>                      24 Sep 2019 - 4:05 PM - Esma Eftimova                      Action completed by: Eftimova, Esma                      This policy was adopted by the elected Council on 18/9/19</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 18/09/2019	Eftimova, Esma	Internal Reporting - Public Interest Disclosures Policy and Guideline / Fraud Control and Corruption Prevention Framework	16/10/2020	23/09/2019	24/09/2019
CC79/2019 <a href="#">994</a> 24 Sep 2019 - 4:07 PM - Esma Eftimova Action completed by: Eftimova, Esma The policy was added to Council's Controlled Documents Register and relevant information was provided for staff to access on Council's intranet. Learning and Development is in the process of organising an all staff and tailored training to be delivered in the upcoming months		Maginnity, Robert				

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 18/09/2019	Dennis, Johanna	Minutes of the Aboriginal and Torres Strait Islander Committee held on 23 August 2019	16/10/2019	23/09/2019	8/10/2019
CC80/2019 <a href="#">995</a> 25 Sep 2019 - 2:18 PM - Jo Miller The Aboriginal and Torres Strait Island Committee Terms of Reference have been updated TRIM reference DOC2019/101095 8 Oct 2019 - 9:45 AM - Johanna Dennis Item 3. Council wrote to the Australian Government recommending that the Australian Government purchase the copyright of the Aboriginal flag (DOC2019/103774). Letter sent 4 October 2019. 8 Oct 2019 - 9:47 AM - Johanna Dennis Item 4. Referred to the project team investigating the development of a Cultural Hub at the Cessnock Performing Arts Centre. The concept design will be tabled at Aboriginal and Torres Strait Islander Committee Meeting. 8 Oct 2019 - 9:53 AM - Johanna Dennis Action completed by: Dennis, Johanna Actions 1,2 and 3 completed. Item 4 in progress.		Maginnity, Robert				

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 18/09/2019	Huthnance, Sonia	Proposal to Close Council Offices Between Christmas and New Year	16/10/2019	23/09/2019	2/10/2019
GMU18/2019 <a href="#">986</a> 2 Oct 2019 - 12:32 PM - Sonia Huthnance Action completed by: Huthnance, Sonia All staff advised of shutdown period		Jackson, Lotta				

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 18/09/2019	Lyll, Ian	Minutes of the Audit and Risk Committee Meeting held 30 August 2019	16/10/2019	23/09/2019	27/09/2019
GMU20/2019 <a href="#">988</a> 27 Sep 2019 - 10:36 AM - Ian Lyll Action completed by: Lyll, Ian Noted. No further action.		Jackson, Lotta				

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 3/07/2019	Benson, Nicole	NSW ICC T20 World Cup 2020 Legacy Fund	27/09/2019	5/07/2019	15/10/2019
MM11/2019		Fitzpatrick-Barr, Justin				
<p>8 Jul 2019 - 3:14 PM - Kristy Meyers                      Item 1 - Application being prepared.                      Item 2 - Noted until outcome of application is announced.                      31 Jul 2019 - 1:42 PM - Nicole Benson                      Item 1 COMPLETE - application lodged                      Item 2 - awaiting outcome of application                      3 Sep 2019 - 12:34 PM - Nicole Benson                      Item 1 Complete                      Item 2 Awaiting outcome of application                      15 Oct 2019 - 11:04 AM - Nicole Benson                      Action completed by: Paterson, Kelly                      Application Successful</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 4/09/2019	Leayr, Renae	Testers Hollow Projects - Review of Environmental Factors - Submission	2/10/2019	5/09/2019	15/10/2019
MM14/2019		Fitzpatrick-Barr, Justin				
<p><a href="#">964</a>                      10 Sep 2019 - 11:36 AM - Linda Lewis                      Submission to be prepared by 17.9.19                      1 Oct 2019 - 8:51 AM - Kelly Paterson                      Submission lodged 16 September 2019                      15 Oct 2019 - 2:53 PM - Renae Leayr                      Item 1 - Submission lodged 16 September 2019.                      Item 2 - Noted.                      15 Oct 2019 - 2:54 PM - Renae Leayr                      Action completed by: Leayr, Renae                      Item 1 - Submission lodged 16 September 2019.                      Item 2 - Noted.</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 5/06/2019	Ashton, Roslyn	Development Application Performance Monitoring Report - March 2019 Quarter	7/08/2019	7/06/2019	9/10/2019
PE50/2019 <a href="#">923</a>		Curtis, Gareth				
<p><i>9 Jul 2019 - 11:01 AM - Roslyn Ashton</i>                      The percentage of undetermined Development Applications that have hit the milestones of 3mths, 6mths, 9mths, 12mth, 18mths and 24mth will be included in the June 2019 quarterly performance monitoring report which is currently being drafted. RA  <i>10 Jul 2019 - 4:10 PM - Yvonne Blake</i>                      Revised Target Date changed by: Blake, Yvonne From: 3 Jul 2019 To: 07 Aug 2019                      Reason: The percentage of undetermined Development Applications that have hit the milestones of 3mths, 6mths, 9mths, 12mth, 18mths and 24mth will be included in the June 2019 quarterly performance monitoring report which is currently being drafted. RA  <i>9 Oct 2019 - 11:41 AM - Roslyn Ashton</i>                      Action completed by: Ashton, Roslyn                      The percentage of undetermined Development Applications that have hit the milestones of 3mths, 6mths, 9mths, 12mth, 18mths and 24mth was included in the June 2019 quarterly performance monitoring report, which was reported to Council on 21 August 2019. This information will continue to be included in future Quarterly DA Performance Monitoring Reports.</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 4/09/2019	Ryl, Julia	Development Application 8/2019/146/1 proposing Redevelopment of an Existing Service Station Comprising Demolition of Existing Structures and Construction of a New Service Station with 24 Hour Trading	2/10/2019	5/09/2019	2/10/2019
PE59/2019 <a href="#">965</a>		Curtis, Gareth	18-20 Allandale Street, Kearsley			
<p><i>6 Sep 2019 - 4:02 PM - Julia Ryl</i>                      Amended Conditions, Description of Development and Statement of Reasons as per Resolution.  <i>2 Oct 2019 - 11:46 AM - Julia Ryl</i>                      Action completed by: Ryl, Julia                      Determination Issued as per Resolution</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 4/09/2019	McCauley, Hannah	Minutes of the Confidential Extraordinary Strategic Property and Community Facilities Committee - 21 August 2019	2/10/2019	5/09/2019	14/10/2019
PE61/2019 <a href="#">983</a>		Curtis, Gareth				
<p><i>14 Oct 2019 - 4:29 PM - Hannah McCauley</i>                      Action completed by: McCauley, Hannah                      Completed.</p>						



Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 18/09/2019	McCauley, Hannah	Draft Community Participation Plan	16/10/2019	23/09/2019	30/09/2019
PE62/2019 <a href="#">989</a>		Curtis, Gareth				
<p>30 Sep 2019 - 4:04 PM - Hannah McCauley                      Draft CPP amended as per the resolution of Council. Public Exhibition to run from 2 October - 31 October 2019.                      30 Sep 2019 - 4:06 PM - Hannah McCauley                      Action completed by: McCauley, Hannah                      Document prepared for the exhibition period of 2 Oct - 31 Oct 2019.</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 18/09/2019	Mayman, Brendan	North Rothbury Priority Sewerage Scheme	4/10/2019	23/09/2019	25/09/2019
PE63/2019 <a href="#">990</a>		Curtis, Gareth				
<p>25 Sep 2019 - 1:32 PM - Brendan Mayman                      Action completed by: Mayman, Brendan                      Noted resolutions being completed by Acting Health &amp; Building Manager and Director Planning &amp; Environment.</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 2/10/2019	Fitzpatrick-Barr, Justin	List of Masterplans	30/10/2019	4/10/2019	15/10/2019
Q100/2019		Fitzpatrick-Barr, Justin				
<p>15 Oct 2019 - 9:59 AM - Justin Fitzpatrick-Barr                      Action completed by: Paterson, Kelly                      Answer to Question Report to be presented to 23 October 2019 Meeting</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 2/10/2019	Maher, Janine	St Phillips College Masterplan	30/10/2019	4/10/2019	10/10/2019
Q101/2019		Curtis, Gareth				
<p>4 Oct 2019 - 9:40 AM - Yvonne Blake                      Action reassigned to Maher, Janine by: Blake, Yvonne for the reason: Reallocated to J Maher for response                      10 Oct 2019 - 10:50 AM - Janine Maher                      Action completed by: Larsen, Robyn                      Answer provided to Council meeting 23 October 2019</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 2/10/2019	Maher, Janine	Abbotsford Street Bridge	30/10/2019	4/10/2019	10/10/2019
Q102/2019		Curtis, Gareth				
<p>4 Oct 2019 - 9:42 AM - Yvonne Blake                      Action reassigned to Maher, Janine by: Blake, Yvonne for the reason: Reallocated to J Maher for response                      10 Oct 2019 - 10:50 AM - Janine Maher                      Action completed by: Larsen, Robyn                      Answer provided to Council meeting 23 October 2019</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 18/09/2019	Fitzpatrick-Barr, Justin	Hart Road – Road Works	16/10/2019	23/09/2019	23/09/2019
Q87/2019		Fitzpatrick-Barr, Justin				
<p>23 Sep 2019 - 4:10 PM - Justin Fitzpatrick-Barr                      Action completed by: Paterson, Kelly                      Answer provided at 18 September 2019 Council Meeting</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 18/09/2019	Johnson, Martin	Developer Contribution Expenditure	16/10/2019	23/09/2019	25/09/2019
Q88/2019		Curtis, Gareth				
<p>25 Sep 2019 - 3:27 PM - Martin Johnson                      Action completed by: Larsen, Robyn                      Answer provided to meeting 2 October 2019.</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 18/09/2019	Benson, Nicole	Bridges Hill Park and Peace Park	16/10/2019	23/09/2019	25/09/2019
Q89/2019		Fitzpatrick-Barr, Justin				
<p>25 Sep 2019 - 3:27 PM - Nicole Benson                      Action completed by: Larsen, Robyn                      Answer provided to meeting 2 October 2019.</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 18/09/2019	Maginnity, Robert	Cessnock Correctional Centre Access	16/10/2019	23/09/2019	23/09/2019
Q90/2019		Maginnity, Robert				
<p>23 Sep 2019 - 4:19 PM - Robert Maginnity                      Action completed by: Maginnity, Robert                      Mayor advice on the night of the meeting that this request would need to be a Nom</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 2/10/2019	Kerr, Katrina	Cooper Street Works	30/10/2019	4/10/2019	10/10/2019
Q91/2019		Fitzpatrick-Barr, Justin				
<p>10 Oct 2019 - 10:49 AM - Katrina Kerr                      Action completed by: Larsen, Robyn                      Answer provided to Council meeting 23 October 2019</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 2/10/2019	Kerr, Katrina	Closure of Lindsay Street	30/10/2019	4/10/2019	15/10/2019
Q92/2019		Fitzpatrick-Barr, Justin				
<p>15 Oct 2019 - 9:59 AM - Katrina Kerr                      Action completed by: Paterson, Kelly                      Answer to Question Report to be presented to 23 October 2019 Meeting</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
Q93/2019	Ordinary Council 2/10/2019	Johnson, Martin		Airport Master Plan	30/10/2019	
		Curtis, Gareth				
<p>Councillor Doherty asked for an update on airport economics against the Airport Masterplan?</p> <p>4 Oct 2019 - 9:39 AM - Yvonne Blake                      Action reassigned to Johnson, Martin by: Blake, Yvonne for the reason: Allocated to M Johnson for response                      16 Oct 2019 - 10:50 AM - Robyn Larsen                      Action completed by: Larsen, Robyn                      Answer to Question Report to be presented to 23 October 2019 Meeting</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 2/10/2019	Maher, Janine	Golden Bear Golf Development	30/10/2019	4/10/2019	10/10/2019
Q94/2019		Curtis, Gareth				
<p>10 Oct 2019 - 10:50 AM - Janine Maher                      Action completed by: Larsen, Robyn                      Answer provided to Council meeting 23 October 2019</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 2/10/2019	Benson, Nicole	Kurri Kurri Community Centre	30/10/2019	4/10/2019	10/10/2019
Q95/2019		Fitzpatrick-Barr, Justin				
<p>10 Oct 2019 - 10:50 AM - Nicole Benson                      Action completed by: Larsen, Robyn                      Answer provided to Council meeting 23 October 2019</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 2/10/2019	Kerr, Katrina	Tourist Entry Sign – Blue Gum Road	30/10/2019	4/10/2019	10/10/2019
Q96/2019		Fitzpatrick-Barr, Justin				
<p>10 Oct 2019 - 10:49 AM - Katrina Kerr                      Action completed by: Larsen, Robyn                      Answer provided to Council meeting 23 October 2019</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 2/10/2019	Kerr, Katrina	Cruickshank Street Drainage	30/10/2019	4/10/2019	15/10/2019
Q97/2019		Fitzpatrick-Barr, Justin				
<p>15 Oct 2019 - 9:59 AM - Katrina Kerr                      Action completed by: Paterson, Kelly                      Answer to Question Report to be presented to 23 October 2019 Meeting</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 2/10/2019	Benson, Nicole	Miller Park Masterplan	30/10/2019	4/10/2019	15/10/2019
Q98/2019		Fitzpatrick-Barr, Justin				
<p>15 Oct 2019 - 10:00 AM - Nicole Benson                      Action completed by: Paterson, Kelly                      Answer to Question Report to be presented to 23 October 2019 Meeting</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 2/10/2019	Harris, Kate	Carmichael Park Masterplan and Bellbird North Section 7.11 Plan	30/10/2019	4/10/2019	10/10/2019
Q99/2019		Fitzpatrick-Barr, Justin				
<p>10 Oct 2019 - 10:50 AM - Kate Harris                      Action completed by: Larsen, Robyn                      Answer provided to Council meeting 23 October 2019</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 17/04/2019	Benson, Nicole	Kurri Kurri Netball Courts Resurfacing	30/09/2019	23/04/2019	3/10/2019
WI25/2019		Fitzpatrick-Barr, Justin				
<p><a href="#">880</a>                  2 May 2019 - 10:23 AM - Nicole Benson                  Item 2 - \$19,000 to be factored into the end of financial year statements. Resealing scheduled for 2019/20.                  3 Jul 2019 - 12:55 PM - Vickie Stovell                  Item 3 - Works scheduled to commence at the end of the netball season in September 2019.                  10 Sep 2019 - 3:42 PM - Nicole Benson                  Item 3 - Quotations being sought.                  3 Oct 2019 - 12:27 PM - Nicole Benson                  Action completed by: Stovell, Vickie                  Works were completed week of the 23rd September as per agreed scope.</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 7/08/2019	Harris, Kate	Greta Central Park Masterplan	25/10/2019	9/08/2019	15/10/2019
WI45/2019		Fitzpatrick-Barr, Justin				
<p><a href="#">940</a>                  14 Aug 2019 - 12:00 PM - Kelly Paterson                  Item 1 - Exhibition from 12/08/2019 - 09/09/2019                  Item 2 - Report to be prepared for September/October Council Meeting                  10 Sep 2019 - 2:01 PM - Natalie McCloy                  Exhibition period has closed. Report to be prepared for Council's consideration for adoption of the draft Masterplan early October 2019.                  15 Oct 2019 - 7:31 AM - Kate Harris                  Report prepared for Council's consideration following exhibition period and Masterplan adopted.                  15 Oct 2019 - 7:32 AM - Kate Harris                  Action completed by: Harris, Kate                  Masterplan adopted</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 21/08/2019	Jeffery, Warren	Lovedale Road, Lovedale - Intersection with Wilderness Road	2/10/2019	26/08/2019	2/10/2019
WI52/2019		Fitzpatrick-Barr, Justin				
<p><a href="#">940</a>                  11 Sep 2019 - 3:38 PM - Kelly Bates                  Item 1 - Noted                  Item 2 - Noted                  Item 3 - Allocated to Traffic &amp; Transport Officers for Consideration in Delivery Program 2021-25                  2 Oct 2019 - 11:33 AM - Warren Jeffery                  Action completed by: Cocking, Tracey                  All actions completed.</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 4/09/2019	Eveleigh, Nathan	2018/2019 Aquatic Season Review	2/10/2019	5/09/2019	13/09/2019
WI56/2019 <a href="#">974</a> 13 Sep 2019 - 9:04 AM - Nathan Eveleigh 1. Noted 2. Noted 3. Noted 4. Report being prepared on the cost of subsidised or free intensive swimming and water safety program. 5. Report being prepared explaining actions and outcomes of the Outdoor Pools SIP. 13 Sep 2019 - 9:08 AM - Nathan Eveleigh Action completed by: Eveleigh, Nathan		Fitzpatrick-Barr, Justin				

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 18/09/2019	Donnelly, Patricia	North Rothbury Tidy Towns - Twilight Markets and 90th Anniversary Rothbury Riot Re-enactment	16/10/2019	23/09/2019	24/09/2019
WI58/2019 <a href="#">998</a> 24 Sep 2019 - 9:17 AM - Patricia Donnelly Action completed by: Donnelly, Patricia Group advised of result		Fitzpatrick-Barr, Justin				

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 18/09/2019	Goodbun, Nathan	Minutes of Local Traffic Committee meeting of Cessnock City Council held 19 August 2019	16/10/2019	23/09/2019	2/10/2019
WI61/2019 <a href="#">1001</a> 26 Sep 2019 - 12:38 PM - Nathan Goodbun Item 1 - Completed 20/9/2019 via project works Item 2 - Advised Development Services 20/9/2019 Item 3 - Advised Development Services 20/9/2019 Item 4 - Advised Development Services 20/9/2019 Item 5 - Scheduled via project works 2 Oct 2019 - 11:15 AM - Nathan Goodbun Action completed by: Cocking, Tracey All actions completed.		Fitzpatrick-Barr, Justin				

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 2/10/2019	Crosdale, Emma	Greta Central Park Masterplan	30/10/2019	4/10/2019	15/10/2019
WI64/2019 <a href="#">1012</a> 15 Oct 2019 - 9:56 AM - Emma Crosdale Action completed by: Paterson, Kelly Item 1 - Noted Placed on Council website Item 2 - Email sent to all key stakeholders Item 3 - Elements of the Masterplan completed in consideration of available resources including grant funding and development contributions.		Fitzpatrick-Barr, Justin				

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN10/2019	Ordinary Council 15/05/2019	Jeffery, Warren	Business With Notice	Millfield Local Area Traffic Management Plan	6/11/2019	
<a href="#">913</a> <b>MOTION</b> 913 <b>RESOLVED</b>	<b>Moved:</b>	Fitzpatrick-Barr, Justin Councillor Stapleford	<b>Seconded:</b>	Councillor Lyons		
<p>1. That a Local Area Traffic Management scheme be investigated for the area bounded by Sixth Avenue, Tenth Avenue, Eleventh Avenue and Wollombi Rd Millfield and including Walmsley Street Millfield, including the closure of Eleventh Avenue Millfield on the northern side of Eighth Avenue Millfield, that will calm and restrict the movement of vehicles at the Eleventh Avenue and the Millfield Road intersection.</p> <p>2. That prior to a report being considered by council in December 2019 on this matter, a briefing to council is provided on the Local Area Traffic Management Scheme, including the cost associated with the implementation of the Local Area Traffic Management scheme.</p> <p>3. That the funding for the investigation and preparation of the Local Area Traffic Management scheme that is the subject of the report to be considered by the council, be considered for inclusion in the draft 2019/2020 Operational Plan.</p> <p>3 Jun 2019 - 1:12 PM - Tracey Cocking Item 1 - Reviewing technical specifications and preparing plans for Local Area Traffic Management Scheme. Item 2 - Drafting a report to Council and preparing a Councillor Briefing. Item 3 - Pending report to Council December 2019.</p> <p>4 Jul 2019 - 2:38 PM - Rachael O'Hara Item 1 - Preparing community consultation and exhibition material. Item 2 - Drafting a report to Council and preparing a Councillor Briefing. Item 3 - Pending report to Council December 2019.</p> <p>2 Sep 2019 - 2:38 PM - Tracey Cocking Consultation required.</p> <p>9 Sep 2019 - 4:06 PM - Warren Jeffery Item 1 - Investigated potential Local Area Traffic Management Scheme (LATM) and drafted concept plans for limited road closures, one way traffic treatments and intersection priority changes for community consultation. Item 2 - Developing cost estimates and detailed concept plans to inform briefing and report to Council by December 2019. Item 3 - Included "LATM Traffic Facility Improvements Stage 1 - Investigation and Design" in 2019/20 Operational Plan.</p> <p>9 Oct 2019 - 4:22 PM - Warren Jeffery Item 1 - Mailed concept plan for LATM including suggested road closure and traffic diversions away from the intersection of Millfield Road and Eleventh Avenue to residents of Millfield inviting community comment. Item 2 - Delivery Briefing in December 2019, developing cost estimates.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN16/2019	Ordinary Council 19/06/2019	Vandermeer, Warren	Business With Notice	Road Ranking	19/02/2020	
<a href="#">959</a> <b>MOTION</b> 959 <b>RESOLVED</b>	<b>Moved:</b>	Fitzpatrick-Barr, Justin Councillor Fitzgibbon	<b>Seconded:</b>	Councillor Gray		
<p>1. That council organise a briefing for all Councillors to update them on Council's road ranking system as soon as possible after the new survey is completed.</p> <p>2. That the terms of reference of the Unsealed Roads Committee be expanded to include the roads asset management plan as a mechanism for the objective ranking of Council roads.</p> <p>3. That the Unsealed Roads Committee be renamed the Roads Review Committee.</p> <p>11 Jul 2019 - 9:43 AM - Kristy Meyers Item 1 - Progressing condition assessment survey. Briefing anticipated for July 2020. Item 2 - Drafting expanded Terms of Reference. Item 3 - Complete.</p> <p>7 Aug 2019 - 11:42 AM - Warren Vandermeer Preparing report for Roads Review Committee meeting scheduled for 16/08/2019.</p> <p>3 Sep 2019 - 3:56 PM - Rachael O'Hara Item 1 - Pending Survey &amp; Councillor Briefing 2020. Item 2 - Report prepared for Committee meeting 16 August 2019. The Terms of Reference for the Unsealed Roads Committee was expanded to include the roads asset management plan as a mechanism for the objective ranking of Council roads and approved by the Committee on 16 August 2019.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN19/2019	Ordinary Council 21/08/2019	Alexander, Michael	Business With Notice	Bee Friendly Tree Giveaway	31/12/2019	
<a href="#">943</a> <b>MOTION</b> 943 <b>RESOLVED</b>	<b>Moved:</b>	Fitzpatrick-Barr, Justin Councillor Stapleford	<b>Seconded:</b>	Councillor Fitzgibbon		
<p><b>That Council ask the General Manager to request a briefing with National Parks to discuss ways Council can improve the local ecology and biodiversity including threatened species such as Bees and Regent Honey Eaters.</b></p> <p>3 Sep 2019 - 12:20 PM - Michael Alexander Sustainability Officer to make contact with National Parks to determine availability or seek advice that provides response to the question/request</p> <p>3 Sep 2019 - 3:07 PM - Michael Alexander Sustainability Officer (K Stone) contacted National Parks today and was advised staff either on leave or maternity leave. Matter has been referred to Mitchell Carter but may be held until return of field officer currently on maternity leave, expected Oct 2019</p> <p>5 Sep 2019 - 9:47 AM - Michael Alexander Revised Target Date changed by: Alexander, Michael From: 18 Sep 2019 To: 31 Dec 2019 Reason: Request for response forwarded to National Parks - key personnel on extended leave and response not anticipated for approx. 2 months</p> <p>2 Oct 2019 - 9:45 AM - Michael Alexander Revised Target Date changed by: Alexander, Michael From: 31 Dec 2019 To: 31 Dec 2019 Reason: Contact officer at NPWS scheduled to return from maternity leave Oct 2019. Correspondence requesting information/advice forwarded</p>						



Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN2/2019	Ordinary Council 20/02/2019	Jeffery, Warren	Business With Notice	Bus Shelters	26/02/2020	
<a href="#">772</a> <b>MOTION</b>	<b>Moved:</b>	Fitzpatrick-Barr, Justin Councillor Sander	<b>Seconded:</b>	Councillor Burke		
772 <b>RESOLVED</b>						
1.	That Council provides adequate footpaths in and around any newly installed bus shelters within the LGA to provide unhindered access to and from these shelters for all residents.					
2.	That Council develops a suitable capital works program to retrospectively address similar concerns at existing bus shelter sites which are currently not fully accessible.					
3.	That a report come back to Council regarding the impact of the resolution within the Capital Works Program.					
<p>17 Apr 2019 - 11:17 AM - Tracey Cocking                      Item 1 - Preparing program of footpaths to newly installed bus shelters.                      Item 2 - Preparing program of footpaths to existing bus shelters.                      Item 3 - Preparing Report to Council.</p> <p>6 May 2019 - 4:05 PM - Tracey Cocking                      Item 1 - Provided condition of consent relating to bus shelters to Development Services Unit and included in draft Engineering Guidelines for Design and Construction.                      Item 2 - Developing a Capital Works Program for Pathways to existing bus shelters.                      Item 3 - Preparing Report to Council due 2020.</p> <p>29 May 2019 - 2:26 PM - Tracey Cocking                      Item 1 - Provided condition of consent relating to bus shelters to Development Services Unit and included in draft Engineering Guidelines for Design and Construction.                      Item 2 - Developing a Capital Works Program for Pathways to existing bus shelters.                      Item 3 - Preparing Report to Council due 2020.</p> <p>4 Jul 2019 - 2:07 PM - Rachael O'Hara                      Item 1 - Provided condition of consent relating to bus shelters to Development Services Unit and included in draft Engineering Guidelines for Design and Construction.                      Item 2 - Developing a Capital Works Program for Pathways to existing bus shelters.                      Item 3 - Preparing Report to Council due 2020.</p> <p>9 Sep 2019 - 3:23 PM - Warren Jeffery                      Item 2 - Investigating LGA bus stop infrastructure in conjunction with the delivery of approved projects under the Country Passenger Transport Infrastructure Scheme (CPTIGS) and drafting grant funding applications for the current CPTIGS which closes on 30 September 2019.                      Item 3 - Listed matter for reporting to Council by June 2020.</p> <p>10 Oct 2019 - 10:44 AM - Tracey Cocking                      Item 1 - Pending Report to Council.                      item 2 - Investigating LGA bus stop infrastructure to assist with the development of a suitable capital works program.                      Item 3 - Listed matter for reporting to Council by June 2020.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN20/2019	Ordinary Council 21/08/2019	Jeffery, Warren	Business With Notice	Keep Clear Regulatory Line Marking at the Intersection of Wollombi Road and Ivan Street, Cessnock	6/11/2019	
<a href="#">944</a> <b>MOTION</b> 944 <b>RESOLVED</b>	<b>Moved:</b>	Fitzpatrick-Barr, Justin Councillor Lyons	<b>Seconded:</b>	Councillor Suvaal		
<p>1. That the General Manager report back to Council within 4 months on the resourcing implications and timeframes associated with reviewing the existing Traffic and Transport Strategy and developing an implementation program.</p> <p>2. That the General Manager investigate the installation of regulatory "KEEP CLEAR" line marking at the intersection of Wollombi Road and Ivan Street, Cessnock and if such treatment is appropriate, present a proposal to the Local Traffic Committee recommending installation.</p> <p>9 Sep 2019 - 4:33 PM - Warren Jeffery Item 1 - Investigating resourcing implications and timeframes associated with reviewing the Traffic &amp; Transport Strategy and developing an implementation program, to be reported back to Council by December 2019. Item 2 - Investigated the installation of regulatory "KEEP CLEAR" line marking at the intersection of Wollombi Road and Ivan Street, Cessnock West. Results to be communicated by way of Councillor Memo. 9 Oct 2019 - 4:29 PM - Warren Jeffery Item 1 - Investigating resourcing implications and timeframes associated with reviewing the Traffic &amp; Transport Strategy and developing an implementation program, to be reported back to Council by December 2019. Item 2 - Drafted Councillor Memo to communicate results of investigation into the installation of KEEP CLEAR line marking treatment at the intersection of Wollombi Road and Ivan Street.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN21/2019	Ordinary Council 21/08/2019	McGowan, Kelly	Business With Notice	Purchase of Crown Land at Cessnock Clay Target Club Investigation	20/11/2019	
<a href="#">945</a> <b>MOTION</b> 945 <b>RESOLVED</b>	<b>Moved:</b>	Maginnity, Robert Councillor Olsen	<b>Seconded:</b>	Councillor Stapleford		
<p>That the General Manager provide a report to Council within 3 months outlining the process and implications of requesting the State Government to transfer to Council, at no cost, the Crown Land on which the Cessnock Clay Target Club currently leases.</p> <p>27 Aug 2019 - 3:15 PM - Yvonne Blake Action reassigned to Johnson, Martin by: Blake, Yvonne for the reason: For follow up through Strategic Property action 2 Sep 2019 - 2:46 PM - Martin Johnson Revised Target Date changed by: Johnson, Martin From: 18 Sep 2019 To: 20 Nov 2019 25 Sep 2019 - 11:57 AM - Robyn Keegan Action reassigned to McGowan, Kelly by: Keegan, Robyn for the reason: Kelly to research and draft report for Martin Johnson's review.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN22/2019	Ordinary Council 21/08/2019	Deo, Santosh	Business With Notice	Multi-Level Parking Station Cessnock Central	6/11/2019	
<a href="#">946</a> <b>MOTION</b> 946 <b>RESOLVED</b>	<b>Moved:</b>	Fitzpatrick-Barr, Justin Councillor Suvaal	<b>Seconded:</b>	Councillor Fitzgibbon		
1.	<b>Council recognises the importance of improving car parking in the Cessnock CBD as a high priority.</b>					
2.	<b>Council promote the number of free and untimed council parking spaces available within the Cessnock CBD.</b>					
3.	<b>Council in consultation with the Business chamber investigate signage publicising locations of car parks and the number of spaces within the Cessnock CBD.</b>					
4.	<b>The General Manager undertake an audit of Cessnock CBD street parking to identify any possible multiple use of zones to increase the number of parking spaces available.</b>					
5.	<b>That Council note the cost estimates for building a multi-level parking station outlined in the adopted 2017 Cessnock Precinct Public Domain Plan with the Keene Street carpark estimated at \$6.65 million and Charlton Street carpark estimated at \$16.56 million.</b>					
<p>9 Sep 2019 - 4:39 PM - Warren Jeffery                      Item 1 - Noted                      Item 2 - Developing promotional package for inclusion on CCC website and social media platform.                      Item 3 - Liaising with the Cessnock Chamber of Commerce regarding promotion of the abundant car parking spaces within the Cessnock CBD.                      Item 4 - Investigating the amenability and feasibility of introducing standards compliant multiple use CBD street parking spaces                      Item 5 - Noted</p> <p>18 Sep 2019 - 9:18 AM - Tracey Cocking                      Item 2 - Developing promotional package for inclusion on CCC website and social media platform.                      Item 3 - Arranging stakeholder meeting with Geoff Walker from Cessnock Chamber of Commerce regarding promotion of the abundant car parking spaces within the Cessnock CBD.                      Item 4 - Investigating the amenability and feasibility of introducing standards compliant multiple use CBD street parking spaces.</p> <p>10 Oct 2019 - 11:24 AM - Santosh Deo                      Item 2 - Working with Media &amp; Communication on developing promotional material for inclusion on CCC website and social media platform.                      Item 3 - Arranging stakeholder meeting with Geoff Walker from Cessnock Chamber of Commerce regarding promotion of the abundant car parking spaces within the Cessnock CBD.                      Item 4 - Investigating the amenability and feasibility of introducing standards compliant multiple use CBD street parking spaces.</p> <p>15 Oct 2019 - 9:32 AM - Santosh Deo                      Item 2 - Working with Media &amp; Communication on developing promotional material for inclusion on CCC website and social media platform.                      Item 3 - Arranged meeting with Business chamber to investigate signage publishing locations of car parks and the number of spaces within the Cessnock CBD.                      Item 4 - Investigating the amenability and feasibility of introducing standards compliant multiple use CBD street parking spaces.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN23/2019	Ordinary Council 4/09/2019	Jeffery, Warren	Business With Notice	Palmers Lane, Pokolbin _ Speed Zone Review	27/11/2019	
<a href="#">976</a> <b>MOTION</b> 976 <b>RESOLVED</b>	<b>Moved:</b>	Fitzpatrick-Barr, Justin Councillor Fagg	<b>Secoded:</b>	Councillor Dagg		
<p>1. The Council note the use of Palmers Lane, Pokolbin by buses and heavy vehicles to gain access and for through routing, as well as its importance as a tourist route for cars and cyclists.</p> <p>2. That the General Manager write to Roads and Maritime Services in support of community requests for a review of the current 80kmh speed zone on Palmers Lane, Pokolbin to 60kmh.</p> <p>11 Sep 2019 - 3:32 PM - Kelly Bates Item 1 - Noted Item 2 - Draft letter to RMS 9 Oct 2019 - 4:33 PM - Warren Jeffery Item 2 - Reviewed NSW Speed Zoning Guidelines and drafted letter to Roads &amp; Maritime Services requesting a speed zone review for Palmers Lane, Pokolbin.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN24/2019	Ordinary Council 4/09/2019	Benson, Nicole	Business With Notice	Abermain School of Arts	25/10/2019	
<a href="#">977</a> <b>MOTION</b> 977 <b>RESOLVED</b>	<b>Moved:</b>	Fitzpatrick-Barr, Justin Councillor Gray	<b>Secoded:</b>	Councillor Burke		
<p>That the Interim General Manager bring a report to Council within the next eight weeks outlining the steps required to relocate the Sir Edgeworth David Memorial Museum to the Abermain School of Arts.</p> <p>10 Sep 2019 - 3:16 PM - Kelly Paterson Item 1 - Report being drafted 18 Sep 2019 - 8:38 AM - Nicole Benson Report moved to 23 October to allow adequate time to liaise with museum committee.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN25/2019	Ordinary Council 4/09/2019	Deo, Santosh	Business With Notice	Timed Parking in Charlton Street Car Park	6/11/2019	
<b>MOTION</b>	<b>Moved:</b>	Fitzpatrick-Barr, Justin Councillor Olsen	<b>Seconded:</b>	Councillor Stapleford		
<p>That the General Manager prepare a report for the Local Traffic Committee seeking a 3 hour limit on the Charlton Street car park next to the Reject Shop.</p>						
<b>PROCEDURAL MOTION</b>	<b>Moved:</b>	Councillor Suvaal	<b>Seconded:</b>	Councillor Fagg		
<p>978  <b>RESOLVED</b> that the Motion be deferred until after Council staff have returned the report in regard to BN22/2019 – Multi-Level Parking Station Cessnock Central which was dealt with at the Council meeting of 21 August 2019.                      5 Sep 2019 - 4:14 PM - Kelly Paterson                      RESOLVED that the Motion be deferred until after Council staff have returned the report in regard to BN22/2019 – Multi-Level Parking Station Cessnock Central which was dealt with at the Council meeting of 21 August 2019.                      15 Oct 2019 - 9:35 AM - Santosh Deo                      Working towards presenting report BN22/2019 at Councils Ordinary meeting Feb 2020.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN4/2019	Ordinary Council 6/03/2019	Johnson, Martin	Business With Notice	Richmond Main RV Park	31/12/2019	
<a href="#">792</a> <b>MOTION</b>	<b>Moved:</b>	Curtis, Gareth Councillor Gray	<b>Seconded:</b>	Councillor Burke		
<p>792  <b>RESOLVED</b>                      That Council include the following as a specific action in the 2019-20 Operational Plan:                      Investigate opportunities for the Richmond Main site to become an eco-tourism/outdoor adventure hub that would co-exist with the current cultural and heritage use of the site.                      7 Aug 2019 - 3:24 PM - Martin Johnson                      Revised Target Date changed by: Johnson, Martin From: 28 Jun 2019 To: 31 Dec 2019                      Reason: Future land use options for site currently under investigation by Strategic Property Officer</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN9/2018	Ordinary Council 2/05/2018	Drage, Natalie	Business With Notice	Strategic Planning for Cessnock Library	31/10/2019	
<a href="#">466</a> <b>MOTION</b>	<b>Moved:</b>	Maginnity, Robert Councillor Gray	<b>Seconded:</b>	Councillor Lyons		
<p>466  <b>RESOLVED</b>                      That Council prepare a business case for an expanded Cessnock Library Branch, including investigating its location within a cultural hub and be in accordance with Council's adopted 2031 Community Infrastructure Strategic Plan and Cessnock City Library Strategic Plan 2014-2024.                      23 May 2018 - 5:23 PM - Natalie Drage                      Resolution of Council Noted. A methodology for the Business Case is in the process of being developed.</p>						

24 Jul 2018 - 3:01 PM - Natalie Drage  
 A meeting has been scheduled for August 2018 with Council staff to assist in preparing the methodology and project scope.

29 Aug 2018 - 2:39 PM - Natalie Drage  
 Consultation has commenced with Council staff to discuss possible library sites as indicated in Council planning documents. Site opportunities and constraints have been identified for a number of sites and are being further investigated.

5 Oct 2018 - 12:46 PM - Natalie Drage  
 Consultation with staff in progress including identification of opportunities and limitations for possible future library sites.

21 Jan 2019 - 12:31 PM - Natalie Drage  
 Opportunities and land constraints continue to be scoped for identified potential sites.

7 Feb 2019 - 3:55 PM - Natalie Drage  
 Advice has been sought with Council's Heritage Consultant, noting two options have heritage listings. Further investigations are being undertaken to understand any heritage implications and opportunities.

18 Mar 2019 - 2:08 PM - Natalie Drage  
 Opportunities for funding an expanded library asset are being investigated.

3 Apr 2019 - 11:46 AM - Natalie Drage  
 Indicative costings for expanded library being prepared.

2 May 2019 - 12:17 PM - Natalie Drage  
 At the Cultural Facilities Committee Meeting (17 April 2019) tabled and noted by the Committee was 'Cessnock City Council Library Facilities 2017-2037, A Needs Analysis (Second Edition) prepared by the State Library New South Wales and indicates the floor size required for an expanded Cessnock Library Branch. Preliminary indicative costings for an expanded Cessnock Library Branch have been prepared and will inform the Business Case.

27 May 2019 - 5:01 PM - Natalie Drage  
 Opportunities for how an expanded library could be funded are being investigated and will inform the Business Case.

1 Jul 2019 - 4:06 PM - Natalie Drage  
 Asset condition of current Cessnock Library Branch facility being considered and will inform the options presented in the Business Case. The drafting of the Business Case is in process.

1 Jul 2019 - 4:16 PM - Natalie Drage  
 Revised Target Date changed by: Drage, Natalie From: 30 Jun 2019 To: 31 Oct 2019  
 Reason: Business Case in the process of being drafted.

2 Oct 2019 - 2:37 PM - Natalie Drage  
 Draft Business Case prepared and is being reviewed by staff.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC30/2019	Ordinary Council 1/05/2019	Brinkworth, Susanne	Corporate and Community	Acquisition of land for road widening - Sandy Creek Road, Mt Vincent	31/10/2019	
<a href="#">893</a> <b>MOTION</b> 893 <b>RESOLVED</b>	<b>Moved:</b>	Maginnity, Robert Councillor Suvaal	<b>Seconded:</b>	Councillor Fitzgibbon		
1.	<b>That Council acquire the land part Lot 120 and part Lot 122 of DP 755244 being land currently comprised in Conveyance Book 3144 No 987 and Conveyance Book 3333 No 5 for road purposes and dedicate the land to the public as public road;</b>					
2.	<b>That Council authorise the General Manager to negotiate compensation with the property owners by private agreement for acquisition of the Land subject to an independent valuation report and in accordance with the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>;</b>					
3.	<b>That in the event that negotiations with the property owners cannot be satisfactorily finalised, that Council make application to the Office of Local Government for approval of the Minister and the Governor to proceed with compulsory acquisition of the Land being part Lot 120 and Part Lot 122 DP 755244;</b>					
4.	<b>That Council authorise the Common Seal of Cessnock City Council to be affixed to the plan of subdivision dedicating the land to be acquired as public road and Deed of Agreement for the acquisition of the Land between Cessnock City Council and the Estate of Amy Augusta Lewis and Thomas William Lewis and if necessary to the application to the Minister and the Governor for the compulsory acquisition of the Land part Lot 120 and part Lot 122 DP 755244;</b>					
5.	<b>That Council authorise the General Manager and Mayor/Councillor to execute the Plan of subdivision dedicating the land to be acquired as public road and Deed of Agreement for the acquisition of the Land between Cessnock City Council and the Estate of Amy Augusta Lewis and Thomas William Lewis and if necessary to the application to the Minister and the Governor for the compulsory acquisition of the Land part Lot 120 and part Lot 122 DP 755244.</b>					

4 Jun 2019 - 11:44 AM - Susanne Brinkworth  
 Revised Target Date changed by: Brinkworth, Susanne From: 29 May 2019 To: 28 Jun 2019  
 Reason: Awaiting advice from landowner  
 3 Jul 2019 - 3:33 PM - Susanne Brinkworth  
 Revised Target Date changed by: Brinkworth, Susanne From: 28 Jun 2019 To: 31 Jul 2019  
 Reason: Awaiting advice from landowner  
 9 Aug 2019 - 9:03 AM - Susanne Brinkworth  
 Revised Target Date changed by: Brinkworth, Susanne From: 31 Jul 2019 To: 31 Jul 2019  
 Reason: Owner has agreed to compensation. Deed of agreement prepared and surveyor engaged to prepare plan of subdivision  
 9 Aug 2019 - 9:04 AM - Susanne Brinkworth  
 Revised Target Date changed by: Brinkworth, Susanne From: 31 Jul 2019 To: 30 Aug 2019  
 Reason: Owner has agreed to compensation. Deed of agreement prepared and surveyor engaged to prepare plan of subdivision  
 3 Sep 2019 - 9:23 AM - Susanne Brinkworth  
 Revised Target Date changed by: Brinkworth, Susanne From: 30 Aug 2019 To: 21 Sep 2019  
 Reason: Awaiting owner to execute agreement to lodge plan of subdivision  
 3 Oct 2019 - 4:43 PM - Robyn Keegan  
 Revised Target Date changed by: Keegan, Robyn From: 21 Sep 2019 To: 31 Oct 2019  
 Reason: Awaiting Owner to execute agreement to lodge the plan of subdivision.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC6/2018	Ordinary Council 7/03/2018	Drage, Natalie	Deferred Business	Richmond Main Colliery - Remediation Plan	31/10/2019	
<a href="#">433</a> <b>MOTION</b> 433 <b>RESOLVED</b>	<b>Moved:</b>	Maginnity, Robert Councillor Fitzgibbon	<b>Seconded:</b>	Councillor Gray		
1.	<b>That Council allocate funding of \$50,500 from the Miscellaneous and Property Reserve, for the preparation of a Remediation Action Plan, development application and continuation of temporary fencing at Richmond Main Colliery.</b>					
2.	<b>That a further report be prepared for Council detailing the estimated costs of implementing the Remediation Action Plan once they are known.</b>					
3.	<b>That any future Richmond Main Colliery reports include the cumulative total of expenditure since the September 2017 fire.</b>					
4.	<b>That the General Manager prepare a report in consultation with the site users, including an inventory of equipment, and removal of non essential items from the historic site, with the view to improving visual site amenity, safety and security.</b>					
<p>13 Mar 2018 - 10:40 AM - Katrina Patch                      Request for Quote Documentation being prepared in order to engage consultancy to prepare the RAP.                      13 Mar 2018 - 10:43 AM - Katrina Patch                      Revised Target Date changed by: Patch, Katrina From: 4 Apr 2018 To: 04 Aug 2018                      Reason: Engagement of vendor and preparation of RAP estimated to take 5 months.                      4 Apr 2018 - 12:09 PM - Katrina Patch                      The Request For Quote for the preparation of the Remediation Action Plan closes on Tuesday 10 April.                      7 May 2018 - 2:48 PM - Robyn Keegan                      GHD was the successful quote and has been engaged. Inception meeting occurred 2 May 2018, and the project has commenced.                      23 May 2018 - 5:25 PM - Natalie Drage                      A request for quote has been distributed for the appointment of an external site auditor and is a requirement in accordance with the Contaminated Land Management Guidelines (NSW EPA) and closes 28 May 2018.</p>						

*5 Jul 2018 - 12:17 PM - Robyn Keegan*

Revised Target Date changed by: Keegan, Robyn From: 4 Aug 2018 To: 31 Oct 2018  
Reason: Engagement of vendor and preparation of RAP estimated to take 5 months.

*5 Jul 2018 - 12:17 PM - Robyn Keegan*

External site Auditor has been appointed with a site visit to occur with the Auditor during mid July.

*24 Jul 2018 - 3:10 PM - Natalie Drage*

The report to Council tabled 4 July 2018, included the cumulative total of expenditure since the September 2017 fire.

Resolution 4 - the report to Council on the 4 July 2018 provided an update on the outcome of discussions to date with the Society regarding preparation of an inventory. The Society have been encouraged to commence the removal of non-museum items from the second floor of the museum building. This item will be incorporated into the Site Management Action Plan.

*6 Aug 2018 - 9:38 AM - Natalie Drage*

Site visit to Richmond Main occurred with the external auditor and consultant preparing the RAP on 1 August 2018. Consultation to occur with the Preservation Society to assist with understanding current and potential future land uses within Precinct C. This consultation process will be an agenda item for the next meeting with Council staff and the Society Board.

*29 Aug 2018 - 2:43 PM - Natalie Drage*

Consultant preparing the Remediation Action Plan met with Council staff and the Board of the Richmond Main Preservation Society on 22 August 2018. The consultation session considered Precinct C, its future uses and identification of priority locations.

*5 Oct 2018 - 12:50 PM - Natalie Drage*

Meeting held with GHD and Council staff to discuss the Remediation Action Plan and confirming the high priority areas at the site.

*26 Oct 2018 - 11:44 AM - Natalie Drage*

The Richmond Main Preservation Society at the meeting held with Council officers on 23 October 2018 tabled a report advising of site clean up activities undertaken to date within Precinct B.

*12 Nov 2018 - 10:18 AM - Robyn Keegan*

Revised Target Date changed by: Keegan, Robyn From: 31 Oct 2018 To: 30 Jun 2019

Reason: Ongoing

*21 Jan 2019 - 12:28 PM - Natalie Drage*

The report to Council on 21 November 2018 included an update for clean up activities undertaken by the Richmond Main Preservation Society in improving the visual amenity of the site.

*7 Feb 2019 - 3:59 PM - Natalie Drage*

Costing options for soil sampling has occurred to inform the development of the Remediation Action Plan in consultation with GHD (consultant).

*4 Mar 2019 - 10:52 AM - Natalie Drage*

Soil sampling for Precinct C (Stage 1) to occur and will inform the actions of the RAP.

*3 Apr 2019 - 11:48 AM - Natalie Drage*

Awaiting outcome of soil sampling from consultant preparing the RAP.

*2 May 2019 - 12:10 PM - Natalie Drage*

Meeting held at Richmond Main Colliery with consultant preparing the RAP to confirm locations for soil sampling. Stage 1 Area Assessment Sampling, Analysis and Quality Plan (developed by Consultant) provided to external auditor for review and upon the completion of the review soil sampling will commence.

*1 Jul 2019 - 4:08 PM - Natalie Drage*

External auditor has reviewed and provided comments for Stage 1 Area Assessment Sampling, Analysis and Quality Plan. Consultant to commence soil sampling July 2019.

*1 Jul 2019 - 4:15 PM - Natalie Drage*

Revised Target Date changed by: Drage, Natalie From: 30 Jun 2019 To: 31 Oct 2019

Reason: Ongoing

*7 Aug 2019 - 2:46 PM - Natalie Drage*

Soil sampling process commenced.

*3 Sep 2019 - 2:30 PM - Natalie Drage*

Soil sampling process completed.

*2 Oct 2019 - 2:39 PM - Natalie Drage*

With the soil sampling analysis now complete, the consultant is finalising the Remediation Action Plan.



Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC63/2019	Ordinary Council 7/08/2019	Holliday, Jennifer	Corporate and Community	Tender Evaluation Report for T1819-16 - Website Development and Implementation	3/07/2020	
<a href="#">939</a> <b>MOTION</b> 939 <b>RESOLVED</b>	<b>Moved:</b>	Maginnity, Robert Councillor Dagg	<b>Seconded:</b>	Councillor Gray		
<p>1. That Council accept the tender from OpenCities Pty Ltd for a lump sum of \$308,000 (including GST) for a period of up to five years, to develop, implement and provide ongoing maintenance for the following Council websites:</p> <ul style="list-style-type: none"> <li>* Cessnock City Council corporate website; and</li> <li>* Three smaller satellite websites: <ul style="list-style-type: none"> <li><input type="checkbox"/> Building Certifiers</li> <li><input type="checkbox"/> Cessnock Performing Arts Centre</li> <li><input type="checkbox"/> Cessnock City Council Libraries</li> </ul> </li> </ul> <p>2. That the General Manager investigate the development and cost of a mobile device app to integrate into the updated Council website.</p> <p>14 Aug 2019 - 2:44 PM - Robyn Keegan Revised Target Date changed by: Keegan, Robyn From: 7 Aug 2019 To: 03 Jul 2020 Reason: 1. Tender advice sent; Vendor Panel Registration completed; Engagement of Contractor starting end August 2019.</p> <p>14 Aug 2019 - 2:44 PM - Robyn Keegan Revised Target Date changed by: Keegan, Robyn From: 3 Jul 2020 To: 03 Jul 2020 Reason: 1. Tender advice sent; Vendor Panel Registration completed; Engagement of Contractor starting end August 2019.</p> <p>14 Aug 2019 - 2:45 PM - Robyn Keegan Revised Target Date changed by: Keegan, Robyn From: 3 Jul 2020 To: 03 Jul 2020 Reason: 1. Tender advice sent; Vendor Panel Registration completed; Engagement of Contractor starting end August 2019. 2. Request for Quotations to be address for mobile device app.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC69/2017	Ordinary Council 4/10/2017	Conner, Martin	Corporate and Community	Easement for Drainage of Water within 10 and 12 Cooper Street, Heddon Greta	18/12/2019	
<a href="#">277</a> <b>MOTION</b> 277 <b>RESOLVED</b>	<b>Moved:</b>	Fitzpatrick-Barr, Justin Councillor Dagg	<b>Seconded:</b>	Councillor Stapleford		
<p>1. That Council acquires an easement for the drainage of water being 7m wide and variable on the south eastern boundary of Lot 15 Section 20 DP 3816 and the northern boundary of Lot 16 Section 20 DP 3816 being 10 and 12 Cooper Street, Heddon Greta.</p> <p>2. That Council authorise the General Manager to negotiate the terms of the easement and prepare the necessary documents for registration at Land and Property Information (LPI) NSW.</p> <p>3. That Council authorise the Common Seal of Cessnock City Council to be affixed to the documents relating to the granting of the easement over Lots 15 and 16 Section 20 DP 3816.</p> <p>4. That Council authorise the Mayor and/or General Manager to execute the documents relating to the granting of the easement over Lots 15 and 16 Section 20 DP 3816.</p> <p>4 Nov 2017 - 11:32 AM - Robyn Keegan Updated by Sue Brinkworth - Surveyor engaged to prepare plan of easement. 5 Sep 2018 - 11:55 AM - Joanne Walpole Action reassigned to Kerr, Katrina by: Walpole, Joanne for the reason: Easement for Cooper Street within Master's property. Matter referred back to Infrastructure Manager for review.</p>						

13 Sep 2018 - 10:47 AM - Katrina Kerr  
 Reviewing scale of easement due to outcome of negotiation re value with owner.

7 Nov 2018 - 11:36 AM - Rachael O'Hara  
 Item 1 - Reviewing scale of easement to reduce cost to Council due to the position of negotiations with owner.

13 Feb 2019 - 8:55 AM - Rachael O'Hara  
 Item 1 - Reviewing scale of easement to reduce cost to Council due to the position of negotiations with owner.  
 Item 2 - Noted.  
 Item 3 - Awaiting finalisation of negotiations.  
 Item 4 - Noted.

8 Apr 2019 - 3:25 PM - Rachael O'Hara  
 Item 1 - Reviewing scale of easement to reduce cost to Council due to the position of negotiations with owner.  
 Item 3 - Awaiting finalisation of negotiations.

7 May 2019 - 9:44 AM - Rachael O'Hara  
 Item 1 - Undertaking upstream catchment analysis and drainage review.  
 Item 3 - Awaiting finalisation of design.

4 Jul 2019 - 1:22 PM - Rachael O'Hara  
 Item 1 - Easement has been acquired for 12 Cooper Street. Negotiations have stalled for creation of easement at 10 Cooper Street due to acquisition price and Council is currently undertaking a drainage investigation, expected to be completed by end December 2019 that may lead to a change in strategy.  
 Item 2 - Note.  
 Item 3 - Easement has been granted for 12 Cooper Street. Awaiting outcome of drainage investigation for 10 Cooper Street.  
 Item 4 - Complete for 12 Cooper Street. Awaiting outcome of drainage investigation for 10 Cooper Street.

11 Sep 2019 - 3:42 PM - Kelly Bates  
 Item 1 - Easement has been acquired for 12 Cooper Street. Negotiations have stalled for creation of easement at 10 Cooper Street due to acquisition price and Council is currently undertaking a drainage investigation, expected to be completed by end December 2019 that may lead to a change in strategy.  
 Item 2 - Note.  
 Item 3 - Easement has been granted for 12 Cooper Street. Awaiting outcome of drainage investigation for 10 Cooper Street  
 Item 4 - Complete for 12 Cooper Street. Awaiting outcome of drainage investigation for 10 Cooper Street, expected to be completed by end December 2019

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CO23/2019	Ordinary Council 2/10/2019	Jeffery, Warren	Correspondence	Wine Country Drive - Traffic and Safety	26/02/2020	
<a href="#">1013</a> <b>MOTION</b>	<b>Moved:</b>	Fitzpatrick-Barr, Justin Councillor Fitzgibbon	<b>Seconded:</b>	Councillor Sander		
1013 <b>RESOLVED</b>						
1.	<b>That Council note the correspondence received.</b>					
2.	<b>That Council be briefed on the corridor plan.</b>					
3.	<b>That Council obtain feedback from the police regarding targeted enforcement at the school drop and pick up times.</b>					
9 Oct 2019 - 4:09 PM - Tracey Cocking						
Item 1 - Noted						
Item 2 - Sourcing Transport for NSW Draft Wine Country Drive Corridor Plan.						
Item 3 - Conversation between Warren Jeffery and Senior Sargent Tony Grace Highway Patrol Cluster Supervisor, no infringement data is available, Police intend to liaise directly with School to provide information for school community alerting them to upcoming targeted enforcement.						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE29/2018	Ordinary Council 16/05/2018	Fitzpatrick-Barr, Justin	Planning and Environment	Development Application No. 8/2017/282/1 proposing construction of a roundabout to facilitate access to St Philip's Christian College  Wine Country Drive, Nulkaba	6/11/2019	
<b>MOTION</b> 475 <b>RESOLVED</b>	<b>Moved:</b>	Fitzpatrick-Barr, Justin Councillor Suvaal	<b>Seconded:</b>	Councillor Burke		
1.	<b>That Council determine Development Application No. 8/2017/282/1 proposing the construction of a roundabout to facilitate access to St Philip's Christian College at Wine Country Drive (Lot 1 DP 744377) Nulkaba, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, by refusing to grant consent for the reasons detailed in this report.</b>					
2.	<b>That Council supports the concept of a roundabout entrance to St Philips Christian College off Wine Country Drive, Nulkaba for school and community access to the site, subject to an approved design by, and satisfactory arrangements with, the Roads and Maritime Services.</b>					
3.	<b>That the General Manager request the Parliamentary Secretary for the Hunter and Central Coast to coordinate an urgent meeting between Cessnock City Council, the Roads and Maritime Services, State Member for Cessnock and St Philips Christian College to address the traffic and safety concerns at Wine Country Drive and Lomas Lane, Nulkaba.</b>					
4.	<b>That the General Manager continue to work with the Roads and Maritime Services and St Philips Christian College with a view to encourage the submission of a Development Application, as a matter of urgency, by St Philips Christian College, to ensure the necessary upgrade works can be carried out to address serious traffic and safety concerns at Wine Country Drive and Lomas Lane, Nulkaba. The development application must be supported by the necessary documentation and arrangements with the Roads and Maritime Services and be designed in accordance with the requirements of Cessnock City Council and the Roads and Maritime Services.</b>					
5.	<b>That the General Manager investigate any immediate measures that could improve pedestrian and vehicular safety adjacent to the College in Wine Country Drive and Lomas Lane, Nulkaba.</b>					
<p>5 Jun 2018 - 3:45 PM - Robyn Larsen                      Item 1 - Determination Issued                      Item 2 - Noted                      6 Jul 2018 - 11:13 AM - Robyn Larsen                      Item 3 - Acting General Manager spoken to Mr Stephen Wills at the Department of Premier and Cabinet who advised that he would liaise with St Philips and the RMS to seek a meeting to try and resolve the matter.                      6 Jul 2018 - 11:53 AM - Joanne Walpole                      Item 4 - This issue is being dealt with. The Department of Premier and Cabinet are attempting to bring all parties together.                      Item 5 - Prepared Concept Option for signalised roundabout. Prepared Concept Option for use of internal road network. Attended meeting between RMS and CCC 23/05/18. Arranged drone to film intersection performance 03/08/18.                      7 Sep 2018 - 4:03 PM - Kristy Meyers                      Item 3 - Mr Stephen Wills chaired a meeting on 6 August 2018. Attendees included GM, DW&amp;I, Infrastructure Manager, Development Services Manager and RMS. A teleconference was held with RMS and St Philips School on 4 September 2018.                      8 Feb 2019 - 11:44 AM - Kristy Meyers                      Item 3 - Mr Stephen Wills chaired a meeting on 11 January 2019.                      8 Mar 2019 - 10:26 AM - Tracey Cocking                      Item 5 - Design complete see document DOC2019/022793.                      10 Jul 2019 - 5:07 PM - Tracey Cocking                      Item 1 - Complete                      Item 2 - Complete                      Item 3 - Meeting held 11 January 2019, chaired by Stephen Wills                      Item 4 - A number of meetings have been held since May 2018. Most recently, a meeting was held at Council with the applicant and representatives of the school on 24 June 2019 in attendance Development Services Manager &amp; Infrastructure Manager. At that meeting, the applicant provided an overview of the current status of the matter and advised that they were meeting with the RMS the following day (25 June 2019). Exact timing for submission of a development application is unknown at this stage.                      Item 5 - Provided outcome of investigation to St Phillips and RMS, received updated plan from St Phillips encompassing advice.                      9 Sep 2019 - 11:09 AM - Kristy Meyers                      The matter will be resolved once St Philips lodges it's revised development application, which will provide RMS with an opportunity to comment on the proposal and potential road upgrades on Wine Country Drive.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE39/2019	Ordinary Council 3/04/2019	Maher, Janine	Planning and Environment	Appointment of Alternate Members to the Hunter and Central Coast Regional Planning Panel in Respect of Development Application No. 8/2018/539/1 and Future Matters	6/11/2019	
<a href="#">849</a> <b>MOTION</b> 849 <b>RESOLVED</b>	<b>Moved:</b>	Curtis, Gareth Councillor Suvaal	<b>Seconded:</b>	Councillor Burke		
1.	<b>That the General Manager make arrangements for an Expressions of Interest process to occur calling for suitable external applicants to act as Council's alternate Hunter and Central Coast Regional Planning Panel representatives to participate in any briefings and meetings scheduled for the Regional Planning Panel in respect of any Development Application, S4.55 Application, and Planning Proposal where a member has declared a conflict of interest, for a period of three (3) years.</b>					
2.	<b>That a further report on the Expressions of Interest outcomes, including financial implications, be provided to Council for consideration and the endorsement of alternate representatives to the Hunter and Central Coast Regional Planning Panel.</b>					
3.	<b>That Council write to the Minister for Planning, Secretary of NSW Planning and Environment, the Director Regions – Hunter, NSW Planning and Environment and Local Government NSW, requesting a review of the current code of conduct for the Regional Planning Panels with a view to seeking:</b>					
(a)	<b>consistency with the revised model code of conduct for councils in NSW which already effectively manages conflict of interest provisions for elected councillors and staff in all their official capacities;</b>					
(b)	<b>Removing and/or amending provisions Section 3.19(b) which effectively prevent local councillor members of the Regional Planning Panel from voting on development applications on land in their local government areas if those Councillors also voted on the rezoning of the same land, amongst other matters.</b>					
<p>10 Apr 2019 - 2:07 PM - Janine Maher Staff have commenced preparation of the preferred method of EOI process. Director Planning and Environment to be provided with an update once preferred method established.</p> <p>7 May 2019 - 3:16 PM - Janine Maher Director provided with an update on 6 May 2019. Matter progressing.</p> <p>29 May 2019 - 10:19 AM - Janine Maher Advertisement, scope of work (brief) and returnable schedules drafted. Consultation occurring with relevant departments within Council. Point 3 actioned, letters sent on 24 May 2019.</p> <p>29 May 2019 - 10:32 AM - Janine Maher Revised Target Date changed by: Maher, Janine From: 1 May 2019 To: 31 Jul 2019 Reason: Documents being drafted. Exhibition will occur for 28 days, then all submissions must be evaluated and a Council report prepared in respect of outcomes and nominations.</p> <p>7 Aug 2019 - 4:25 PM - Janine Maher Revised Target Date changed by: Maher, Janine From: 31 Jul 2019 To: 02 Oct 2019 Reason: Documents reviewed by Director and approved. Consultation to occur with HR and Communications. Following this, exhibition will occur for 28 days, then all submissions must be evaluated and a Council report prepared in respect of outcomes and nominations.</p> <p>29 Aug 2019 - 9:08 AM - Janine Maher Advertising of the EOI commenced on 28 August 2019 and will conclude on 25 September 2019. Following conclusion, EOI's will be evaluated and a further report referred to Council for consideration.</p> <p>29 Aug 2019 - 9:10 AM - Janine Maher Revised Target Date changed by: Maher, Janine From: 2 Oct 2019 To: 23 Oct 2019 Reason: Advertising of the EOI commenced on 28 August 2019 and will conclude on 25 September 2019. Following conclusion, EOI's will be evaluated and a further report referred to Council for consideration in respect of outcomes and recommended nominations.</p> <p>15 Oct 2019 - 8:54 AM - Janine Maher Revised Target Date changed by: Maher, Janine From: 23 Oct 2019 To: 06 Nov 2019 Reason: Advertising of EOI's concluded on 25 September 2019. Council officers are in the process of evaluating EOI's and preparing a report which will be referred to Council's meeting of 6 November 2019 for consideration in respect of outcomes and recommended nominations.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE5/2019	Ordinary Council 20/02/2019	Brown, Keren	Planning and Environment	Amendment to Clifftleigh Urban Precinct Planning Agreement	10/03/2021	
<a href="#">759</a> <b>MOTION</b> 759 <b>RESOLVED</b>	<b>Moved:</b>	Curtis, Gareth Councillor Lyons	<b>Seconded:</b>	Councillor Fitzgibbon		
1.	That Council prepare a draft Deed of Variation for the Clifftleigh Urban Precinct Planning Agreement in accordance with the offer from Winten Property Group.					
2.	That Council publicly notify the draft Deed of Variation for a minimum period of 28 days in accordance with the provisions of the Environmental Planning and Assessment Act 1979.					
3.	That Council delegate authority to the General Manager to execute the Planning Agreement unless unresolved written objections are received during the exhibition period.					
4.	That Council develop a Master Plan that fits the 2031: A Vision for the Future Community Infrastructure Community Plan, within 6 months, for a staged development of a multi purpose community centre, to enable Council to apply for grant funding, identify funding sources and a funding model.					
<p>4 Mar 2019 - 3:17 PM - Keren Brown Revised Target Date changed by: Brown, Keren From: 20 Mar 2019 To: 20 Sep 2019</p> <p>4 Mar 2019 - 3:17 PM - Keren Brown</p> <p>1. Deed of variation currently being prepared. 2. Awaiting deed of variation 3. Awaiting deed of variation 4. Masterplan to be prepared by Open Space and Community Facilities and Community Planning</p> <p>2 May 2019 - 11:34 AM - Keren Brown Deed of variation currently being prepared and reviewed</p> <p>1 Jul 2019 - 5:07 PM - Keren Brown Revised Target Date changed by: Brown, Keren From: 20 Sep 2019 To: 02 Sep 2020 Reason: Initial draft deed of variation prepared and being discussed with proponent.</p> <p>11 Jul 2019 - 4:27 PM - Martin Johnson Recommendation 1: Draft Deed of Variation received and ongoing negotiations underway. Recommendation 4 to be incorporated into broader corridor masterplan for Clifftleigh / Heddon Greta. Recommendation 4 completed.</p> <p>7 Aug 2019 - 3:16 PM - Keren Brown Revised Target Date changed by: Brown, Keren From: 2 Sep 2020 To: 02 Dec 2020 Reason: Initial draft deed of variation prepared and being discussed with proponent.</p> <p>2 Oct 2019 - 4:52 PM - Keren Brown Revised Target Date changed by: Brown, Keren From: 2 Dec 2020 To: 10 Mar 2021 Reason: Negotiations continuing with proponent on the draft deed of variation.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE51/2019	Ordinary Council 19/06/2019	Harris, Kate	Planning and Environment	Branxton Town Centre Draft Public Domain Plan and Draft Development Control Plan	8/11/2019	
<a href="#">941</a> <b>MOTION</b> 941 <b>RESOLVED</b>	<b>Moved:</b>	Fitzpatrick-Barr, Justin Councillor Dagg	<b>Seconded:</b>	Councillor Burke		
1.	<b>That Council adopt the Branxton Town Centre Public Domain Plan.</b>					
2.	<b>That Council adopt the Branxton Town Centre Chapter of the Cessnock Development Control Plan 2010.</b>					
3.	<b>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.</b>					
4.	<b>That Council not pursue an area-specific s7.11 plan for the Branxton Sub-region.</b>					
5.	<b>That Council notify in writing the persons who made a submission with regard to the draft plan, of Council's decision.</b>					
6.	<b>That the General Manager bring back a report on the cost and time implications to develop a traffic and transport study for the Branxton Town Centre to the next meeting.</b>					
7.	<b>That Council put forward the project of security cameras at the rotunda in Branxton for the next round of Safer Communities Grants.</b>					
8.	<b>That the General Manager liaise with Roads and Maritime Services for the removal of any barriers and signs that are leftover from the pre Hunter Expressway days that are no longer necessary.</b>					
<p>24 Jun 2019 - 1:46 PM - Robert Corken                      Action 1 has been noted and the plan has been finalised and placed on website.                      Action 2 has been noted and the DCP has been finalised and placed on website.                      Action 3 - Letter has been drafted, to be signed by Strategic Planning Manager                      Action 4 has been noted and no further action is required on this item.                      Action 5 has been undertaken.                      Action 6 has been referred to Manager Infrastructure for action.                      Action 7 cannot be progressed until Safer Communities Grants are open. Action referred to Johanna Dennis for action when the grant opens.                      Action 8 has been referred to Manager Infrastructure for action.</p> <p>4 Jul 2019 - 4:39 PM - Rachael O'Hara                      Item 6 - Complete - report presented to Council 3 July 2019.                      Item 7 - Open Space &amp; Community Facilities to facilitate grant application once opening date announced                      Item 8 - Email sent to RMS and response received 24 June 2019</p> <p>12 Aug 2019 - 10:08 AM - Kelly Paterson                      Item 7 - Open Space &amp; Community Facilities to facilitate grant application once opening date announced</p> <p>10 Sep 2019 - 2:00 PM - Natalie McCloy                      Item 7 - Open Space &amp; Community Facilities to facilitate grant application once opening date announced.</p> <p>15 Oct 2019 - 7:30 AM - Kate Harris                      Item 7 - Open Space &amp; Community Facilities to facilitate grant application once opening date announced.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE56/2019	Ordinary Council 7/08/2019	Johnson, Martin	Planning and Environment	Strategic Land Use Plan - Heddon Greta, Cliftleigh	5/02/2020	
<a href="#">934</a> <b>MOTION</b> 934 <b>RESOLVED</b>	<b>Moved:</b>	Curtis, Gareth Councillor Gray	<b>Seconded:</b>	Councillor Burke		
<ol style="list-style-type: none"> <li>1. That Council note the information contained within this report.</li> <li>2. That Council progress the development of the Heddon Greta-Cliftleigh Strategic Land use Plan, noting that the project will require the engagement of a consultant to prepare the Plan.</li> <li>3. That the Heddon Greta-Cliftleigh Strategic Land use Plan be funded from the Rezoning reserve and section 7.11 where appropriate.</li> <li>4. That a further report on the progress of the development of the Strategic Land Use Plan be provided to Council within 6 months.</li> </ol> <p>15 Aug 2019 - 9:14 AM - Martin Johnson                      Revised Target Date changed by: Johnson, Martin From: 4 Sep 2019 To: 05 Feb 2020                      Reason: Project status report due February 2020. Consultant and project brief to be prepared. Meeting with RMS arranged to discuss project.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE64/2019	Ordinary Council 2/10/2019	Corken, Robert	Planning and Environment	Amendment of the Cessnock Section 7.12 Contributions Plan and Repeal of Tourism Section 94 Contributions Plan	30/10/2019	
<a href="#">1007</a> <b>MOTION</b> 1007 <b>RESOLVED</b>	<b>Moved:</b>	Curtis, Gareth Councillor Fitzgibbon	<b>Seconded:</b>	Councillor Gray		
<ol style="list-style-type: none"> <li>1. That Council place the draft Section 7.12 Contributions Plan on public exhibition for a minimum period of 28 days.</li> <li>2. That Council publish a notice of intent to repeal the Tourism S94 Contributions Plan in accordance with section 22 of the <i>Environmental Planning and Assessment Regulations 2000</i>.</li> <li>3. That Council receive a report back on the amended S7.12 Contributions Plan after consultation with the community.</li> <li>4. That Council, upon the repeal of the Tourism S94 Contributions Plan, transfer the funds from that Plan to the Section 7.12 Contributions Plan.</li> <li>5. That the Pathways Construction Programme included in Schedule 1 (Clause 14) Works Schedule – Part A be changed from Medium to High.</li> </ol>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE65/2019	Ordinary Council 2/10/2019	Hamilton, Grant	Planning and Environment	Council submission to IPART Issues Paper - HWC Pricing Proposal 2019 relating to North Rothbury Priority Sewerage Scheme	30/10/2019	
<a href="#">1008</a> <b>MOTION</b> 1008 <b>RESOLVED</b>	<b>Moved:</b>	Curtis, Gareth Councillor Fitzgibbon	<b>Seconded:</b>	Councillor Dagg		
1.	<p><b>That Council endorse the submission to the IPART Issues Paper – Review of prices for Hunter Water Corporation From 1 July 2020 with the following amendment being made to the wording, paragraph 2 provided in Council’s Submission:-</b></p> <p><i>For many years Cessnock City Council and its representatives have been in consultation with HWC and its representatives in an effort to address the backlog of sewerage service works to the village of North Rothbury as a priority along with other villages within its Local Government Area.</i></p>					
2.	<p><b>That consultation regarding Council’s submission to IPART be communicated back to the community of North Rothbury via the Branxton/Greta News.</b></p>					
3.	<p><b>That Council’s submission be amended to include our concerns that local residents may not be able to afford an increase in their water rates. This should include socio economic data on our LGA.</b></p>					

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE83/2018	Ordinary Council 12/12/2018	Tinlin, Angela	Planning and Environment	Cessnock Local Environmental Plan 2011 - Planning Proposal to rezone land at Stonebridge Drive, Cessnock from RE2 Private Recreation to R2 Low Density Residential and include Multi-dwelling housing as an Additional Permitted Use	11/12/2019	
<a href="#">708</a> <b>MOTION</b> 708 <b>RESOLVED</b>	<b>Moved:</b>	Curtis, Gareth Councillor Suvaal	<b>Seconded:</b>	Councillor Burke		
1.	<p><b>That Council forward the Planning Proposal to the Department of Planning and Environment seeking a ‘Gateway determination.’</b></p>					
2.	<p><b>That the Planning Proposal is amended prior to its referral to the Department of Planning and Environment to remove the existing Additional Permitted Use of ‘hotel or motel accommodation’ from the site the subject of the Planning Proposal.</b></p>					
3.	<p><b>That Council undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.</b></p>					
4.	<p><b>That Council receive a report back on the Planning Proposal if written objections are received during the consultation with the community; otherwise forward the Planning Proposal to the Department of Planning and Environment requesting the plan be made.</b></p>					
<p>19 Dec 2018 - 8:36 AM - Angela Tinlin</p> <p>2. Planning Proposal amended to remove existing Additional Permitted Use of 'hotel or motel accommodation' from subject site of Planning Proposal.</p> <p>1. Planning Proposal forwarded to Department of Planning and Environment 18 December 2018-confirmation of receipt received. (DOC2018/109641 and DOC2018/109758)</p> <p>3. Pending Gateway</p> <p>4. Pending Gateway</p> <p>8 Feb 2019 - 8:31 AM - Angela Tinlin</p> <p>Gateway determination still pending.</p> <p>8 Feb 2019 - 8:32 AM - Angela Tinlin</p> <p>Revised Target Date changed by: Tinlin, Angela From: 9 Jan 2019 To: 11 Dec 2019</p> <p>5 Mar 2019 - 2:05 PM - Angela Tinlin</p>						



Gateway determination still pending.  
 4 Apr 2019 - 9:14 AM - Angela Tinlin  
 Gateway determination still pending.  
 2 May 2019 - 10:53 AM - Angela Tinlin  
 Gateway determination still pending. Additional information requested from proponent.  
 3 Jun 2019 - 1:28 PM - Angela Tinlin  
 Gateway determination still pending. Additional information received. Internal review underway.  
 1 Jul 2019 - 1:32 PM - Angela Tinlin  
 Gateway determination still pending. Additional information received. Internal review underway.  
 7 Aug 2019 - 12:02 PM - Angela Tinlin  
 Gateway determination still pending. Additional information requested of proponent.  
 2 Oct 2019 - 2:06 PM - Angela Tinlin  
 Gateway determination still pending. Additional information requested.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE88/2018	Ordinary Council 12/12/2018	O'Connor, Joe	Planning and Environment	Draft Cessnock Airport Strategic Plan	31/10/2019	
<a href="#">713</a> <b>MOTION</b> 713 <b>RESOLVED</b>	<b>Moved:</b>	Curtis, Gareth Councillor Suvaal	<b>Seconded:</b>	Councillor Burke		
<ol style="list-style-type: none"> <li>That Council place the draft Cessnock Airport Strategic Plan 2018 and associated 5 year Business Plan on public exhibition early in 2019 for a period of 28 days.</li> <li>That Council consider the implications of the Draft Strategic Plan in the assessment of Development Application for activities at the Airport.</li> <li>That Council be provided with a report following public exhibition of the draft Cessnock Airport Strategic Plan 2018 detailing the outcomes of the public exhibition.</li> </ol>						
<p>7 Feb 2019 - 1:40 PM - Dan Luscombe                      Revised Target Date changed by: Luscombe, Dan From: 9 Jan 2019 To: 01 Mar 2019                      7 Feb 2019 - 1:40 PM - Dan Luscombe                      On public exhibition until 28/2.                      7 Feb 2019 - 1:41 PM - Dan Luscombe                      Revised Target Date changed by: Luscombe, Dan From: 1 Mar 2019 To: 01 Apr 2019                      4 Apr 2019 - 3:47 PM - Martin Johnson                      Revised Target Date changed by: Johnson, Martin From: 1 Apr 2019 To: 30 Jun 2019                      Reason: Draft Strategic Plan under review following public exhibition and receipt of submissions                      2 May 2019 - 9:31 AM - Sandra Richardson                      Action reassigned to O'Connor, Joe by: Richardson, Sandra for the reason: Dan Luscombe no longer working at Council.                      1 Jul 2019 - 4:54 PM - Hannah McCauley                      Revised Target Date changed by: McCauley, Hannah From: 30 Jun 2019 To: 31 Jul 2019                      Reason: Draft Strategic Plan under review following public exhibition and receipt of submissions                      11 Jul 2019 - 4:25 PM - Martin Johnson                      Recommendations 1 and 2 completed.                      Report on post exhibition to be tabled to the next Strategic Property &amp; Community Facilities Committee.                      11 Jul 2019 - 4:26 PM - Martin Johnson                      Revised Target Date changed by: Johnson, Martin From: 31 Jul 2019 To: 31 Oct 2019                      Reason: Draft Strategic Plan under review following public exhibition and receipt of submissions</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE9/2019	Ordinary Council 6/03/2019	O'Connor, Joe	Planning and Environment	Vineyard Grove Stage 8 Development	31/10/2019	
<a href="#">784</a> <b>MOTION</b> 784 <b>RESOLVED</b>	<b>Moved:</b>	Curtis, Gareth Councillor Burke	<b>Seconded:</b>	Councillor Sander		
1.	That Council sell proposed lots 801 to 841 being part of Lot 1210 DP1102977 of the Vineyard Grove Stage 8 development and authorise the General Manager to negotiate the sale(s) for no less than 90% of the independent valuation obtained.					
2.	That Council authorise the General Manager to sign all documents associated with the e-conveyancing transactions including a Client Authorisation form to Council's legal representative to effect the sale of proposed lots 801 to 841 being part of Lot1210 DP1102977 of the Vineyard Grove Stage 8 Development.					
3.	That Council authorise the Common Seal of Cessnock City Council to be affixed to all documents relating to the plan of subdivision and sale of the proposed lots 801 to 841 being part of Lot1210 DP1102977 of the Vineyard Grove Stage 8 Development, and authorise the Mayor and General Manager to execute those documents.					
<p>8 Mar 2019 - 10:57 AM - Joe O'Connor The actions have been commenced as per the resolutions. Updates will be provided to the Strategic Property and Community Facilities Committee upon completion of project milestones.</p> <p>8 Mar 2019 - 10:59 AM - Joe O'Connor Revised Target Date changed by: O'Connor, Joe From: 3 Apr 2019 To: 30 Jun 2019</p> <p>3 May 2019 - 2:20 PM - Joe O'Connor Currently awaiting the determination of the section 4.55, which is anticipated to be reported to Council in the near future.</p> <p>1 Jul 2019 - 4:55 PM - Hannah McCauley Revised Target Date changed by: McCauley, Hannah From: 30 Jun 2019 To: 31 Jul 2019 Reason: Pending approval of S4.55 application.</p> <p>11 Jul 2019 - 4:30 PM - Martin Johnson Revised Target Date changed by: Johnson, Martin From: 31 Jul 2019 To: 31 Oct 2019 Reason: Pending approval of S4.55 application.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI12/2019	Ordinary Council 6/03/2019	Eveleigh, Nathan	Works and Infrastructure	Naming of Park, Quarry Street, Cessnock	31/10/2019	
<b>MOTION</b> 790 <b>RESOLVED</b>	<b>Moved:</b>	Fitzpatrick-Barr, Justin Councillor Burke	<b>Seconded:</b>	Councillor Lyons		
1.	That Council formally names the park locally known as Quarry Street Park as "Freemasons Park" subject to gazettal by the Geographical Names Board of NSW.					
2.	That if approval is received from the Geographical Names Board of NSW, Council install appropriate signage.					
3.	That the Lodge Cessnock, as the applicant for the naming be notified of the outcome of the application.					
<p>15 Mar 2019 - 11:17 AM - Nathan Eveleigh Place Name Application &amp; supporting documents sent to GNB on 15/3/2019 (DOC2019/025514).</p> <p>21 Mar 2019 - 10:42 AM - Nathan Eveleigh Advised by the Geographical Names Board (GNB) that the naming proposal will be considered at it's 14 May 2019 meeting. The Lodge Cessnock have been updated accordingly.</p> <p>17 Jun 2019 - 8:26 AM - Nathan Eveleigh Naming Proposal to be exhibited by the GNB 19 June - 19 July 2019. GNB will advise of outcome following their exhibition period as to the outcome of Council's application.</p> <p>8 Jul 2019 - 10:36 AM - Nicole Benson</p>						

Officers have been advised by the GNB that the reserve can be officially assigned on 26 July 2019 if no objections are received. Otherwise the matter will be considered at a board meeting.  
 26 Aug 2019 - 11:34 AM - Nathan Eveleigh  
 Additional report & resolution sent to GNB as requested by GNB. Proposal will be considered at 10 September Board meeting.  
 11 Sep 2019 - 3:23 PM - Nathan Eveleigh  
 At the GNB meeting held on 10/9/19, the Board approved the name Freemasons Park to be recommended to the Minister. Once a determination is finalised by the Minister, the GNB will notify Council accordingly.  
 2 Oct 2019 - 11:34 AM - Vickie Stovell  
 Revised Target Date changed by: Stovell, Vickie From: 30 Sep 2019 To: 31 Oct 2019  
 Reason: Awaiting the outcome of the Ministers sign-off of the proposal from GNB.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI18/2018	Ordinary Council 7/03/2018	Harris, Kate	Works and Infrastructure	Options for Cessnock Pool	31/10/2019	
<a href="#">441</a> <b>MOTION</b> 441 <b>RESOLVED</b>	<b>Moved:</b>	Fitzpatrick-Barr, Justin Councillor Gray	<b>Seconded:</b>	Councillor Sander		
<ol style="list-style-type: none"> <li>1. That Council notes the Report and endorses Option C (relocate to Turner Park) as the long term strategic direction for Cessnock Pool.</li> <li>2. That Council undertakes further work to determine the scope, design and cost of Option C (relocate to Turner Park), incorporating indoor and outdoor water and play features, with an estimated capital cost of up to \$20M to be partly funded through development contributions.</li> <li>3. That Council endorses Option B (upgrade at current location) as an interim strategic direction for Cessnock Pool.</li> <li>4. That Council undertakes further work to develop the scope, design and cost of upgrades identified in Option B (upgrade at current location).</li> <li>5. That Council receives a further report on how Options B (upgrade at current location) and C (relocate to Turner Park) will be staged and funded with consideration to the outcomes and recommendations of the Review of Plant at the existing Cessnock Pool.</li> </ol>						
<p>19 Mar 2018 - 3:19 PM - Rebecca Bailey                      Work on upgrade to current location has commenced. Work on scope design, and cost for relocation to Turner Park is presently unfunded. Report to Council on these matters scheduled for late 2018.                      14 Jun 2018 - 9:52 AM - Kristy Meyers                      Ongoing.                      31 Oct 2018 - 10:48 AM - Natalie McCloy                      Revised Target Date changed by: McCloy, Natalie From: 1 Nov 2018 To: 06 Mar 2019                      Reason: Design Brief currently being developed with a view to finalise in November 2019                      5 Mar 2019 - 11:44 AM - Vickie Stovell                      Revised Target Date changed by: Stovell, Vickie From: 6 Mar 2019 To: 29 Mar 2019                      Reason: Design brief advertised and closes on 22 March 2019. Once a consultant has been engaged the timeframes will be added.                      17 Apr 2019 - 12:43 PM - Natalie McCloy                      Revised Target Date changed by: McCloy, Natalie From: 29 Mar 2019 To: 19 Apr 2019                      Reason: Design brief closed. Consultant to be engaged.                      7 Jun 2019 - 8:40 AM - Natalie McCloy                      Revised Target Date changed by: McCloy, Natalie From: 19 Jun 2019 To: 19 Jun 2019                      Reason: Facility Design Group has been engaged. Community engagement has commenced.                      10 Jul 2019 - 9:17 AM - Nicole Benson</p> <ol style="list-style-type: none"> <li>1. Complete</li> <li>2. Pending a budget allocation</li> <li>3. Complete</li> <li>4. Works underway and report to Council due September</li> <li>5. Reliant on resolution 4 to be finalised</li> </ol> <p>3 Sep 2019 - 12:20 PM - Nicole Benson</p>						

- 1. Complete
  - 2. Pending budget allocation
  - 3. Noted
  - 4. Council briefed on 28 August and report to be considered on 18 September
  - 5. Reliant on resolution 4 to be finalised
- 15 Oct 2019 - 7:22 AM - Kate Harris
- 1. Complete
  - 2. Pending budget allocation
  - 3. Noted
  - 4. Draft Cessnock Pool Masterplan placed on Public Exhibition. Exhibition period closes on 22 October 2019.
  - 5. Reliant on resolution 4 to be finalised

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI18/2019	Ordinary Council 17/04/2019	Jeffery, Warren	Deferred Business	Proposed Road Closure between Halls Road and De Beyers Road Pokolbin	25/03/2020	
<a href="#">862</a> <b>MOTION</b> 862 <b>RESOLVED</b>	<b>Moved:</b>	Fitzpatrick-Barr, Justin Councillor Suvaal	<b>Seconded:</b>	Councillor Lyons		
1.	<b>That Council resolve to not close the Council public road between Halls Road and De Beyers Road Pokolbin as indicated in the Property Location Plan.</b>					
2.	<b>That the General Manager write to those who made submissions, informing them of Council's decision.</b>					
3.	<b>That the General Manager notify Google Maps and any other relevant mapping agencies that this is not a public road and should not show on their software.</b>					
4.	<b>That Council upgrade the existing road barriers to prevent car traffic but still allow for pedestrian and bicycle traffic flow in consultation with adjoining land owners.</b>					
5.	<b>That Council work to amend traffic management plans for major events in the surrounding areas to include measures to reduce traffic flow into Halls Road.</b>					
6.	<b>That a report come back to Council in 12 months to update Council on whether the traffic management items outlined above have reduced problem traffic incidents in the area.</b>					
7.	<b>That in the report to come back in 12 months time Council identify whether this road reserve will be included in the future vineyard cycleway plan.</b>					
<p>3 May 2019 - 8:58 AM - Bruce Hughes</p> <p>Item 1 - Noted</p> <p>Item 2 - Sent letters</p> <p>Item 3 - Checked Googlemaps and road not showing as being trafficable by motor vehicles</p> <p>Item 4 - Preparing signage and barrier plans</p> <p>Item 5 - Noted</p> <p>Item 6 - Drafted report template for Council's ordinary meeting 6 May 2020</p> <p>Item 7 - Noted</p> <p>4 Jun 2019 - 8:51 AM - Tracey Cocking</p> <p>Item 4 - CRM 7440/2019 generated for additional signage and works have been complete.</p> <p>Item 5 - Held meeting with stakeholders to amend TMP to include Halls Road</p> <p>27 Jun 2019 - 10:19 AM - Tracey Cocking</p> <p>Item 6 - Preparing report to Council by April 2020</p> <p>Item 7 - Preparing report to Council by April 2020</p> <p>9 Sep 2019 - 3:46 PM - Warren Jeffery</p> <p>Item 6 - Reviewing effectiveness of relevant traffic management measures to inform the report to Council due by April 2020</p> <p>Item 7 - Preparing report to Council by April 2020</p> <p>10 Oct 2019 - 10:54 AM - Tracey Cocking</p>						

Item 6 - Reviewing effectiveness of relevant traffic management measures to inform the report to Council due by April 2020  
 Item 7 - Preparing report to Council by April 2020

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI22/2019	Ordinary Council 17/04/2019	Johnson, Martin	Works and Infrastructure	Upgrade Carpark P8, 232A Wollombi Road, rear of Cessnock Hotel	31/10/2019	
<b>MOTION</b> 877 <b>RESOLVED</b>	<b>Moved:</b>	Curtis, Gareth Councillor Fitzgibbon	<b>Seconded:</b>	Councillor Sander		
<p><b>That the report be deferred until the adjoining property issues are resolved through the Strategic Property Committee.</b></p> <p>6 May 2019 - 4:18 PM - Tracey Cocking                      Revised Target Date changed by: Cocking, Tracey From: 15 May 2019 To: 29 Jun 2019                      Reason: Council resolved to defer report until adjoining property issues are resolved through Strategic Property Committee.</p> <p>6 May 2019 - 4:34 PM - Tracey Cocking                      Noted.</p> <p>6 May 2019 - 4:44 PM - Tracey Cocking                      Action reassigned to Johnson, Martin by: Cocking, Tracey for the reason: For advice when adjoining property issues are resolved.</p> <p>2 Jul 2019 - 3:21 PM - Martin Johnson                      Revised Target Date changed by: Johnson, Martin From: 29 Jun 2019 To: 21 Aug 2019                      Reason: Council resolved to defer report until adjoining property issues are resolved through Strategic Property Committee.</p> <p>2 Jul 2019 - 3:21 PM - Martin Johnson                      Revised Target Date changed by: Johnson, Martin From: 21 Aug 2019 To: 21 Aug 2019                      Reason: Council resolved to defer report until adjoining property issues are resolved through Strategic Property Committee.</p> <p>2 Jul 2019 - 3:47 PM - Martin Johnson                      Revised Target Date changed by: Johnson, Martin From: 21 Aug 2019 To: 21 Aug 2019                      Reason: Council resolved to defer report until adjoining property issues are resolved through Strategic Property Committee.</p> <p>3 Jul 2019 - 11:09 AM - Martin Johnson                      Negotiation with owner of 2-4 Allendale Road ongoing</p> <p>11 Jul 2019 - 4:33 PM - Martin Johnson                      Revised Target Date changed by: Johnson, Martin From: 21 Aug 2019 To: 31 Oct 2019                      Reason: Council resolved to defer report until adjoining property issues are resolved through Strategic Property Committee.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI31/2019	Ordinary Council 5/06/2019	Jeffery, Warren	Works and Infrastructure	Helena Street Ellalong - Petition re Bus Stop and Shelter	6/11/2019	
<b>MOTION</b> 931 <b>RESOLVED</b>	<b>Moved:</b>	Fitzpatrick-Barr, Justin Councillor Dagg	<b>Seconded:</b>	Councillor Burke		
<p>1. That Council, in consultation with Rover Motors and the community assess the needs of a future bus shelter in Ellalong.</p> <p>2. That a report on Ellalong come back to Council within 3 months with a broader consultation on the LGA within 12 months.</p> <p>7 Jun 2019 - 10:39 AM - Tracey Cocking Item 1 - Consultation commenced with Rover Motors. Item 2 - Preparing Report on Ellalong for meeting 4 Sept 2019, and preparing report on LGA for meeting June 2020.</p> <p>4 Jul 2019 - 2:43 PM - Rachael O'Hara Item 1 - Consultation ongoing with Rover Motors Item 2 - Preparing community consultation and gathering data on LGA. Report on Ellalong due by September 2019, LGA report due by June 2020.</p> <p>5 Aug 2019 - 3:25 PM - Tracey Cocking Item 1 - Consultation ongoing with Rover Motors Item 2 - Commenced Community engagement, submissions close 14/08/19 - See DOC2019/071900.</p> <p>5 Sep 2019 - 10:45 AM - Tracey Cocking Item 1 - Community consultation concluded 21 August 2019. Item 2 - Report on Ellalong presented at Ordinary Meeting of 4 September 2019. Broader report due by June 2020.</p> <p>9 Sep 2019 - 4:25 PM - Warren Jeffery Item 1 - Community consultation concluded 21 August 2019. No responses received. Item 2 - Report on Ellalong presented at Ordinary Meeting of 4 September 2019 and it was resolved to allow Helena Street to operate as a hail and ride bus service. Broader report relating to LGA bus stop infrastructure to be presented by June 2020.</p> <p>10 Oct 2019 - 10:41 AM - Tracey Cocking Item 2 - Developing broader report relating to LGA bus stop infrastructure to be presented by June 2020.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI32/2019	Ordinary Council 5/06/2019	Vandermeer, Warren	Works and Infrastructure	Henderson Avenue and Marlton Street, Cessnock and Cruickshank Street, Bellbird	15/01/2020	
<b>MOTION</b> 932 <b>RESOLVED</b>	<b>Moved:</b>	Fitzpatrick-Barr, Justin Councillor Suvaal	<b>Seconded:</b>	Councillor Gray		
<p>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</p> <p>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.</p> <p>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.</p> <p>18 Jun 2019 - 9:02 AM - Rachael O'Hara Item 1 - Noted Item 2 - Noted Item 3 - Listed for inclusion in the Operational Plan 2019-20. Drafting a report to Council.</p> <p>4 Jul 2019 - 7:51 AM - Warren Vandermeer</p>						

Item 3 - Projects listed for Investigation & Design in Local Road Renewal Program. Preparing report for Council.  
 10 Sep 2019 - 11:18 AM - Warren Vandermeer  
 Item 3 - Awaiting results of Geotechnical report to determine treatment options for design.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI35/2017	Ordinary Council 21/06/2017	Hughes, Bruce	Works and Infrastructure	Hydro Aluminium Kurri Kurri Pty Ltd Proposed Road Closures	4/12/2019	
<a href="#">278</a> <b>MOTION</b> 278 <b>RESOLVED</b>	<b>Moved:</b>	Fitzpatrick-Barr, Justin Councillor Burke	<b>Seconded:</b>	Councillor Sander		
1.	<b>That Council resolve to make an application to NSW Department of Industry - Lands to close those parts of Bishops Bridge Road, McGarva Avenue, Horton Road and Dickson Road (hereafter referred to as Proposed Closed Roads) as indicated in the Property Location Plan in accordance with the provisions of the Roads Act 1993.</b>					
2.	<b>That Council comply with the provisions of Section 35 of the Roads Act 1993 and the Memorandum of Understanding entered into with the Department of Lands, now the NSW Department of Industry - Lands, with respect to notifications and advertising in the local newspaper.</b>					
3.	<b>That provided no unresolved submissions are received following notifications and advertising, Council proceed under the provisions of Section 37 of the Roads Act 1993 to advise NSW Department of Industry - Lands to place a notice in the Government Gazette to close the Proposed Closed Roads.</b>					
4.	<b>That Council authorise the Common Seal of Cessnock City Council to be affixed to the Plan of Road Closure if required.</b>					
5.	<b>That Council authorise the Mayor and the General Manager to execute the Plan of Road Closure for the Proposed Closed Roads if required.</b>					
6.	<b>That following successful Gazettal of the closed roads and the land vesting in Council, Council grant to the General Manager delegated authority to negotiate the sale (based on an independent valuation) by private treaty with the adjoining landowner.</b>					
<p>8 Aug 2017 - 2:43 PM - Bruce Hughes                      Council has completed the first step in advertising the proposal and waiting 28 days for any submissions. The searches necessary to make application to Crown Lands have also been completed. Next step is to make application to Crown Lands for the proposed closure.                      10 Oct 2017 - 9:42 AM - Bruce Hughes                      Item 1 - Council has made an application to NSW Department of Industry - Lands to close the subject roads.                      Item 2 - Council has advertised the proposed road closures in the local newspaper and notified the necessary agencies. The Department requested Council notify two additional agencies.                      item 3 - Council is presently waiting the required minimum 28 days for any submissions from these agencies before proceeding.                      Item 4 - Awaiting the notification, advertising and allowing for submissions to be completed prior to this action.                      Item 5 - Awaiting the notification, advertising and allowing for submissions to be completed prior to this action.                      Item 6 - Awaiting the notification, advertising and allowing for submissions to be completed prior to this action.                      6 Nov 2017 - 2:17 PM - Rachael O'Hara                      Item 1 - Council has made an application to NSW Department of Industry - Lands to close the subject roads.                      Item 2 - Council has advertised the proposed road closures in the local newspaper and notified the necessary agencies.                      item 3 - Awaiting NSW Department of Industry - Lands to assess the application prior to completing this action.                      Item 4 - Awaiting NSW Department of Industry - Lands to assess the application prior to completing this action.                      Item 5 - Awaiting NSW Department of Industry - Lands to assess the application prior to completing this action.                      Item 6 - Awaiting NSW Department of Industry - Lands to assess the application prior to completing this action.                      12 Feb 2018 - 11:28 AM - Bruce Hughes                      Previous notes still current                      4 Apr 2018 - 2:17 PM - Bruce Hughes                      Previous notes still current                      12 Jul 2018 - 1:40 PM - Katrina Kerr</p>						



Item 1 - Completed.  
Item 2 - Completed.  
Item 3 - Awaiting NSW Dept of Industry.  
Item 4 - Awaiting NSW Dept of Industry.  
Item 5 - Awaiting NSW Dept of Industry.  
Item 6 - Awaiting NSW Dept of Industry.  
*8 Aug 2018 - 3:01 PM - Bruce Hughes*  
Item 3 - Waiting on further information from the Applicant due to a change in legislation.  
Item 4 - Awaiting the resolution of submissions to be completed prior to this action.  
Item 5 - Awaiting the resolution of submissions to be completed prior to this action.  
*25 Oct 2018 - 2:11 PM - Bruce Hughes*  
Item 3 - Followed up with applicant and still waiting for further information  
Item 4 - Awaiting the resolution of submissions to be completed prior to this action  
Item 5 - Awaiting the resolution of submissions to be completed prior to this action  
Item 6 - Awaiting the resolution of submissions to be completed prior to this action  
*4 Feb 2019 - 11:20 AM - Bruce Hughes*  
Item 3 - Followed up with applicant and still waiting for further information  
Item 4 - Awaiting the resolution of submissions to be completed prior to this action  
Item 5 - Awaiting the resolution of submissions to be completed prior to this action  
Item 6 - Awaiting the resolution of submissions to be completed prior to this action  
*6 Mar 2019 - 11:41 AM - Bruce Hughes*  
Item 3 - Awaiting advice from applicant before proceeding  
Item 4 - Item 3 needs to be completed before proceeding  
Item 5 - Item 3 needs to be completed before proceeding  
Item 6 - Item 3 needs to be completed before proceeding  
*3 May 2019 - 8:47 AM - Bruce Hughes*  
Item 3 - Followed up with applicant and awaiting advice before proceeding  
Item 4 - Item 3 needs to be completed before proceeding  
Item 5 - Item 3 needs to be completed before proceeding  
Item 6 - Item 3 needs to be completed before proceeding  
*5 Jul 2019 - 11:43 AM - Bruce Hughes*  
Item 3 - Contacted applicant seven times. Awaiting advice before proceeding  
Item 4 - Item 3 needs to be completed before proceeding  
Item 5 - Item 3 needs to be completed before proceeding  
Item 6 - Item 3 needs to be completed before proceeding  
*9 Sep 2019 - 11:45 AM - Bruce Hughes*  
Revised Target Date changed by: Hughes, Bruce From: 2 Oct 2019 To: 04 Dec 2019  
Reason: Waiting on advice from Hydro before proceeding  
*9 Sep 2019 - 11:46 AM - Bruce Hughes*  
Item 3 - Contacted applicant in August. Awaiting advice before proceeding  
Item 4 - Item 3 needs to be completed before proceeding  
Item 5 - Item 3 needs to be completed before proceeding  
Item 6 - Item 3 needs to be completed before proceeding



Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI35/2019	Ordinary Council 19/06/2019	Leayr, Renae	Works and Infrastructure	Hart Road & Gingers Lane, Sawyers Gully - Upgrade Traffic Management	29/11/2019	
<b>MOTION</b> 939	<b>Moved:</b>	Fitzpatrick-Barr, Justin Councillor Sander	<b>Seconded:</b>	Councillor Gray		
<b>RESOLVED</b>						
1.	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.					
2.	That Council consults with the community surrounding Gingers Lane at every stage of the project through direct mail out, social media, community newsletter and 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 and Metcalfe Lane.					
3.	That the residents of Gingers Lane be invited in and given the same presentation that Councillors were given.					
4.	That a further report come back to Council outlining strategies to manage the potential increased traffic on Metcalfe Lane.					
2 Jul 2019 - 12:18 PM - Kelly Bates						
Item 1 - Noted						
Item 2 - Updated Community Consultation Plan to included additional community engagement						
Item 3 - Commenced discussions with Community Group representative to schedule presentations						
Item 4 - Drafting report						
9 Aug 2019 - 8:53 AM - Kelly Bates						
Item 1 - Noted						
Item 2 - Updated Community Consultation Plan to included additional community engagement						
Item 3 - Delivered presentations to the community week ending 26 July 2019						
Item 4 - Drafting Report						
11 Sep 2019 - 2:27 PM - Kelly Bates						
Item 1 - Noted						
Item 2 - Updated Community Consultation Plan						
Item 3 - Delivered presentations to the community						
Item 4 - Report Drafted						
15 Oct 2019 - 2:51 PM - Renae Leayr						
Item 1 - Noted						
Item 2 - Updated Community Consultation Plan						
Item 3 - Delivered presentations to the community						
Item 4 - Prepared report for November meeting						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI37/2019	Ordinary Council 3/07/2019	Benson, Nicole	Works and Infrastructure	Request for Sponsorship - Central Hunter Business Chamber - Celebrating Greta Army Camp 1939-1960	31/01/2020	
<a href="#">895</a> <b>MOTION</b> 895 <b>RESOLVED</b>	<b>Moved:</b>	Fitzpatrick-Barr, Justin Councillor Dagg	<b>Seconded:</b>	Councillor Suvaal		
<ol style="list-style-type: none"> <li>1. That Council provides in-kind support to the Central Hunter Business Chamber by supplying 800m of safety bunting at an estimated cost of \$850.</li> <li>2. That Council waives the fees associated with the provision of 80 garbage bins.</li> <li>3. That Council provides \$12,955 (GST exclusive) sponsorship for Celebrating Greta Army Camp 1939 – 1960 with funding from the Tourism Related Project funding.</li> <li>4. That the Central Hunter Business Chamber provide an acquittal of the sponsorship within 60 days of the event.</li> </ol> <p>8 Jul 2019 - 3:16 PM - Kristy Meyers                      Item 1 - Safety bunting to be provided by Stores                      Item 2 - Provision of 80 garbage bins to be supplied and fees waived by Environment &amp; Waste                      Item 3 - \$12,955 for sponsorship to be provided and arrange by Finance (DOC2019/067711)                      Item 4 - Acquittal will be due in January 2020.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI4/2019	Ordinary Council 6/02/2019	Leayr, Renae	Works and Infrastructure	Tender Evaluation Report T1718-13 Roadworks associated with Fosters Bridge Replacement	20/12/2019	
<a href="#">742</a> <b>MOTION</b> 742 <b>RESOLVED</b>	<b>Moved:</b>	Fitzpatrick-Barr, Justin Councillor Lyons	<b>Seconded:</b>	Councillor Gray		
<ol style="list-style-type: none"> <li>1. That Council decline to accept any tenders;</li> <li>2. That Council decline to invite fresh tenders due to the fact that the tendered amount exceeds Council's allocated funding for the project;</li> <li>3. That the General Manager investigate potential for Council to carry out the requirements of the proposed contract itself, subject to approval from the funding body, or alternatively enter into negotiations with a suitable road contractor with a view to entering into a contract within the project budget for a reduced scope of roadworks associated with Fosters Bridge replacement.</li> </ol> <p>11 Feb 2019 - 11:49 AM - Rachael O'Hara                      Item 1 - Noted.                      Item 2 - Noted                      Item 3 - Preparing Negotiation Plan                      13 Mar 2019 - 10:18 AM - Kelly Bates                      Item 3 - Prepared revised scope and seeking approval from funding body                      7 May 2019 - 9:49 AM - Renae Leayr                      Item 3 - Commenced procurement of Road Safety Audit to inform scope and design.                      3 Jun 2019 - 3:02 PM - Renae Leayr                      Item 3 - Engaged consultant to undertake road safety audit.                      4 Jul 2019 - 1:42 PM - Rachael O'Hara                      Item 3 - Progressed Road Safety Audit and scoping for road work.                      8 Aug 2019 - 6:01 PM - Renae Leayr                      Item 3 - Completed Road Safety Audit. Progressing to design.                      3 Sep 2019 - 3:54 PM - Renae Leayr</p>						

Item 3 - Requested written confirmation from funding body for approval for internal construction and listed in 2019-2020 Local Road Construction program.  
 15 Oct 2019 - 2:40 PM - Renae Leayr  
 Item 1 - Noted.  
 Item 2 - Noted.  
 Item 3 - Awaiting approval from funding to undertake internal construction.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI40/2019	Ordinary Council 17/07/2019	Vandermeer, Warren	Works and Infrastructure	Minutes of the Local Traffic Committee of 24 June 2019	6/11/2019	
<a href="#">921</a> <b>MOTION</b>	<b>Moved:</b>	Fitzpatrick-Barr, Justin Councillor Sander	<b>Seconded:</b>	Councillor Fitzgibbon		
921 <b>RESOLVED</b>						
1.	That the Minutes of the Local Traffic Committee of 24 June 2019 be adopted as a resolution of the Ordinary Council, with the exception of TC20/2019 – Heddon Street, Kurri Kurri:					
1.	TC21/2019 - That Council authorise the temporary regulation of traffic for the winery running festival in accordance with the enclosed various roads Rothbury, winery running festival TCP's.					
2.	TC22/2019 - That Council authorise installation of line marking at the intersection of Sandy Creek Road and Wollong Road, Quorrobolong in accordance with the enclosed Sandy Creek Road Quorrobolong, signage and line marking diagram.					
3.	TC23/2019 - That Council authorise installation of line marking on Colliery Street, Aberdare in accordance with the enclosed Colliery Street Aberdare, line marking diagrams.					
4.	TC24/2019 - That Council authorise installation of bus zone signage on Vincent Street, Cessnock, in accordance with the enclosed Vincent Street Cessnock bus zone signage diagram.					
5.	TC25/2019 - That Council authorise installation of line marking at the intersection of Barton and Stanford Streets, Kurri Kurri in accordance with the enclosed Barton Street Kurri Kurri, line marking diagram.					
6.	TC26/2019 - That Council authorise installation of signage and line marking on Rugby and Olney Streets, Ellalong in accordance with the enclosed Rugby Street Ellalong, signage and line marking diagram.					
7.	TC27/2019 - That Council authorise installation of line marking on McDonalds Road Pokolbin, in accordance with the enclosed McDonalds Road Pokolbin, line marking diagram.					
2.	TC20/2019 – Heddon Street Kurri Kurri – that this matter be referred to the General Manager for review to back to grass nature strip and further report back to Council.					
<p>8 Aug 2019 - 9:27 AM - Nathan Goodbun                      Item 1.1 - Provided approval to applicant 18 July 2019                      Item 1.2 - Preparing detailed plans and CRM to works                      Item 1.3 - Preparing detailed plans and CRM to works                      Item 1.4 - Preparing detailed plans and CRM to works                      Item 1.5 - Advised Development services of approval                      Item 1.6 - Works currently being completed                      Item 1.7 - Advised Development services of approval                      Item 2 - Preparing report to Council                      2 Sep 2019 - 2:16 PM - Nathan Goodbun                      Item 1.2 - Issued CRM 16206/2019 to Works &amp; Ops.                      Item 1.3 - Scheduled for resurfacing prior to line marking.                      Item 1.4 - Issued CRM 16213/2019 to Works &amp; Ops.                      Item 1.6 - Issued CRM 16149/2019 to Works &amp; Ops.                      Item 2 - Roads to prepare report.                      5 Sep 2019 - 9:58 AM - Tracey Cocking                      Item 2 - Allocation to Roads Officers to prepare report to Council.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI42/2019	Ordinary Council 17/07/2019	Benson, Nicole	Works and Infrastructure	Stronger Country Communities Fund Round Three 2019	10/01/2020	
<a href="#">923</a> <b>MOTION</b> 923 <b>RESOLVED</b>	<b>Moved:</b>	Fitzpatrick-Barr, Justin Councillor Fitzgibbon	<b>Seconded:</b>	Councillor Gray		
<p>1. That Council endorses the submission of four applications under Round Three of the Stronger Country Communities Fund program for the following projects:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Splashpad for Cessnock Pool</li> <li><input type="checkbox"/> Commercial Kitchen at CYCOS</li> <li><input type="checkbox"/> Sporting amenities replacement at Birralee Park</li> <li><input type="checkbox"/> Cessnock Regional Skatepark</li> </ul> <p>2. That if applications are successful Council contributes up to \$400,000 in co-contribution funding for the Cessnock Regional Skatepark project.</p> <p>31 Jul 2019 - 1:44 PM - Nicole Benson Item 1 - COMPLETE Item 2 - awaiting outcome of application 12 Aug 2019 - 10:37 AM - Kelly Paterson Item 2 - Announcement of successful projects From January 2020</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI47/2019	Ordinary Council 7/08/2019	Eveleigh, Nathan	Works and Infrastructure	Proposal to Rename Rotary Park, Kurri Kurri	31/10/2019	
<a href="#">942</a> <b>MOTION</b> 942 <b>RESOLVED</b>	<b>Moved:</b>	Fitzpatrick-Barr, Justin Councillor Gray	<b>Seconded:</b>	Councillor Burke		
<p>1. That Council formally rename Rotary Park Kurri Kurri to "Col Brown Rotary Park".</p> <p>2. That Council complete a Naming Proposal Application for determination and gazettal by the Geographical Names Board of NSW.</p> <p>3. That if assigned as a geographical name by the Geographical Names Board of NSW, Council install appropriate signage.</p> <p>4. That the Rotary Club of Kurri Kurri Inc, as the applicant for the renaming proposal be notified of the outcome of the application.</p> <p>5. That all persons who provided a submission be notified of the outcome of the application.</p> <p>14 Aug 2019 - 12:02 PM - Kelly Paterson Item 1 - Noted Item 2 - Application being prepared Item 3 - Noted Item 4 - Noted Item 4 - Noted 26 Aug 2019 - 11:31 AM - Nathan Eveleigh Item 2 - Place Name Application and supporting documentation sent to GNB. Proposal will be considered at 10 September Board meeting. 13 Sep 2019 - 8:57 AM - Nathan Eveleigh At the GNB meeting held on 10/9/19, the Board endorsed the naming proposal to go out for public comment for 28 days. This will be undertaken in the next 4-6 weeks.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI53/2019	Ordinary Council 21/08/2019	Benson, Nicole	Works and Infrastructure	Quarry Street Cessnock Park Naming	20/11/2019	
<a href="#">941</a> <b>MOTION</b> 941 <b>RESOLVED</b>	<b>Moved:</b>	Fitzpatrick-Barr, Justin Councillor Suvaal	<b>Seconded:</b>	Councillor Fitzgibbon		
1	That Council notes the submissions received by the Geographical Names Board of NSW in relation to the proposed renaming of Quarry Street Park Cessnock.					
2	That Council advises the Geographical Names Board of NSW that it wishes to formally name the park in Cessnock locally known as Quarry Street Park as "Freemasons Park" subject to gazettal by the Geographical Names Board of NSW.					
3	That if approval is received from the Geographical Names Board of NSW, Council install appropriate signage.					
4	That the Lodge Cessnock, as the applicant for the naming be notified of the outcome of the application.					
5	That the General Manager bring a report on the revised Naming of Council Assets Policy back to Council within two months.					
6.	That Council continues to recognise on the site the significance of Quarry Street Park in Cessnock's Coalmining history.					
26 Aug 2019 - 9:00 AM - Nicole Benson						
1. Noted						
2. Application lodged 26/8/19						
3. Pending approval from GNB						
4. Pending approval from GNB						
5. Report underway						
6. Noted						
15 Oct 2019 - 11:14 AM - Kelly Paterson						
Item 1. Noted						
Item 2. GNB advised of resolution. GNB Board endorsed application 10/9/19 report being prepared by GNB for Ministers approval.						
Item 3. Pending approval from Minister/GNB						
Item 4. Pending approval from Minister/GNB						
Item 5. Draft policy considered at Council Meeting 2 October 2019 - Resolved to place on public exhibition pending						
Item 6. Noted						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI57/2019	Ordinary Council 4/09/2019	Vandermeer, Warren	Works and Infrastructure	Allocation of Road Special Rate Variation Funds - 2019-2020	6/11/2019	
<a href="#">975</a> <b>MOTION</b> 975 <b>RESOLVED</b>	<b>Moved:</b>	Fitzpatrick-Barr, Justin Councillor Sander	<b>Seconded:</b>	Councillor Gray		
1.	That Council notes the inherent value of the newly created Special Rate Variation Reserve, which allows for funding to be set aside across financial years in order to undertake specific projects in subsequent years.					
2.	That Council allocates the balance of funds in the Special Rate Variation Reserve to the following projects:					
	<input type="checkbox"/> Sandy Creek Road (Fosters Bridge) - CBS-2016-001 - \$391,369 <input type="checkbox"/> Frame Drive, Abermain (Frame Drive Bridge) - CRL-2019-007 - \$102,000 <input type="checkbox"/> Paynes Crossing Road, (Paynes Crossing Bridge) - CBS-2019-001 - \$336,000 <input type="checkbox"/> Government Road, Cessnock - RRL-2019-010 - \$320,000					

<input type="checkbox"/> Heddon Street, Kurri Kurri - RRL-2019-007 - \$340,000 <input type="checkbox"/> Sanctuary Road, Paxton - RRL-2020-010 - \$310,000
<p>3. That the General Manager bring a report back identifying options to fund the rehabilitation of the section of Government Road, Weston from the bridge to Mitchell Avenue. If any residual funding is available from the 2019/2020 budget programs, this work is to be carried out.</p> <p>5 Sep 2019 - 5:07 PM - Kelly Paterson          Item 1 - Noted          Item 2 - Action assigned to relevant officers as per DOC2019/091985          Item 3 - Report to be drafted          9 Oct 2019 - 10:56 AM - Rachael O'Hara          Item 2 - Preparing rate adjustments          Item 3 - Drafted report</p>

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI59/2019	Ordinary Council 18/09/2019	Benson, Nicole	Works and Infrastructure	Cessnock Pool Masterplan	31/10/2019	
<a href="#">999</a> <b>MOTION</b>	<b>Moved:</b>	Fitzpatrick-Barr, Justin Councillor Lyons	<b>Seconded:</b>	Councillor Gray		
1.	That Council place the draft Cessnock Pool Masterplan on public exhibition for a minimum period of 28 days and invite public submissions.					
2.	That a report on the outcomes of the exhibition be provided to Council prior to adopting the final Masterplan.					
<p>15 Oct 2019 - 11:09 AM - Kelly Paterson            Item 1 - Draft Cessnock Pool Masterplan placed on Public Exhibition. Exhibition period closes on 22 October 2019.            Item 2 - Report to be drafted</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI60/2018	Ordinary Council 1/08/2018	Harris, Kate	Works and Infrastructure	BMX & Skate Facilities Within the Cessnock Local Government Area	31/10/2019	
<a href="#">598</a> <b>MOTION</b> 598 <b>RESOLVED</b>	<b>Moved:</b>	Fitzpatrick-Barr, Justin Councillor Burke	<b>Seconded:</b>	Councillor Lyons		
1.	That Council note the progress of the implementation of the Cessnock Skate and BMX Facilities Needs Assessment 2020.					
2.	That Council complete a detailed review of the Cessnock Skate and BMX Facilities Needs Assessment 2020.					
3.	That following the review, a further report be prepared for Council's consideration outlining key findings and recommendations.					
4.	That following the completion of the Skate and BMX Facilities Needs Assessment, a review is undertaken of the Carmichael Park Masterplan, incorporating findings from the revised assessment as well as Council's adopted Recreation and Open Space Strategic Plan and other relevant documents and reported to Council.					
<p>8 Aug 2018 - 2:02 PM - Kate Harris            Item 1: Noted            Item 2: Review has commenced            Item 3: Further report scheduled for early 2019 due to revision of demographic data            Item 4: To commence at the completion of item 2.</p>						

8 Aug 2018 - 2:11 PM - Kate Harris  
 Revised Target Date changed by: Harris, Kate From: 29 Aug 2018 To: 21 Nov 2018  
 Reason: The review of the BMX and Skate Facilities Needs Assessment needs to occur prior to reporting back to Council

13 Nov 2018 - 4:30 PM - Nicole Benson  
 Revised Target Date changed by: Benson, Nicole From: 21 Nov 2018 To: 28 Feb 2019  
 Reason: The review of the BMX and Skate Facilities Needs Assessment needs to occur prior to reporting back to Council

5 Mar 2019 - 11:45 AM - Vickie Stovell  
 Revised Target Date changed by: Stovell, Vickie From: 28 Feb 2019 To: 31 May 2019  
 Reason: A detailed audit/condition assessment is required to be undertaken for Council's 3 existing skateparks. Outcomes from this audit will inform the Needs Assessment and enable the strategy to be completed.

7 Jun 2019 - 8:51 AM - Natalie McCloy  
 1. Complete  
 2. Complete  
 3. Report being drafted  
 4. Carmichael Park Masterplan scheduled for 2019/20 FY

3 Sep 2019 - 12:28 PM - Nicole Benson  
 Item 1: Complete  
 Item 2: Complete  
 Item 3: Report in draft format  
 Item 4: Carmichael Park Masterplan scheduled for 19/20 FY

10 Sep 2019 - 1:19 PM - Natalie McCloy  
 Item 1: Complete  
 Item 2: Complete  
 Item 3: Report in draft format  
 Item 4: A consultant has been engaged to prepare a Masterplan for Carmichael Park. The Masterplan is scheduled to commence late September 2019.

10 Sep 2019 - 1:24 PM - Natalie McCloy  
 Revised Target Date changed by: McCloy, Natalie From: 27 Sep 2019 To: 31 Oct 2019  
 Reason: Masterplan scheduled to commence late September 2019.

15 Oct 2019 - 7:26 AM - Kate Harris  
 Item 1: Complete  
 Item 2: Complete  
 Item 3: Report in draft format - to be finalised following completion of Masterplan  
 Item 4: Masterplan for Carmichael Park has commenced and community engagement held with key stakeholders.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI60/2019	Ordinary Council 18/09/2019	Conner, Martin	Works and Infrastructure	Roadside Drainage (Kerb and Gutter) Strategy	20/11/2019	
<a href="#">1000</a> <b>MOTION</b> 1000 <b>RESOLVED</b>	<b>Moved:</b>	Fitzpatrick-Barr, Justin Councillor Lyons	<b>Seconded:</b>	Councillor Burke		
1.	<b>That Council place the Draft Roadside Drainage Strategy on public exhibition for a period of 28 days, commencing October 2019.</b>					
2.	<b>That at the end of the exhibition period, following consideration of submissions received, the final Roadside Drainage Strategy be reported to Council for adoption.</b>					
3.	<b>That the General Manager respond to any submissions received.</b>					
26 Sep 2019 - 12:05 PM - Rachael O'Hara Item 1 - Prepared draft Strategy for exhibition starting 30 September 2019. Item 2 - Prepared draft report for Ordinary meeting. Item 3 - Submissions will be documented at close of exhibition.						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI62/2019	Ordinary Council 18/09/2019	Vandermeer, Warren	Works and Infrastructure	Minutes of Roads Review Committee Meeting of 16 August 2019	6/11/2019	
<a href="#">1002</a> <b>MOTION</b> 1002 <b>RESOLVED</b>	<b>Moved:</b>	Fitzpatrick-Barr, Justin Councillor Lyons	<b>Seconded:</b>	Councillor Sander		
<p>That the recommendations of the Roads Review Committee held on 16 August 2019 be adopted as a resolution of the Ordinary Council being:</p> <ol style="list-style-type: none"> <li>1. RRCOR5/2019 - That Council adopt the draft Terms of Reference for the Roads Review Committee.</li> <li>2. RRCOR6/2019 - That Council note the status of the State Government's proposed Regional Roads Review.</li> <li>3. RRCOR7/2019 - That Council note the status of the current Road Network Asset Condition Survey.</li> <li>4. RRCOR8/2019 - That Council note the update for prioritising sealing of unsealed roads.</li> </ol> <p>14 Oct 2019 - 3:35 PM - Tracey Cocking Item 1 - Adopted Item 2 - Noted Item 3 - Noted Item 4 - Noted</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI63/2019	Ordinary Council 2/10/2019	Eveleigh, Nathan	Works and Infrastructure	Naming of Council Assets Policy	30/10/2019	
<a href="#">1011</a> <b>MOTION</b> 1011 <b>RESOLVED</b>	<b>Moved:</b>	Fitzpatrick-Barr, Justin Councillor Suvaal	<b>Seconded:</b>	Councillor Burke		
<ol style="list-style-type: none"> <li>1. That Council place the revised Naming of Council Assets Policy on public exhibition for a period of twenty eight (28) days and invite public submissions with the following amendments:- <ol style="list-style-type: none"> <li>4.3 Add additional point "A 1 page fact sheet be supplied to applicants to simplify the process".</li> <li>4.5 Personal names, including those of persons still living, may be used for Council Assets e.g. amenities buildings, grandstands etc. however these features are not formally assigned by the GNB. Naming of these assets will be approved by resolution of Council following consultation with key internal and external stakeholders.</li> <li>5.2 Council will approve proposals to name smaller Council Assets e.g. amenities buildings, grandstands etc. following consultation with key internal and external stakeholders.</li> <li>5.3 Open Space &amp; Community Facilities Team will consider proposals, undertake community engagement, consultation with relevant stakeholders and prepare a report for the elected Council's consideration for all Open Space &amp; Community facilities and assets.</li> <li>5.4 Community &amp; Cultural Engagement Team will consider proposals, undertake community engagement, consultation with relevant stakeholders and prepare a report for the elected Council's consideration for all Cultural facilities assets.</li> </ol> </li> <li>2. That a report on the outcomes of the exhibition be provided to Council prior to adopting the final Policy.</li> </ol>						



Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI74/2018	Ordinary Council 19/09/2018	Benson, Nicole	Works and Infrastructure	Stronger Country Communities Fund Round 2 - Successful Projects	31/10/2019	
<a href="#">667</a> <b>MOTION</b> 667 <b>RESOLVED</b>	<b>Moved:</b>	Fitzpatrick-Barr, Justin Councillor Suvaal	<b>Seconded:</b>	Councillor Dagg		
<p>1. That Council notes the acceptance of the Stronger Country Communities Fund Round 2 grants offered as follows:</p> <ul style="list-style-type: none"> <li>a) Community Hall Toilet Upgrade Program - \$126,700</li> <li>b) Maitland Street, Branxton (Northside) – Pavement and Street Tree Planting - \$120,643</li> <li>c) Bridges Hill Park Regional Themed Playground - \$936,315</li> <li>d) Branxton Public Square - \$279,973</li> <li>e) Part funding for Cessnock Pool Splash Pad - \$242,355</li> </ul> <p>2. That a further report be brought back to Council detailing the final design of the Cessnock Pool Splash Pads, along with information on additional funding needs and funding sources to undertake the project.</p> <p>4 Oct 2018 - 10:41 AM - Nicole Benson Design brief under development. Suitably qualified consultant to be engaged to determine final design and cost estimate, then report back to Council.</p> <p>22 Mar 2019 - 2:33 PM - Vickie Stovell Revised Target Date changed by: Stovell, Vickie From: 29 Mar 2019 To: 31 May 2019 Reason: Request for quotation for the design of the splash pad closes on 5 April. Further information relating to timeframes and costs will be provided once the program has been determined.</p> <p>10 Jul 2019 - 9:42 AM - Nicole Benson Revised Target Date changed by: Benson, Nicole From: 17 Jul 2019 To: 30 Sep 2019 Reason: 1. Complete</p> <p>10 Jul 2019 - 9:42 AM - Nicole Benson Revised Target Date changed by: Benson, Nicole From: 30 Sep 2019 To: 30 Sep 2019 Reason: 1. Complete</p> <p>10 Jul 2019 - 9:43 AM - Nicole Benson Revised Target Date changed by: Benson, Nicole From: 30 Sep 2019 To: 30 Sep 2019 Reason: 1. Complete 2. In line with WI18/2018 report due in September 2019</p> <p>31 Jul 2019 - 1:41 PM - Nicole Benson Design progressing. Councillor briefing to be held in September 2019.</p> <p>3 Sep 2019 - 12:30 PM - Nicole Benson 1. Complete 2. Councillors briefed in 28 August and report to be considered at 2 October 2019 Council meeting</p> <p>15 Oct 2019 - 11:07 AM - Kelly Paterson Item 1 - Complete Item 2 - Draft Cessnock Pool Masterplan placed on Public Exhibition. Exhibition period closes on 22 October 2019.</p>						

**SUBJECT:** *2018/19 AQUATIC SEASON REVIEW*  
**RESPONSIBLE OFFICER:** *Open Space and Community Facilities Manager - Nicole Benson*

### **SUMMARY**

This report has been prepared in response to a Council resolution from report WI56/2019. It provides information on the costs of subsidised or free intensive water safety programs. It also provides information as to why actions from WI72/2017 have not been actioned.

### **RECOMMENDATION**

1. That Council notes the financial impact of offering a subsidized or free intensive water safety programs in January 2020 is in the order of \$4480, assuming a 100% participation rate across four classes each day for ten days.
2. That Council notes the timing of the proposed introduction of the learn to swim program, in line with the Outdoors Pools Service Improvement Project, has been delayed due to difficulty in recruiting appropriate staff.
3. That Council notes school holiday intensive water safety lessons at Branxton and Cessnock Pools are scheduled to commence from 6 January to 17 January 2020.

### **BACKGROUND**

At its meeting held on 4 September, 2019 Council considered report WI56/2019 and resolved (inter alia):

- That a report come back to Council before the end of October with further information on the costs of subsidised or free intensive water safety programs proposed in Report No. WI56/2019.
- That the General Manager report to Council explaining why the actions from Report No. WI72/2017 in relation to the Proposed Year 3 (2019/2020) service improvements, which include implementation of aquatic education classes such as learn to swim and swimming and water safety programs have not been actioned.

### **REPORT/PROPOSAL**

#### **Service Improvement Project (SIP)**

The Outdoor Pools SIP was undertaken in 2016 on the assumption that Council would continue to provide aquatic facilities in Cessnock and Branxton into the future and that the service will be provided by Council staff.

**Works and Infrastructure**

**Report No. WI71/2019**

**Works and Infrastructure**



The primary objectives of the Outdoor Pools SIP were to:

1. Undertake a thorough analysis of staffing levels; rostering arrangements and services provided at the pools;
2. Review the processes around points of sale and functions of kiosk operators, pool staff and administration staff in the management of bookings, membership sales and pool entries;
3. Prepare a series of recommendations that will increase patronage at the pools but not increase the operational costs.

The actions from Report No. WI72/2017 in relation to the Proposed Year 3 (2019/2020) service improvements have been implemented or partly implemented and a summary of the progress is contained below in Table 1.

**Table 1 SIP Progress**

Year 1 (2017/2018)	Progress
Implementation of EFTPOS and streamlining of membership sales.	Achieved
Replacement of the 15 year old pool inflatable with an activity centre that can be used across Council's three aquatic centres.	Achieved
Parties inclusive of a party host, a one hour session on the inflatable activity centre, an hour in the club room with food, beverages and a cake.	Achieved in modified format.
Year 2 (2018/2019)	Progress
Land and water based fitness activities.	Achieved
Contemporary Commercial Kiosk Agreements advertised in line with Council's Procurement Policy and Procedures.	Achieved in a modified format.
Year 3 (2019/2020)	Progress
Implementation of aquatic education classes such as learn to swim and swimming and water safety programs.	On track

Year 1 Parties

Whilst no parties were booked in the club room, there were several parties held in the pool where the inflatable was booked out exclusively for use and catering was provided by the kiosk operators.

Year 2 Kiosk Agreements

An Expression of Interest (EOI) process was conducted in relation to a Kiosk Agreement. Following very little interest from suitably qualified kiosk operators, Council took on the operations of the kiosks in 2018/19.

Year 3 LTS/SAWS

Recruitment of suitably qualified instructors is now complete. Instructor numbers are lower than required to offer Monday to Friday "terms" (6-8 week blocks) of learn to swim and/or swimming and water safety lessons. There is, however, capacity to offer school holiday intensive swimming lessons at Branxton and Cessnock Pools and these have been scheduled from 6 January to 17 January 2020.

**Works and Infrastructure**

**Report No. WI71/2019**

**Works and Infrastructure**



**Subsidised or free water safety programs.**

The adopted fees and charges for participation in a learn to swim class is \$14.00 per class, which includes GST and the cost of pool entry for the participant and a spectator (e.g. parent or caregiver). The fee type is “D – full operating cost recovery” which means that the price for the item has been set to cover the operating cost of providing the item.

Each swimming lesson runs for 30 minutes and includes four students and one qualified instructor.

Intensive swimming has been scheduled to operate at Branxton and Cessnock Pools from 9.30am to 11.00am, Monday to Friday across two weeks commencing 6 January 2020 and concluding on Friday 17 January 2020.

Assuming there are four classes at each pool per day for the ten day intensive swimming duration, the costs to Council to fully subsidise the lessons is \$4,480. This has been based on a total of 16 students per pool, per day for ten days.  $(16 \times 2) \times \$14 \times 10 = \$4,480$ . Swimming instructor wages for this arrangement are in the order of \$3,200.

**Funding opportunity**

Swimming Australia (SA) recently notified Council that it has received funding under the *Move It AUS - Participation Grants Program*. As part of this SA has committed to providing a portion of this funding towards community level swimming and aquatics programs that align with the *Move It AUS - Participation Grants Program* objectives.

SA are calling the funding program the “Community Swimming Grants Program” (the Program). The Program provides support to help providers of swimming and aquatics activities get Australians moving and to support the aspiration to make Australia the world’s most active and healthy nation. The objectives of the Program are:

- Getting inactive people swimming in their local community;
- Building awareness and understanding of the importance of physical activity across all stages of life;
- Improving the system of sport and physical activity by targeting populations at risk of inactivity, across all life stages, specifically people with disability and people from culturally and linguistically diverse communities; and
- Delivering ongoing impact through the development of sector capability.

Organisations with the capability to provide or facilitate the provision of swimming and aquatics activities (including but not limited to learn to swim, water safety, aquatics fitness or play and competitive swimming programs and activities) are eligible to apply for a grant between \$5,000 and \$10,000 + GST with no requirement to match the funding requested.

Applications close on 8 November and grants will be awarded from 18 – 22 November 2019. Officers are presently working on an application seeking assistance with the delivery of the intensive swimming lessons in January 2020 as outlined above.

**Works and Infrastructure**

**Report No. WI71/2019**

**Works and Infrastructure**



**OPTIONS**

That Council notes the information contained within the report and the timing of the proposed introduction of learn to swim in-line with the Outdoor Pools Service Improvement Project.

**CONSULTATION**

Open Space and Community Facilities team members

**STRATEGIC LINKS**

**a. Delivery Program**

The Outdoor Pools SIP is well aligned with a number of objectives in the 2017-2021 Delivery Program as highlighted below.

- Objective 1.2 – Strengthening Community Culture in that we have adequate multi-purpose sporting and recreation facilities;
- Objective 2.1 – Diversifying Local Business Opportunities in terms of being attractive and supportive of business;
- Objective 2.2 – Achieving More Sustainable Employment Opportunities by providing learning opportunities for people of all ages across the local government area;
- Objective 2.3 – Increasing Tourism Opportunities and Visitation to the Area by providing a diverse range of visitor experiences across the local government area;
- Objective 5.3 – Making Council More Responsive to the Community through the continual implementation of the Financial Sustainability Initiative projects and implementation of the Workforce Plan specifically with regards to attracting and retaining highly skilled and qualified staff; creating a culture of learning and continuous improvement; creating a diverse workforce and a contemporary one that is an employer of choice.

**b. Other Plans**

The SA funding links to the Australian Government's Sport 2030 national sports plan which is the vision and the plan for sport and physical activity in Australia over the next 12 years to be delivered by the federal government in partnership with Australia's sporting, physical activity, technology, education and corporate community.

Aquatic education, swimming and water safety programs links directly to the Royal Life Saving Society Australia's National Swimming and Water safety Framework that provides parents, aquatic educators, educational institutions and governments with a basis for developing, providing or selecting an appropriate swimming and water safety program.

**Works and Infrastructure**

**Report No. WI71/2019**

**Works and Infrastructure**



**IMPLICATIONS**

**a. Policy and Procedural Implications**

Nil

**b. Financial Implications**

Based on the proposed two week intensive swimming program operated at Branxton and Cessnock Pools with full participation rates, Council would receive \$4,480 in entry fees and could assume that participants would also make a purchase from the kiosk during the course of their lesson.

The wages for Council to deliver the proposed intensive swimming program are in the order of \$3,200.

If the application to SA is successful the cost to Council could be significantly reduced.

**c. Legislative Implications**

Nil

**d. Risk Implications**

There is a risk that the intensive swimming program may not be taken up as projected and operational costs will need to be met. Conversely there may be a larger than expected participation that would need to be managed.

**e. Environmental Implications**

Climatic conditions could have an effect on the attendance numbers and subsequent income received for any given aquatic season. For example, if the weather is cooler than previous years it is highly likely that attendances will drop in comparison.

**f. Other Implications**

According to the Royal Life Saving Society Australia drowning is one of the leading causes of preventable death in children under 5 years of age and more than 50 children between the ages of 1 and 15 drown every year. Council's active participation in swimming and water safety programs aims to reduce this statistic.

**CONCLUSION**

Plans are in place to offer intensive swimming lessons at the outdoor aquatic centres this season and the implications, should Council offer to subsidise the activity, are outlined within the report.

**ENCLOSURES**

There are no enclosures for this report

**SUBJECT:** *ABERMAIN SCHOOL OF ARTS*  
**RESPONSIBLE OFFICER:** *Open Space and Community Facilities Manager - Nicole Benson*

### **SUMMARY**

This report is in response to a Council resolution of 4 September 2019. The report outlines the steps required for the relocation of the Sir Edgeworth David Memorial Museum from the grounds of the Kurri Kurri High School to the Abermain School of Arts (ASoA).

### **RECOMMENDATION**

1. That Council notes the steps required to relocate the Sir Edgeworth David Memorial Museum to the Abermain School of Arts.
2. That Council notes the relocation of Sir Edgeworth David Memorial Museum to the Abermain School of Arts is not currently listed as an action in the 2019-20 Operational Plan.

### **BACKGROUND**

At its meeting of 4 September 2019 Council considered a Notice of Motion (BN24/2019) relating to the Abermain School of Arts (ASoA). In considering the Motion Council resolved the following;

*That the Interim General Manager bring a report to Council within the next eight weeks outlining the steps required to relocate the Sir Edgeworth David Memorial Museum to the Abermain School of Arts.*

### **REPORT/PROPOSAL**

The ASoA is situated on Crown Reserve No. 91228, Lot 16, Sec 32, DP 758004 which is located at 209 Cessnock Rd, Abermain. Council is the Reserve Trust Manager of this site.

The ASoA building contains seven meeting/program rooms of various sizes, a kitchen, kitchenette, internal and external toilets and a small fenced lawn area at the rear of the building. The main hall space, kitchen and a toilet at the rear of the building is currently licenced to Cessnock Community Health. Enclosure 1 contains an indicative floorplan of the building.

Until June 2018 the front half of building was occupied by Northern Coalfields Community Care Association (NCCCA).

The room on the eastern side of the building is managed by the ASoA s355 volunteer management committee and contains local historical items and display cabinets belonging to the Abermain Heritage Preservation Society.

The information contained below outlines matters to be considered and the steps required to relocate the Sir Edgeworth David Memorial Museum to the ASoA.

**Works and Infrastructure**

**Report No. WI72/2019**

**Works and Infrastructure**



**Property Management Policy**

The objective of Council's Property Management Policy is to provide a framework for the consistent management of Council's real estate assets.

*The Local Government Act 1993 (LG Act) and Local Government (General) Regulation 2005* sets out Council's obligations in regard to public land.

The LG Act requires Council to classify public land as either operational or community land. No restrictions apply to the management of operational land, however restrictions do apply to community land. Council is required to prepare Plans of Management (PoM) for community land and these plans of management identify how the land is to be used and whether the land may be leased or licensed.

**Property Management Guidelines**

Council's Property Management Guidelines establish a consistent approach to property management and an integrated framework for all elements of property ownership.

Council manages its property portfolio to ensure that each property is fulfilling its purpose and manages its community and operational properties in a number of ways, including:

- Directly – managed by staff from across Council depending on the property's purpose.
- Indirectly – managed on behalf of Council with the assistance from volunteers/community groups to further Council's objectives.
- Outsourced – outsourced to contractors to manage on Council's behalf in line with the property's purpose.

In accordance with s25 of the LG Act Council is required to classify all public land as either "Operational" or "Community" land. As the subject land is presently a Crown Reserve it is neither operational or community land, however, given that Council plans to retain the Reserve for public use the land will be classified as community land in the future and a PoM will be prepared for the site.

**Community Land – execution of an agreement**

The process for when a Council facility and/or land with a current PoM is being offered for use is as follows:

1. An expression of interest (EOI) is called for interested organisations to provide a submission to use the property/facility.
2. If multiple EOI's are received, Council officers undertake an assessment process to rank submissions in-line with pre-determined criteria.
3. Once endorsed by the relevant manager, the proposed agreement is advertised (via local media and a public notice at the property/facility) for 28 days as prescribed in Section 47(a) of the LG Act.
4. If no submissions are received during the public exhibition period, the agreement will be executed.
5. If multiple submissions are received, a report is prepared for Council's consideration.



**Works and Infrastructure**

**Report No. WI72/2019**

**Works and Infrastructure**



A licence agreement is for non-exclusive use of a facility (or defined space within a facility). It is normal practice in a facility with multiple tenants that kitchens, toilets and thoroughfares (e.g. hallways and entryways) are shared spaces between tenants.

It is worth noting that several community groups have already expressed interest in the spaces available within the ASoA and it is recommended that once a PoM for the site is adopted that an Expression of Interest (EOI) process is undertaken.

Not only will an EOI process enable eligible organisations to express an interest in the space it will also enable a broad range of organisations to consider the space in line with Council's adopted plans and strategies. For example, Action 2.7 of the Innovate Reconciliation Action Plan May 2018 – April 2020 is to promote cultural learning throughout the LGA.

**Crown Land Management Act 2016**

The *Crown Land Management Act 2016* (CLM Act) repealed the *Crown Lands Act 1989*. The new provisions of the CLM Act allow Council's to manage Crown land in accordance with the LG Act as community land, subject to native title.

The CLM Act changes the way dedicated or reserved land is managed by introducing the concept of Crown land managers and removing (after a transitional period) the concept of reserve trusts.

Section 3.23(6) & (7) of the CLM Act requires Council to adopt a PoM for each reserve for which it is appointed as Crown land manager. Each PoM must be prepared in accordance with the Crown land guidelines and must be completed by 30 June 2021. There is no current PoM for the ASoA.

Section 3.23(7) of the CLM Act states that Section 44 of the LG Act applies to the land. This means that the nature and use of the land must not be changed while the adoption of a PoM for Community land is pending. This in effect means that Council is unable to properly deal with the land, excepting for short term licences (up to 12 months) until a PoM is adopted, but not beyond 30 June 2021.

Council is unable to make any changes to the long term use of the land or issue any long term licences until such times that a PoM has been endorsed by the Minister administering the CLM Act.

**Crown Land - Interim Period**

The CLM Act enables Crown land managers to enter into short-term licences with users to use all or part of a reserve for up to 12 months without consent from the Minister for Lands and Forestry for a specified range of purposes prior to the adoption of a PoM. For activities that do not fit within the specified range of short-term purposes or require a term longer than 12 months, a licence with Minister's consent may be considered.

Council has 25 Crown land reserves which are affected by the introduction of the CLM Act and the associated PoMs will be prepared for each of these reserves by 30 June 2021.

**Works and Infrastructure**

**Report No. WI72/2019**

**Works and Infrastructure**



**Crown land – Short-Term Licence Process**

Council can enter into a short-term agreement as prescribed within s2.20 of the CLM Act and clause 70 of the Crown Land Management Regulation 2018. The agreement can be for a period up to 12 months with a community group under one of the prescribed uses e.g. storage, community, training or education, exhibition and/or meetings.

The process to allow the short-term agreement within the available areas within the ASoA is as follows:

1. Council officers must obtain written advice that the short term agreement complies with the requirements of the *Native Title Act 1993*.
2. Council officers must determine whether there are any undetermined Aboriginal land claims over the reserve. Council cannot issue a licence if the reserve is subject to an undetermined Aboriginal land claim.
3. The Sir Edgeworth David Memorial Museum committee would be required to complete the Application to Lease/Licence Council Land form and supply the requested supporting documentation.
4. Council officers would have a market appraisal of the facility completed, including obtaining market rental value, condition assessment and 10 year maintenance costs for the facility.
5. Council officers would undertake a review of the groups' application to ensure that it is financially capable of covering the rental fee, outgoings, maintenance, insurance and any other requirements.
6. Council officers would then prepare an agreement in-line with the Council Policies and legislative requirements. The Department of Primary Industries has released a template document which can be used for short-term agreements on Crown reserves (Enclosure 2).
7. Both parties execute the agreement.

**OPTIONS**

1. That Council notes the steps required to relocate the Sir Edgeworth David Memorial Museum to the Abermain School of Arts.
2. That Council notes the relocation of the Sir Edgeworth David Memorial Museum to the Abermain School of Arts is not currently listed as an action in the 2019-20 Operational Plan.

**CONSULTATION**

- Abermain Heritage Preservation Society members (have items within the building)
- Abermain School of Arts s355 Management Committee (existing tenant)
- Assistant Strategic Planner
- Cessnock Community Health (existing tenant)
- Community & Cultural Engagement Team
- Finance & Administration Manager
- NSW Department of Industry
- Open Space & Community Facilities Team
- Senior Property Officer

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- Sir Edgeworth David Memorial Museum committee members
- Wonnarua Elders Council Inc.

**STRATEGIC LINKS**

**a. Delivery Program**

Objective 1.2 – Strengthening community culture

- 1.2.1 Continue to promote the range of community services across the LGA
- 1.2.2 Collaborate with the community to develop and deliver services
- 1.2.4 Provide and manage a range of community, recreation & aquatic facilities

**b. Other Plans**

Innovate Reconciliation Action Plan May 2018 – April 2020

**IMPLICATIONS**

**a. Policy and Procedural Implications**

- Property Management Policy
- Property Management Guidelines
- Abermain School of Arts s355 Volunteer Management Committee Agreement

**b. Financial Implications**

All Crown land managers are required to set rent or fees for any licence on their Crown reserve at market value. Market rent is the amount payable by holders for occupation and use of Crown land that reflects the going market rate for similar use, within a similar locality, as assessed by Crown land managers. The purpose of setting market value is to maintain fair access and a reasonable return to the Crown land manager who manages the Crown land on behalf of the people of NSW. This rent forms income for the Crown land manager and is used to cover running expenses, maintenance and improvement of the reserve for current and future generations.

**c. Legislative Implications**

*Crown Land Management Act 2016*  
*Crown Land Management Regulation 2018*  
*Local Government Act 1993*  
*Local Government (General) Regulation 2005*  
*Native Title Act 1993*

**d. Risk Implications**

Entering into a short-term agreement with the Sir Edgeworth David Memorial Museum committee may cause concern from existing tenants of the building or from other community groups who have expressed an interest in renting rooms at the ASoA in the past and who have been advised that until a PoM for the facility is completed, Council is not able to enter into any new agreements.

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**e. Environmental Implications**

Nil

**f. Other Implications**

Although Council is able to enter into a short-term agreement during the interim period as defined in the CLM Act, the Sir Edgeworth David Memorial Museum committee may require more room than is available and if this is the case, the existing tenants would need to be consulted on the matter.

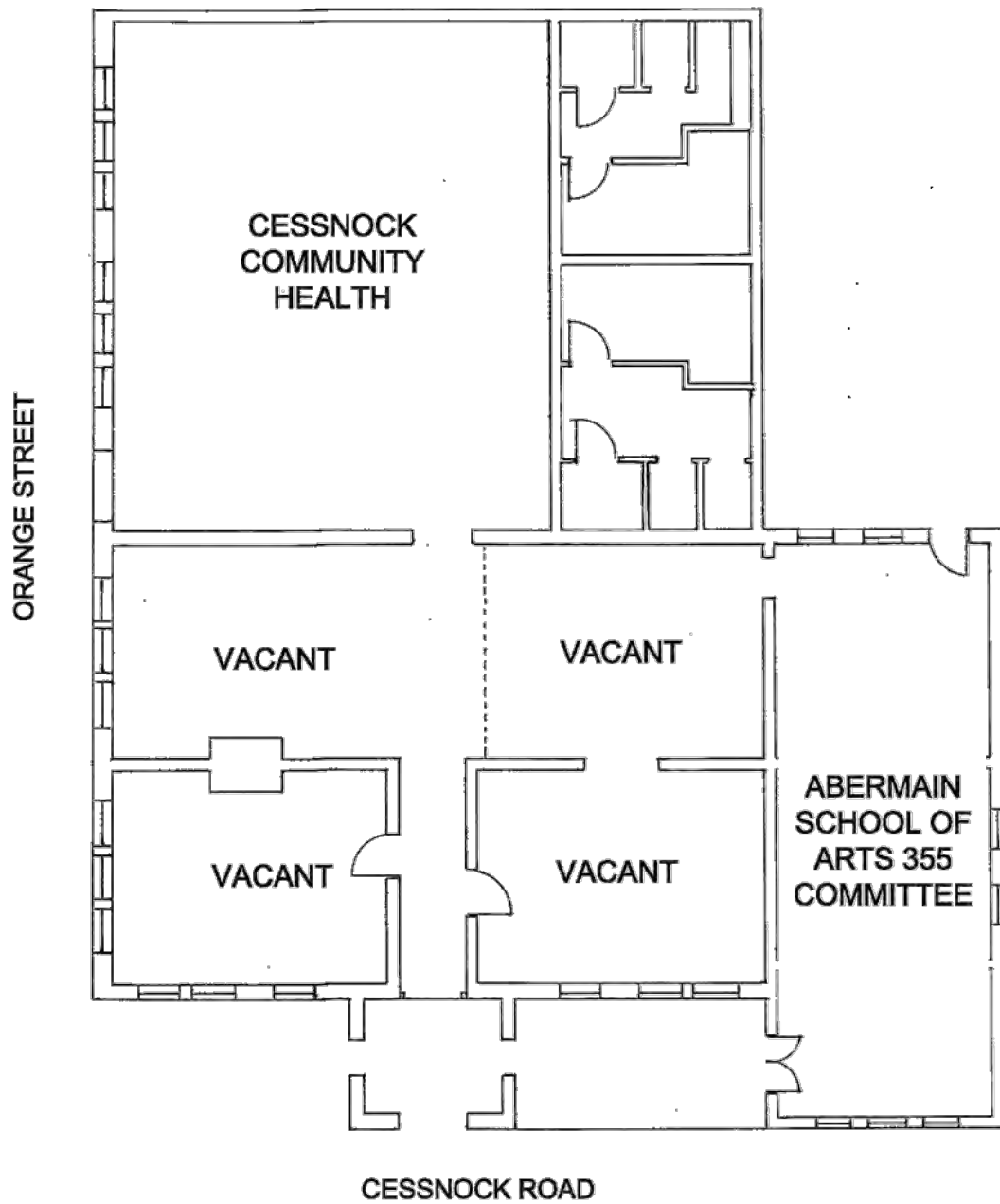
**CONCLUSION**

Council can enter into a short-term agreement for up to 12 months with a community group to use the ASoA, as prescribed within s2.20 of the CLM Act and clause 70 of the Crown Land Management Regulation 2018.

The group would be subject to pay a rental fee and outgoings in-line with the requirements of the CLM Act and Council's Property Management Policy and Guidelines.

**ENCLOSURES**

- [1↓](#) Abermain School of Arts indicative floorplan
- [2↓](#) Crown Land short term licence agreement



**INDICATIVE FLOOR PLAN**

**Short-term Licence:  
Section 2.20 Crown Land Management Act 2016**

On this [day] day of [month] two thousand and [year], the [Crown Land Manager name] (hereinafter referred to as the “Crown Land Manager”) being the appointed Crown Land Manager under the *Crown Land Management 2016* (“Act”) for the whole of the land within Reserve No. [number] for [purpose] and situated at [address], hereby grants pursuant to section 2.20 of the Act a short-term licence to the person(s) specified in section 1 of schedule 1 (hereinafter referred to the “licensee”) subject to the following terms and conditions:

- 1 The licensee must pay the Crown Land Manager the licence fees and bond (if any) specified in section 5 of schedule 1 prior to occupation of the Crown land. The bond (if any) will be returned upon expiry and compliance with the conditions of the licence.
- 2 The licence remains in force for the term specified in section 6 of schedule 1, which is not to exceed 12 months. The Crown Land Manager may cancel the Licence without prior notice if there is a breach by the licensee of any of the licence conditions.
- 3 The licensee must advise the Crown Land Manager of any changes to the contact details set out in section 3 of schedule 1.
- 4 The licensee must not interfere with any other person authorised by the Crown Land Manager to use the reserve or any part thereof.
- 5 The licensee must not use the land specified in section 2 of schedule 1 except for the purpose(s) authorised by this licence in section 4 of schedule 1.
- 6 The licensee must comply with all of the special conditions specified in section 7 of schedule 1.
- 7 Any notice provided for in this licence shall be deemed to be validly served if;
  - a it is personally served on the licensee or where the licensee is a corporation or association, on an officer of the corporation or association; or
  - b it is sent by prepaid ordinary mail addressed to the licensee at the address shown in section 3 of schedule 1.
- 8 The Crown Land Manager does not make or give any warranty, promise or covenant to the licensee for quiet enjoyment of the licence area.

<p><b>Signed on behalf of the Crown Land Manager:</b></p> <p>-----</p> <p>Name: Position: Dated:</p> <p>Signed by witness:</p> <p>-----</p> <p>Print Name: Dated:</p>	<p><b>Signed on behalf of the Licensee:</b></p> <p>-----</p> <p>Name: Position: Dated:</p> <p>Signed by Witness:</p> <p>-----</p> <p>Print Name: Dated:</p>
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<b>SCHEDULE 1</b>																											
<b>SECTION 1:</b> Licensee (full name)	Name of Licensee: _____ (Organisation or Company if applicable) ABN: _____																										
<b>SECTION 2</b> Licensee's Right	The Licensee shall have the use of the reserve area being Lot <b>(Insert Number)</b> DP <b>(Insert Number)</b> as shown by red hatching on the diagram attached as Schedule 2 to this Licence (hereinafter called "the licensed area").																										
<b>SECTION 3:</b> Contact details for service of notice	Address: _____ Email: _____ Phone(s) _____																										
<b>SECTION 4:</b> Purpose of Licence (must be for prescribed purpose)	<p>The Licensee shall have the use of the area shown on the diagram attached as schedule 2 (hereinafter called "the licensed area") for the prescribed purpose of (tick as applicable):</p> <table border="0"> <tr> <td><input type="checkbox"/> access through a reserve</td> <td><input type="checkbox"/> grazing</td> </tr> <tr> <td><input type="checkbox"/> advertising</td> <td><input type="checkbox"/> hiring of equipment,</td> </tr> <tr> <td><input type="checkbox"/> camping using a tent, caravan or otherwise</td> <td><input type="checkbox"/> holiday accommodation</td> </tr> <tr> <td><input type="checkbox"/> catering,</td> <td><input type="checkbox"/> markets,</td> </tr> <tr> <td><input type="checkbox"/> community, training or education,</td> <td><input type="checkbox"/> meetings,</td> </tr> <tr> <td><input type="checkbox"/> emergency occupation</td> <td><input type="checkbox"/> military exercises,</td> </tr> <tr> <td><input type="checkbox"/> entertainment,</td> <td><input type="checkbox"/> mooring of boats to wharves or other structures</td> </tr> <tr> <td><input type="checkbox"/> environmental protection, conservation or restoration or environmental studies,</td> <td><input type="checkbox"/> sales,</td> </tr> <tr> <td><input type="checkbox"/> equestrian events</td> <td><input type="checkbox"/> shows,</td> </tr> <tr> <td><input type="checkbox"/> exhibitions</td> <td><input type="checkbox"/> site investigations,</td> </tr> <tr> <td><input type="checkbox"/> filming (as defined in the Local Government Act 1993),</td> <td><input type="checkbox"/> sporting and organised recreational activities,</td> </tr> <tr> <td><input type="checkbox"/> functions,</td> <td><input type="checkbox"/> stabling of horses,</td> </tr> <tr> <td></td> <td><input type="checkbox"/> storage.</td> </tr> </table> <p>as specified in the Crown Land Management Regulations for the purpose of section 2.20 of the Act.</p>	<input type="checkbox"/> access through a reserve	<input type="checkbox"/> grazing	<input type="checkbox"/> advertising	<input type="checkbox"/> hiring of equipment,	<input type="checkbox"/> camping using a tent, caravan or otherwise	<input type="checkbox"/> holiday accommodation	<input type="checkbox"/> catering,	<input type="checkbox"/> markets,	<input type="checkbox"/> community, training or education,	<input type="checkbox"/> meetings,	<input type="checkbox"/> emergency occupation	<input type="checkbox"/> military exercises,	<input type="checkbox"/> entertainment,	<input type="checkbox"/> mooring of boats to wharves or other structures	<input type="checkbox"/> environmental protection, conservation or restoration or environmental studies,	<input type="checkbox"/> sales,	<input type="checkbox"/> equestrian events	<input type="checkbox"/> shows,	<input type="checkbox"/> exhibitions	<input type="checkbox"/> site investigations,	<input type="checkbox"/> filming (as defined in the Local Government Act 1993),	<input type="checkbox"/> sporting and organised recreational activities,	<input type="checkbox"/> functions,	<input type="checkbox"/> stabling of horses,		<input type="checkbox"/> storage.
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	<input type="checkbox"/> storage.																										
<b>SECTION 5:</b> Licence Fee (\$)	The licence fee is \$ _____ The bond fee is \$ _____																										
<b>SECTION 6:</b> (a) Term (not	(a) Days: _____ or Months: _____																										

<p>to exceed 12 months)</p> <p>(b) Commencement Date</p> <p>(c) Expiry Date</p>	<p>(b) Day:_____ Month:_____ Year:_____</p> <p>(c) Day:_____ Month:_____ Year:_____</p>
<p><b>SECTION 7:</b> Special Conditions</p>	<p>(a) The licensee shall keep the said licensed area and any buildings clean and tidy and all papers and other rubbish shall be collected and removed.</p> <p>(b) The licensee shall control weeds as directed by the “local control authority” (as defined in section 8 below).</p> <p>(c) The licensee shall immediately repair and make good, damage occasioned by the licensee’s use of the licensed area.</p> <p>(d) The Licensee shall indemnify and keep indemnified the Crown Land Manager and the Minister administering the <i>Crown Land Management Act 2016</i> against all actions, suits, claims, debts, obligations and other liabilities that may arise from the activities of the Licensee during the currency of the Licence.</p> <p>(e) The Licensee shall, before occupying the licensed area, take out a public risk insurance policy for the term of the licence, for the amount of \$20,000,000 for any one claim whereby the Crown Land Manager and the Minister administering the <i>Crown Land Management Act 2016</i> shall during the continuance of this Licence be indemnified against claims and demands arising from death or bodily injury or damage to property arising out of the Licensee’s use of the licensed area. Copy of such coverage is to be handed to the CLM before occupying the licensed area.</p> <p>(f) The Licensee shall maintain all other insurances as may be required by the <i>Workers Compensation Act 1987</i> or any other Act or Acts of Parliament in regard to the conduct of activities of the Licensee on the licensed area. Copy of such coverage is to be handed to the Crown Land Manager before occupying the Licensed area.</p> <p>(g) No relationship of landlord and tenant is or is intended to be created between the parties hereto by virtue of this License or in any way whatsoever.</p> <p>(h) The Licensee, or other authorised employee of the Licensee, is responsible for supervising the activities permitted by the licence.</p> <p>(i) The following listed activities shall not be conducted unless supervised by the Licensee, or an authorised employee of the Licensee: <b>[insert/list activities in space below or strikethrough this clause]:</b></p> <ul style="list-style-type: none"> <li>• Activities:</li> </ul>



	<p>(j) The Crown Land Manager reserves the right to remove from or refuse entry to the licensed area any person regardless of any arrangements or contract with the Licensee.</p> <p>(k) All improvements, erections and fixtures now or hereafter erected on the licensed area are acknowledged by the Licensee to be absolute property of the Crown, but the Licensee shall maintain and repair such improvements, erections and fixtures during the period of this Licence.</p> <p>(l) This Licence is subject to the provisions of the Crown Land Management Act 2016, including section 2.20 and 3.43 of that Act.</p> <p>(m) The Licensee shall not sublet, assign or otherwise deal with the Licensed area.</p>
<p><b>SECTION 8:</b> Local control authority</p>	<p>The Local Control Authority is:</p> <p>(a) The council of the local government area, or if weed control functions for that area have been conferred on a county council or joint organisation (within the meaning of the <i>Local Government Act 1993</i>) under any other Act, that other county council or joint organisation,</p> <p>(b) for land within the Western Division that is not within a local government area, the Minister, and</p> <p>(c) for land within Lord Howe Island, the Lord Howe Island Board.</p>

**SCHEDULE 2**  
**DIAGRAM SHOWING LICENCE AREA BY RED HATCHING**



Works and Infrastructure  
Report No. WI73/2019  
Works and Infrastructure



**SUBJECT:** *NSW SUSTAINABLE COMMUNITIES TIDY TOWNS AWARDS WEEKEND*

**RESPONSIBLE OFFICER:** *Environment & Waste Services Manager – Michael Alexander*

### **SUMMARY**

The purpose of this report is to enable Council to formally endorse its delegates to the 2019 Sustainable Communities - Tidy Towns Awards Weekend, which is to be held in Cessnock from 1 to 3 November 2019.

### **RECOMMENDATION**

**That Council endorses the attendance of the Mayor Councillor Pynsent, Councillor Dunn and Councillor Gray (including partners to the dinner) to the 2019 NSW Sustainable Communities Tidy Towns Awards weekend to be held in Cessnock from 1 to 3 November 2019.**

### **BACKGROUND**

Cessnock has been a participant in the NSW Keep Australia Beautiful (KAB) program since its inception in 1981. At the NSW State Awards (held in Orange on 7 to 9 November 2018), Cessnock was awarded the state title as Sustainable Community Tidy Town of the year.

Council considered Report WI11/2019 at its meeting of 6 February 2019 and resolved inter-alia;

“That Council endorse the Keep Australia Beautiful NSW Memorandum of Understanding (MoU) for hosting of the 2019 NSW Sustainable Communities – Tidy Towns Awards on 1-3 November 2019.”

The MoU included providing Council with a number of free registrations to either the full weekend or the formal awards dinner, as well as opportunities to welcome delegates at functions and give a case study presentation.

### **REPORT/PROPOSAL**

In a memo to all Councillors on 3 October 2019 (see Enclosure 1), Councillors were invited to express interest to attend the 2019 NSW Sustainable Communities Tidy Towns Awards event by advising either the Director Works and Infrastructure or Environment and Waste Manager by 11 October 2019. Three expressions of interest were subsequently received, being from the Mayor Councillor Pynsent (plus partner to the dinner only), Councillor Dunn and Councillor Gray (plus partner to the dinner only).

### **OPTIONS**

Council can elect to register a number of Councillors to the 2019 NSW Sustainable Communities Tidy Towns Awards event.  
This is the preferred option.

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Council could elect to send no Councillors to the event.

**CONSULTATION**

- KAB NSW staff
- Council's Media and Communications Team
- Council's eleven adopted Tidy Towns Committees

**STRATEGIC LINKS**

**a. Delivery Program**

Objective 1.1, 1.2 & 1.3

- A connected, safe and creative community
- Provide a range of community, sporting and aquatic facilities

Objective 2.3

- Increasing tourism, opportunities and visitation in the area
- Our local government area is attractive to visitors

Objective 3.1

- Protecting and enhancing the natural environment and the rural character of the area

Objective 3.1

- Better waste management and recycling

**b. Other Plans**

Nil

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Tidy Towns Policy (T35.3) and accompanying procedure.

Application for attendance to the conference and covering partner attendance at the dinner (section 6.41) is in accordance with Councillors Expenses and Facilities Policy.

**b. Financial Implications**

These are complimentary registrations as per Councils MoU with KAB NSW, and therefore there is no cost to Council.

**c. Legislative Implications**

Nil

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**d. Risk Implications**

Nil

**e. Environmental Implications**

Hosting of the event, including the award presentation presents the opportunity for Council to demonstrate its commitment to both community engagement and the environment.

**f. Other Implications**

The contribution made by volunteers is invaluable. Council engages with the community in many ways and through the KAB program has added significantly to improving the amenity of the LGA.

**CONCLUSION**

Receipt of the 2018 NSW State Sustainable Communities – Tidy Town Award is recognition of the engagement, pride and commitment of both the community and Council.

The opportunity to host the 2019 State Awards allows Council to showcase Cessnock and having a number of Councillors attend the weekend events demonstrates strong Council support for the KAB program.

**ENCLOSURES**

[1](#) Councillor Memo dated 3 October 2019



**Memo to:** Councillor Mayor Pynsent and All Councillors  
**Copy to:** GM and All Directors  
**From:** Justin Fitzpatrick-Barr, Director Works and Infrastructure  
**Subject:** Sustainable Communities Awards Weekend - Events and Attendance  
**Date:** 3 October 2019  
**Reference:** DOC2019/102443

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Dear Councillor Mayor Pynsent and All Councillors

As the current NSW Overall Sustainable Community – Tidy Town winner 2018, Council (in association with Keep Australia Beautiful NSW) will be hosting the 2019 Sustainable Communities Tidy Towns Awards from 1 – 3 November 2019.

The full program of events and activities is attached for your information.

Highlights of the weekend include:

- Welcome BBQ dinner at the Cessnock Men's Shed and Community Garden.
- Category awards presentations at the Cessnock Performing Arts Centre including presentations from some of the category winners along with some inspiring case studies, to be followed by lunch by Cessnock CWA.
- Four tours around Cessnock showcasing our area.
- Announcement of the next overall winner at an awards presentation dinner at Pokolbin Hall.
- A farewell breakfast at Poppethead Park, Kitchener catered by Cessnock Rotary.

As the major sponsor of the event (resolved on 6 February 2019 W11/2019) **Council has a number FREE registrations on offer** – The registrations can be the full weekend of events or just the formal dinner on the Saturday night.

Please note; There are sufficient registrations available for each Councillor to attend either or both events.

A report is scheduled to go to Council on 23 October to ratify the number of tickets required for Councillors and to formally confirm who from Council will be attending the event.

Councillors interested in attending either the full weekend or the Saturday night only **are asked to advise** Council's Environment and Waste, Michael Alexander on telephone 02 4993 4253 or myself on telephone 02 4993 4274 **by Friday 11 October 2019** so that this report can be completed for Council approval.

Regards

A handwritten signature in blue ink, appearing to read "Justin Fitzpatrick-Barr", is written over a faint, larger version of the same signature.

Justin Fitzpatrick-Barr  
Director Works and Infrastructure

Enc.

Program of Events

2019 SUSTAINABLE COMMUNITIES TIDY TOWNS  
AWARDS WEEKEND

1 - 3 November 2019



Friday 1 <sup>st</sup> November 2019		
1800 - 2100	<b>Registration and Welcome BBQ Dinner &amp; Drinks</b> - Enjoy a relaxed evening with opportunity to network with fellow participants.	Cessnock Mer's Shed & Community Garden 19 Wine Country Dr, Cessnock (In the grounds of Cebary Cessnock Retirement Community)
Saturday 2 <sup>nd</sup> November 2019		
0930 - 1200	<b>Category Awards and Case Studies</b> - Announcement of category award recipients and case studies of inspiring sustainable projects from Tidy Towns entrants. <i>Tea, coffee and morning tea will be provided</i>	Cessnock Performing Arts Centre 198 Vincent St, Cessnock NSW 2325
1200 - 1300	<b>Lunch</b>	Cessnock Performing Arts Centre 198 Vincent St, Cessnock NSW 2325
1300 - 1600	<b>Food and Wine Tour*</b> - Travel out to the renowned Hunter Valley Winery area to experience fine wines (and beers), quality produce, handmade cheeses, decadent chocolates and home grown olives. Stops include an hour at Hunter Valley Gardens Shopping Village with a couple of special treats on the way.	Tour departs from and returns to Cessnock Performing Arts Centre 198 Vincent St, Cessnock NSW 2325
1300 - 1630	<b>Natural Wonders Tour*</b> - Travel in to the Watagans State Forest to explore Macleans lookout, Hunter lookout and Boarding House Dam (an easy 20 minute walk passing through cool gully rainforest and features a 110 metre long moss covered rock wall and unusual sculptured rock formations in the creek).	Tour departs from and returns to Cessnock Performing Arts Centre 198 Vincent St, Cessnock NSW 2325 <i>Moderate walking for this tour, hot and drink bottle required.</i>
1300 - 1630	<b>Historic Wollombi on the Great North Road Convict Trail*</b> - Wollombi means "meeting place" or "meeting place of the waters" and was an important Aboriginal ceremonial meeting place. Walk around the historic buildings and surrounds (a map will be provided) including following the Wollombi Brook. Places of interest include Wollombi Museum, General Store and Tavern (where you can try Dr Jurds Jungle Juice), Yengo Gallery (with its Aboriginal paintings and artefacts), the Millpond, Anzac reserve and Wollombi cemetery. The tour will include a drive towards Laguna to view Great North Road Convict Trail remnants.	Tour departs from and returns to Cessnock Performing Arts Centre 198 Vincent St, Cessnock NSW 2325 <i>Moderate walking for this tour.</i>
1300 - 1600	<b>Kurri Kurri Murals Tour*</b> - Kurri Kurri and surrounding villages have over 60 outdoor public artworks on display, showcasing the history and heritage of the region. The murals provide a visual journey, telling the stories of the people, events and places that shaped the area's unique character, culture and heritage. An image of a kookaburra, the emblem of Kurri Kurri, is contained in each of the murals. See if you can spot them all! The tour will involve a bus section and a walking section, allowing free time to explore Kurri Kurri town centre.	Tour departs from and returns to Cessnock Performing Arts Centre 198 Vincent St, Cessnock NSW 2325
1830 - 2230	<b>Awards Dinner</b> <i>A complimentary shuttle bus will be available to transport attendees from Cessnock hotels to the dinner</i>	Pokolbin Hall 128 McDonalds Rd Pokolbin NSW 2320
Sunday 3 <sup>rd</sup> November 2019		
0730 - 0930	<b>Breakfast</b> - A final chance to catch up with friends, old and new, before the weekend concludes. <i>A selection of breakfast items will be provided including cooked breakfast, fruit, juice, tea and coffee.</i>	Poppethead Park Quomabalong Road, Kitchener

\* Tours are subject to charge and may be cancelled if minimum numbers aren't reached. Tour end times may slightly vary depending on tour duration.

Works and Infrastructure

Report No. WI74/2019

Works and Infrastructure



**SUBJECT:** *TENDER NO. T1920-02 - INVESTIGATION OF POTENTIAL CONTAMINATION OF COUNCIL'S FORMER WASTE SITES*

**RESPONSIBLE OFFICER:** *Environment & Waste Services Manager – Michael Alexander*

## **SUMMARY**

Evaluation and selection of tender for Tender No. T1920-02 – Investigation of Potential Contamination of Council's Former Waste Sites.

## **RECOMMENDATION**

**That Council accept the tender from Progressive Risk Management for a lump sum of \$359,102.04 (including GST) to undertake:**

- 1. Detailed site investigations, including installation of groundwater and gas monitoring wells and sampling and analysis of one monitoring event, for the six high risk sites.**
- 2. Ongoing monitoring, including sampling and analysis of two additional monitoring events for groundwater, surface water and gas monitoring at the six high risk sites.**
- 3. Development of Remediation Action Plan, including an estimated costing of remediation works, for the Former Sanitary Depot at Kurri Kurri.**
- 4. Validation of remedial works at the Former Sanitary Depot at Kurri Kurri.**
- 5. That the project be funded from the Waste Reserve as outlined in the Financial Implications section of the report.**

## **BACKGROUND**

Nine sites across the local government area (LGA) have been identified to have been historically used as part of Council's waste management operations. These sites were used as landfills and for nightsoil collection and disposal. As a consequence of the activities undertaken on these sites, there is a potential that contamination of land and groundwater may have occurred.

Preliminary contamination investigations previously undertaken indicate that six of the nine identified sites have a high risk of potential contamination. These six high risk sites include:

- Former Sanitary Depot – Mitchell Ave, Kurri Kurri
- Former Sanitary Depot – Dunlop Dr, Paxton
- Former Landfill – Old Maitland Rd, Cessnock
- Former Landfill – Albury St, Abermain
- Former Landfill – Hollingshed Rd, Greta
- Former Landfill – Stanford Rd, Heddon Greta



**Works and Infrastructure**

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**REPORT**

**Request for Tender**

The Request for Tender (RFT) documents were prepared by Council officers, and reviewed by the Tender Audit Panel (TAP) before tenders were called. The form of contract selected was *Hunter Joint Organisation Tender Suite*. The RFT called for submission of a detailed scope of works and lump sum tender for detailed investigations and two ongoing monitoring events of the six high risk sites, as well as development of a Remediation Action Plan (RAP) and validation for the Former Sanitary Depot at Kurri Kurri. A schedule of rates for further monitoring events and development of RAPs at the other sites, if required, was also included.

**Invitation**

Tenders were invited on 19 July 2019 on Council's e-tender portal, Tenderlink and advertised in the following publications:

Publication	Day	Date
Newcastle Herald	Saturday	20 July 2019
Sydney Morning Herald	Tuesday	23 July 2019

**Addenda**

No addenda were issued.

**Closure**

Tenders closed 2pm Tuesday 13 August 2019.

**Evaluation of Tenders**

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

- Waste Services Special Project Officer
- Sustainability Officer
- Senior Environmental Planner
- Operations Accountant

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

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

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

**1. Assessment of Receipt**

Tenders were received and assessed against the first threshold criteria:

Threshold Criteria	
Criterion 1	Submission on time

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

Tender	Tenderer	ABN	Criterion 1
1	Arcadis Australia Pacific Pty Ltd	76 104 485 289	On time
2	Cardno (NSW/ACT) Pty Ltd	95 001 145 035	On time
3	Coffey Services Australia Pty Ltd	55 139 460 521	On time
4	Consulting Earth Scientists Pty Ltd	67 151 524 757	On time
5	Enviro-Net Australia Pty Ltd	39 067 499 389	On time
6	GHD Pty Ltd	39 008 488 373	On time
7	Greencap Pty Ltd	76 006 318 010	On time
8	Hazmat Services Pty Ltd	43 127 055 743	On time
9	JM Environments	67 166 341 288	On time
10	Progressive Risk Management	67 167 330 298	On time
11	Qualtest Laboratory (NSW) Pty Ltd	98 153 268 896	On time
12	RCA Australia	53 063 515 711	Late
13	SLR Consulting Australia Pty Ltd	29 001 584 612	On time
14	SMEC Australia Pty Ltd	47 065 475 149	On time

The tender submission from RCA Australia was received late and therefore did not progress to evaluation.

**2. Assessment of Conformance**

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

Threshold Criteria	
Criterion 2	Work to be prepared, or reviewed and approved, by a consultant certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.
Criterion 3	Conformance with Request for Tender documents.

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Two tenders were considered non-conforming in threshold Criterion 2 and 3.

Tender	Tenderer	Criterion
5	Enviro-Net Australia Pty Ltd	3 - Did not satisfactorily complete tender documents
13	SLR Consulting Australia Pty Ltd	2 – Did not submit details of certification

All other tenders were considered conforming in threshold Criteria 2 and 3. Eleven tenderers were progressed to the next stage of evaluation, found to be in contention, to be confirmed at the Due Diligence stage of evaluation.

**3. Shortlisting**

With eleven 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 4	Total tendered price	40%
Criterion 5	Project scope and methodology	40%
Criterion 6	Previous experience and capability	15%
Criterion 7	Contract program	5%

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**.

Tender 10 scored highest from the weighted evaluation, as well as scoring competitively on each weighted criteria. With the highest score, Tender 10 from Progressive Risk Management was identified as the preferred tender.

**5. Due Diligence**

Referees, provided by the preferred tenderer, were contacted and positive comment on past performance was received.

A Minor non-conformance was submitted by Progressive Risk Management in relation to a condition of contract regarding liability. This non-conformance was negotiated, in consultation with Council's Risk and Contract teams, and the original conditions of contract were agreed to by the preferred tenderer.

**6. Evaluation Result**

Following steps 1 to 5 of the evaluation process, the TET found that Tender 10 from Progressive Risk Management met the requirements of the RFT and recommended acceptance of Tender 10.

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**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.*

***TIME FRAME***

The contract will commence 24 October 2019 and will continue until works within the scope are complete. This is anticipated to continue through the 2019/20 and 2020/21 financial years.

***LOCAL CONTENT***

Progressive Risk Management principal business address is 14/76 Reserve Road, Artarmon NSW 2064.

***OPTIONS***

**Option 1:** Council accept the tender from Progressive Risk Management in the lump sum amount of \$359,102.04 including GST. This price incorporates:

- Detailed site investigations, including installation of groundwater and gas monitoring wells and sampling and analysis of one monitoring event, for the six high risk sites.
- Ongoing monitoring, including sampling and analysis of two additional monitoring events for groundwater, surface water and gas monitoring at the six high risk sites.
- Development of Remediation Action Plan, including an estimated costing of remediation works, for the Former Sanitary Depot at Kurri Kurri.
- Validation of remedial works at the Former Sanitary Depot at Kurri Kurri.

This is the preferred option.

**Option 2:** Council accept a lower scoring tender.

This option is not recommended as:

- The scope of works submitted by many other tenderers, particularly those with a lower tender price were not considered appropriate to adequately determine potential contamination as the sites.
- Other tenders submitted with appropriate scopes of works were significantly more expensive and will not provide best value for money to Council.

**Option 3:** Decline to accept any offers and negotiate with other service providers. This option is not recommended as it will negatively impact on the project program.

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**CONSULTATION**

The following officers were consulted during the tender process:

- Senior Contracts and Tendering Officer
- Waste Services Coordinator
- Environment and Waste Manager
- Governance Officer
- Insurance Officer

**STRATEGIC LINKS**

**a. Delivery Program**

Acceptance of the tender will contribute to achieving the following objectives of:

Delivery Program 2017–21:

- Objective 3.1.6.b Continue the investigation, prioritisation and remediation of closed landfill sites.

**b. Other Plans**

Nil

**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**

Based on the fee schedule submitted by the preferred supplier Progressive Risk Management, the estimated contract sum, is \$359,102.04. It is anticipated that \$261,169.04 will be expended in the 2019/20 financial year, with the remaining funds to be expended in 2020/21.

Funds of \$200,000 have been allocated from the Waste Reserve to undertake detailed investigations at the sites. The remaining funds will be sourced from the Waste Reserve through a quarterly review this financial year and under Council's 2020/2021 Operational Plan.

**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*

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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.
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**

The project will clarify the current unknown financial and environmental risk associated with potential contamination and required remediation of the former waste sites.

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

- Financial details
- Insurances
- Contract program

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- Management and staff resources
- Subcontractors
- Previous Experience
- References
- Work Health & Safety
- Quality Assurance
- Ecologically sustainable development.

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, and
- Professional Indemnity.

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*

Regarding safety, the RFT requires the Contractor to prepare and implement Safe Work Method Statements for site works.

**e. Other Implications**

**Safety:** In determining the potential level of contamination at these sites Council will clarify if there is any safety issue of potential exposure to the local community.

**Environmental:** By assessing potential contamination at these sites Council will determine if exposure pathways exist to sensitive receptors such as groundwater and nearby creeks.

**Financial:** The project will provide clarification for potential financial implications to remediate the former waste sites and allow for appropriate future budget forecasts.

**Social:** Investigation and subsequent remediation of Council's former waste sites will limit potential exposure pathways to the community.

**CONCLUSION**

The tender from Progressive Risk Management, in the lump sum amount of \$359,102.04 (including GST) offers the best value for money for the investigation of potential contamination at Council's six high priority former waste sites.

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**ENCLOSURES**

- 1** T1920-02 Contamination of Council Former Waste Sites - Evaluation Matrix - *This matter is considered to be confidential under Section 10A(2) (dj) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.*



**SUBJECT:** *LOCAL TRAFFIC COMMITTEE MINUTES 16 SEPTEMBER 2019*

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

**RECOMMENDATION**

That the Minutes of the Local Traffic Committee of 16 September 2019 be adopted as a resolution of the Ordinary Council.

1. TC33/2019 – That Council authorise the installation of GIVE WAY signage on Lomas Lane, Nulkaba in accordance with the Lomas Lane Nulkaba Signage Diagram.
2. TC34/2019 – That Council authorise the installation of GIVE WAY controls on De Beyers Road and Grady Road, Pokolbin, in accordance with the De Beyers & Grady Road Signage & Line Marking Diagram.
3. TC35/2019 – That Council authorise the installation of regulatory parking signage on Cumberland Street, Cessnock in accordance with the Cumberland Street Cessnock – Signage Diagram.
4. TC36/2019 – That Council authorise the installation of regulatory parking signage on Darwin Street, Cessnock, in accordance with the Darwin Street Cessnock Bus Zone Removal Diagram.
5. TC37/2019 – That Council authorise the installation of BUS ZONE signage on Jurd Street, Cessnock in accordance with the Jurd Street Cessnock Signage & Line Marking Diagram.
6. TC38/2019 – That Council authorise the installation of regulatory signage on View Street, Cessnock in accordance with the View Street Cessnock Signage Diagram.
7. TC39/2019 – That Council authorise the temporary regulation of traffic on Great North Road, Murrays Run Road, and Watagan Creek Road, Laguna, in accordance with the Various Roads Laguna Gravel Grit Laguna Traffic Control Plans.
8. TC40/2019 – That Council authorise the temporary regulation of traffic on Camp Road, Greta, in accordance with the Camp Road Greta Silky Oak Festival Traffic Control Plans.
9. TC41/2019 – That Council authorise the installation of regulatory parking signage on King Street, Abermain, in accordance with the King Street Abermain Amended Line Marking & Signage Diagram.

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***MINUTES OF TRAFFIC COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL  
HELD IN ANTE ROOM ON MONDAY, 16 SEPTEMBER 2019, COMMENCING AT 9.30AM***

***PRESENT:*** Councillor Gray (in the Chair)  
Mrs Anne Lomas – NSW State Member Representative  
Ms Wendy Wallace – RMS

***IN ATTENDANCE:*** Mr Nathan Goodbun – Traffic Engineering Officer  
Mr Richard Ingall – Rover Coaches  
Mr Warren Jeffery – Principal Engineer, Traffic & Transport  
Mr John Meldrum – Hunter Valley Buses

***APOLOGIES***

***RESOLVED*** that apologies tendered for unavoidable absence be accepted on behalf of;

Mr Clayton Barr MP – NSW State Member  
Senior Constable Amy Sweeney – NSW Police  
Mrs Katrina Kerr – Infrastructure Manager

***CONFIRMATION OF MINUTES***

***NOTED*** that the Minutes of the Local Traffic Committee held on 19 August 2019, as circulated, were previously confirmed as a true and correct record.

***DISCLOSURES OF INTEREST***

NIL

***BUSINESS ARISING FROM PREVIOUS MINUTES***

NIL

## **LISTED MATTERS**

**SUBJECT:** LOMAS LANE, NULKABA  
ONE WAY BRIDGE CONTROLS

**REPORT NO.:** TC33/2019

**REFERENCE.:** CRM 6440/2019

**MATTER:** A resident has requested that GIVE WAY controls be installed on the single lane bridge over Black Creek on Lomas Lane, Nulkaba, due to an increase in traffic volumes.

**DISCUSSION:** The matter was described as per the report, traffic classifier data was reviewed, heavy vehicle use was discussed and some recorded high speeds were noted.

### **RECOMMENDATION**

That Council authorise the installation of GIVE WAY signage on Lomas Lane, Nulkaba in accordance with enclosure TC33/2019 Lomas Lane Nulkaba \_ Signage Diagram.

**SUPPORT:** Unanimous

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**SUBJECT:** *DE BEYERS ROAD, POKOLBIN  
CHANGE OF INTERSECTION PRIORITY*

**REPORT NO.:** *TC34/2019*

**REFERENCE:**

**MATTER:** Council officers have identified concerns regarding the current configuration of the intersection at De Beyers Road and Grady Road Pokolbin, possibly leading to confusion for some unfamiliar road users, as the major route through the intersection does not follow the straight alignment as with a normal T-intersection, and is not clearly defined by intersection controls.

**DISCUSSION:** The matter was described as per the report, without further discussion.

**RECOMMENDATION**

That Council authorise the installation of GIVE WAY controls on De Beyers Road and Grady Road, Pokolbin in accordance with enclosure TC34/2019 De Beyers & Grady Road \_ Signage & Line Marking Diagram.

**SUPPORT:** Unanimous

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**SUBJECT:** CUMBERLAND STREET, CESSNOCK  
REGULATORY PARKING

**REPORT NO.:** TC35/2019

**REFERENCE.:** DOC2019/065318

**MATTER:** The Captain of Cessnock Fire Brigade has requested that consideration be given to providing additional dedicated on-street parking in the vicinity of Cessnock Fire Station, to assist retained firefighters when responding to emergency incidents. Council officers have conducted an audit of regulatory parking in the area and identified an existing 13m NO STOPPING area that is amenable to conversion to dedicated on-street parking.

**DISCUSSION:** The matter was described as per the report, and discussed as follows:

- It was noted that an amended signage diagram was presented to the committee, addressing minor signage variations raised by the RMS representative prior to the meeting.

#### **RECOMMENDATION**

That Council authorise the installation of regulatory parking signage on Cumberland Street, Cessnock in accordance with enclosure TC35/2019 Cumberland Street Cessnock \_ Signage Diagram.

**SUPPORT:** Unanimous

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**SUBJECT:** *DARWIN STREET, CESSNOCK  
REGULATORY PARKING*

**REPORT NO.:** *TC36/2019*

**REFERENCE:**

**MATTER:** The recent review of Bus Zones within the Cessnock CBD has identified a Bus Zone in Darwin Street Cessnock which is surplus to requirements.

**DISCUSSION:** The matter was described as per the report, and discussed as follows:

- It was noted that the proposed 3 hour parking area aligns with the current practice of providing timed parking within the immediate CBD area, with time periods increasing as distance from the CBD increases.

#### **RECOMMENDATION**

**That Council authorise the installation of regulatory parking signage on Darwin Street, Cessnock, in accordance with enclosure TC36/2019 Darwin Street Cessnock \_ Bus Zone Removal Diagram.**

**SUPPORT:** **Unanimous**

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**SUBJECT:** JURD STREET, CESSNOCK  
BUS ZONE

**REPORT NO.:** TC37/2019

**REFERENCE.:** CPTIGS 2015-17 - CPTIGS00086

**MATTER:** The recent upgrade of the Bus Stop on Jurd Street, Cessnock, adjacent the North End Park has identified a deficiency in the length of the existing Bus Zone.

**DISCUSSION:** The matter was described as per the report, and discussed as follows:

- It was noted that the bus stop services scheduled routes, as well as school services;
- The operating times are to be amended to 7.30am to 4.30pm Monday – Friday accordingly; and
- It was confirmed that ample alternate parking spaces are available for people using the adjacent hall and recreation park during the proposed operative bus zone times

#### **RECOMMENDATION**

That Council authorise the installation of BUS ZONE signage on Jurd Street, Cessnock in accordance with enclosure TC37/2019 Jurd Street Cessnock \_ Signage & Line Marking Diagram.

**SUPPORT:** Unanimous

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**SUBJECT:** VIEW STREET, CESSNOCK  
REGULATORY PARKING

**REPORT NO.:** TC38/2019

**REFERENCE.:** DOC2019/060566

**MATTER:** The Rover Coaches Work Health and Safety Manager raised concerns that buses servicing the bus stop in View Street, Cessnock, in the vicinity of Cessnock District Hospital are unable to stop completely within the designated Bus Zone and as a result encroach on the adjacent NO STOPPING zone, due to the Bus Zone being shorter than the minimum standard as required by Transport for NSW.

Investigations by Council officers also identified that NO STOPPING zones on approach and departure from the marked pedestrian (zebra) crossing did not meet RMS standards.

**DISCUSSION:** The matter was described as per the report, and discussed as follows:

- It was noted that the differing posted operating times for the northern bus stop may cause confusion for motorists;
- The operating times are to be amended to 8.00am to 6.30pm accordingly.

#### **RECOMMENDATION**

**That Council authorise the installation of regulatory signage on View Street, Cessnock a in accordance with enclosure TC38/2019 View Street Cessnock \_ Signage Diagram.**

**SUPPORT:** Unanimous



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**SUBJECT:** GREAT NORTH ROAD, MURRAY'S RUN ROAD & WATAGAN CREEK ROAD, LAGUNA  
TEMPORARY REGULATION OF TRAFFIC  
GRAVEL GRIT LAGUNA CYCLE EVENT

**REPORT NO.:** TC39/2019

**REFERENCE.:** 45/2019/17/1

**MATTER:** Council received an application for the temporary regulation of traffic for the Gravel Grit Laguna cycle event, and has assessed the application together with the associated Traffic Control Plans (TCPs).

Consent is sought from RMS under Section 116 of the *Roads Act 1993*, to regulate traffic on various roads in Laguna in connection with this event.

**DISCUSSION:** The matter was described as per the report, and discussed as follows:

- It was noted that in addition to standard conditions, the *Roads Act* consent is to be further conditioned as follows:
  - Requirement for organizer to undertake local consultation;
  - Advice that the event consent is conditional on NSW Police presence. In the event of non-attendance by NSW Police, consent for regulation of traffic lapses.
- It was recommended that Rangers/Compliance staff actively monitor the event.

**RECOMMENDATION**

That Council authorise the temporary regulation of traffic on Great North Road, Murrays Run Road, and Watagan Creek Road, Laguna, in accordance with enclosure TC39/2019 Various Roads Laguna \_ Gravel Grit Laguna - Traffic Control Plans.

**SUPPORT:** Unanimous

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**SUBJECT:** *CAMP ROAD, GRETA  
TEMPORARY REGULATION OF TRAFFIC - SILKY OAK FESTIVAL*

**REPORT NO.:** *TC40/2019*

**REFERENCE.:** *8 2019 430 1*

**MATTER:** Council has received a development application for the Silky Oak Festival, including a request for the temporary regulation of traffic, and has assessed the application along with the associated Traffic Management Plan (TMP) and Traffic Control Plans (TCPs).

Consent is sought from Roads & Maritime Services (RMS) under Section 116 of the *Roads Act 1993*, to regulate traffic on various roads in Greta in connection with this event.

**DISCUSSION:** The matter was described as per the report, and discussed as follows:

- It was noted that the *Roads Act* consent is to be conditioned to ensure adequate queue management is provided for Camp Road.

**RECOMMENDATION**

That Council authorise the temporary regulation of traffic on Camp Road, Greta, in accordance with enclosure TC40/2019 Camp Road Greta \_ Silky Oak Festival - Traffic Control Plans.

**SUPPORT:** Unanimous

**SUBJECT:** *KING STREET, ABERMAIN  
REGULATORY PARKING*

**REPORT NO.:** *TC41/2019*

**REFERENCE.:** *CRM 14930/2017*

**MATTER:** During an inspection of the recently completed upgrade works in King Street Abermain, adjacent Holy Spirit Infants School (TC13/2018), Council officers identified an additional area amenable to conversion into a Kiss and Drop area for the school.

**DISCUSSION:** The matter was described as per the report, without further discussion.

**RECOMMENDATION**

That Council authorise the installation of regulatory parking signage on King Street, Abermain, in accordance with enclosure TC41/2019 King Street Abermain \_ Amended Line Marking & Signage Diagram.

**SUPPORT:** Unanimous

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## ***CORRESPONDENCE***

NIL

## ***GENERAL BUSINESS***

NIL

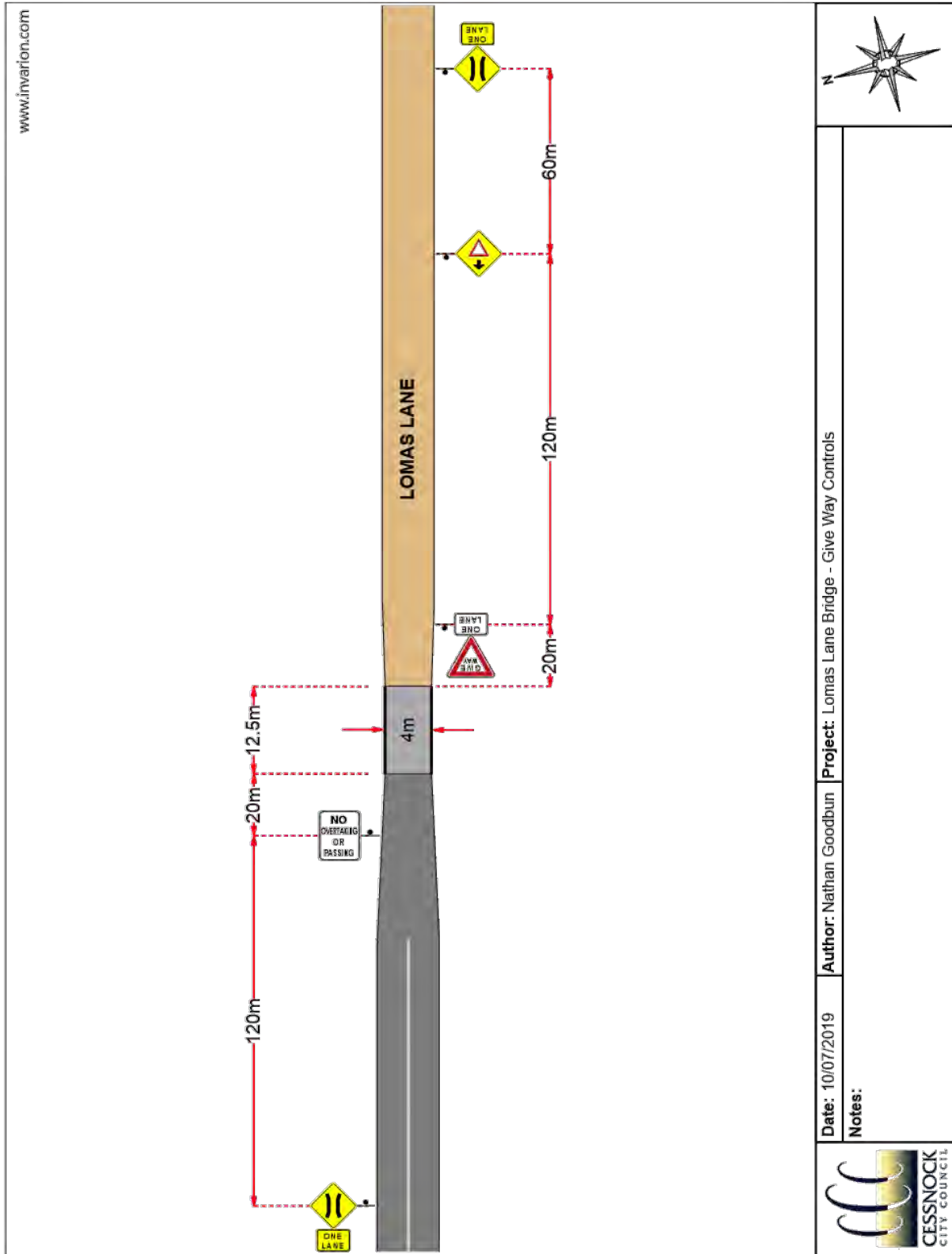
**CLOSURE:** The meeting was declared closed at 11.00 am

### ***NSW POLICE TECHNICAL REVIEW***

Following the meeting, the NSW Police representative provided individual technical review of the reports on the Listed Matters and provided support for the recommendations.

### ***ENCLOSURES***

- 1** [↓](#) TC33/2019 - Lomas Lane Nulkaba Inspection Handout
- 2** [↓](#) TC33/2019 - Traffic Classifier Data - May 2019
- 3** [↓](#) TC33/2019 - Lomas Lane Nulkaba Signage Diagram
- 4** [↓](#) TC34/2019 - De Beyers & Grady Road Signage & Line Marking Diagram
- 5** [↓](#) TC35/2019 - Cumberland Street Cessnock Signage Diagram
- 6** [↓](#) TC36/2019 - Darwin Street Cessnock Bus Zone Removal Diagram
- 7** [↓](#) TC37/2019 - Jurd Street Cessnock Inspection Handout
- 8** [↓](#) TC37/2019 - Jurd Street Cessnock Signage & Line Marking Diagram
- 9** [↓](#) TC38/2019 - View Street Cessnock - Community Engagement
- 10** [↓](#) TC38/2019 - View Street Cessnock Signage Diagram
- 11** [↓](#) TC39/2019 - Various Roads Laguna Gravel Grit Laguna Traffic Control Plans
- 12** [↓](#) TC40/2019 - Camp road Greta - Silky Oak Festival Traffic Control Plans
- 13** [↓](#) TC41/2019 - King Street Abermain Amended Line Marking & Signage Diagram

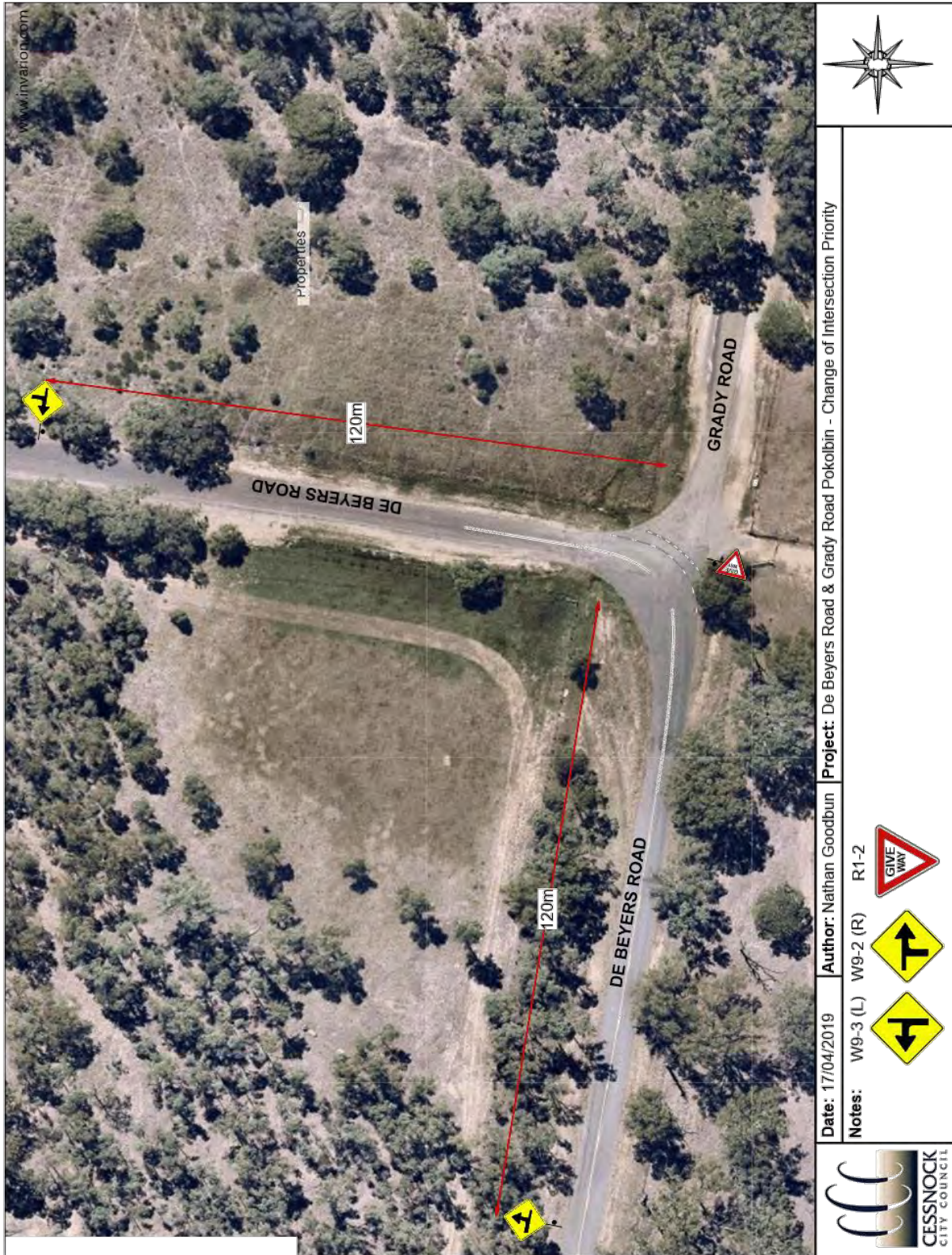


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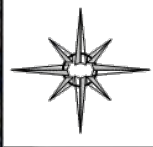
Date: 10/07/2019 Author: Nathan Goodbun Project: Lomas Lane Bridge - Give Way Controls

Notes:

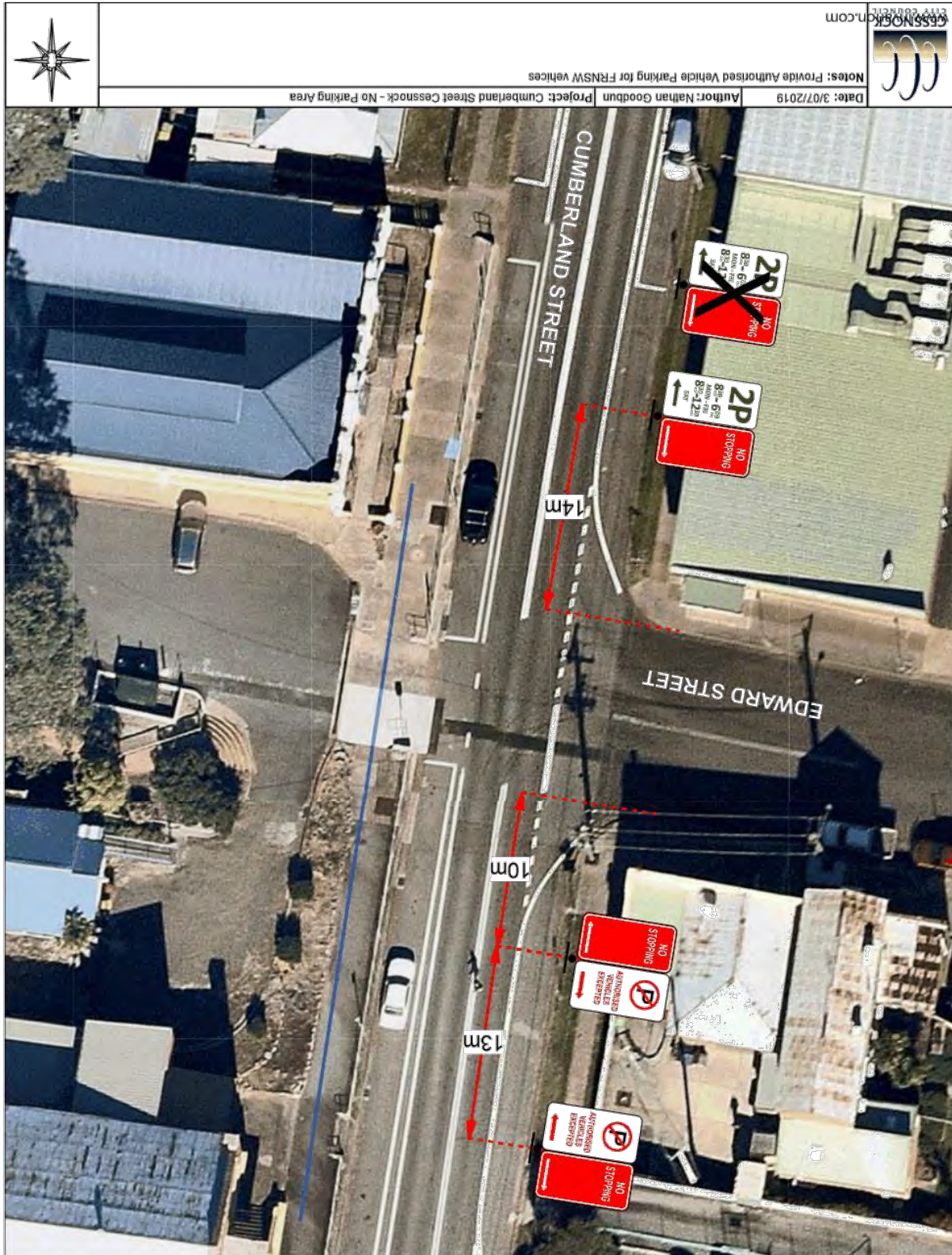




**Date:** 17/04/2019  
**Notes:** W9-3 (L) W9-2 (R) R1-2  
**Author:** Nathan Goodbun  
**Project:** De Beyers Road & Grady Road Pokolbin - Change of Intersection Priority













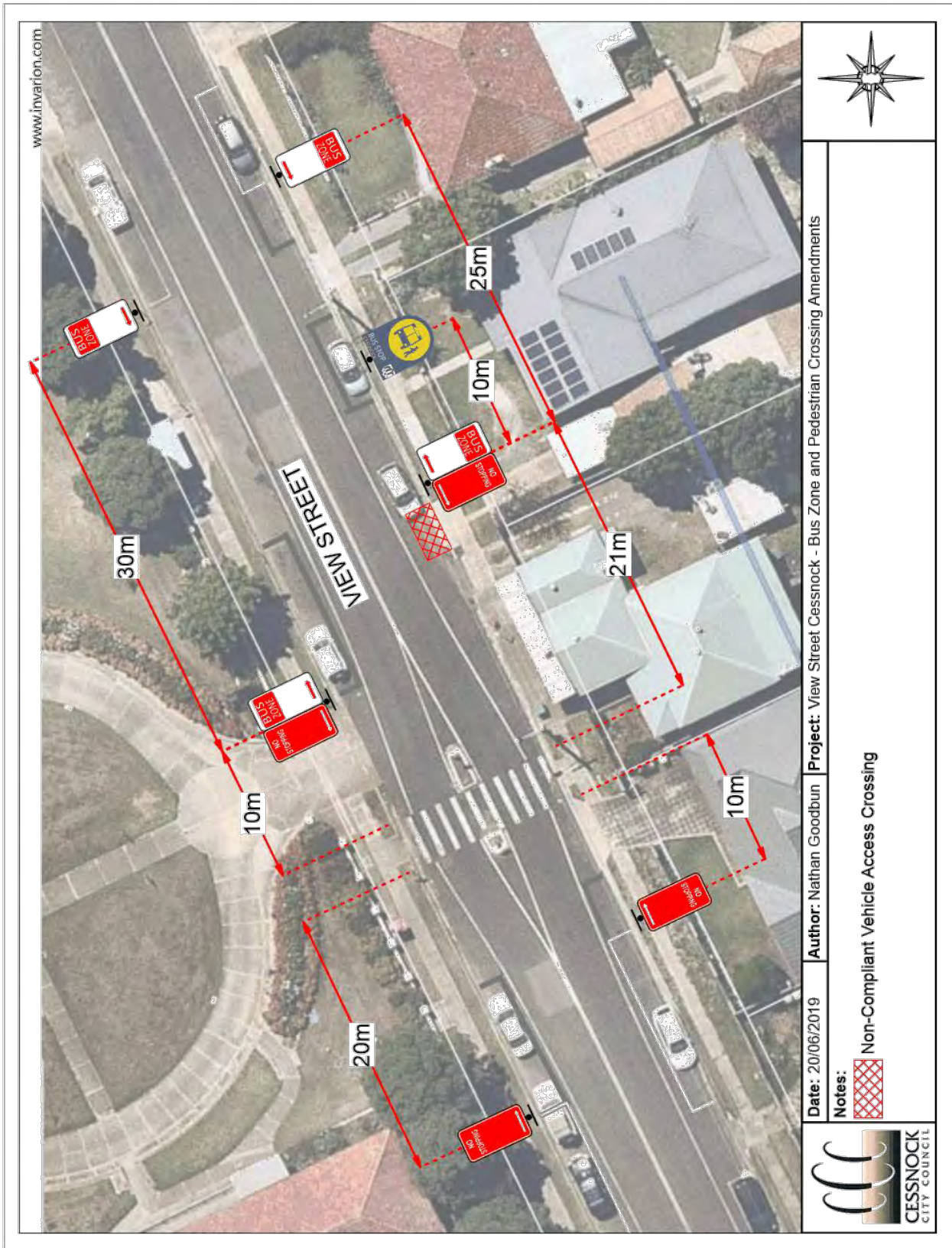


**Date:** 1/05/2019  
**Notes:** R5-20 BUS ZONE  
 8am - 930am  
 230pm - 4pm  
 SCHOOL DAYS

**Author:** Nathan Goodbun  
**Project:** Jurd Street Cessnock - Bus Zone









## MetroCount Traffic Executive Daily Classes

### DailyClass-138 -- English (ENA)

#### Datasets:

**Site:** [MC13] Lomas Lane, Nulkaba - 12m east of eastern bridge abutment <80>  
**Attribute:** Cessnock City Council  
**Direction:** 6 - West bound A>B, East bound B>A. Lane: 0  
**Survey Duration:** 9:24 Tuesday, 7 May 2019 => 9:31 Wednesday, 15 May 2019,  
**Zone:**  
**File:** MC13 0 2019-05-15 0931.EC0 (Plus )  
**Identifier:** KB72SQJ9 MC56-L5 [MC55] (c)Microcom 19Oct04  
**Algorithm:** Factory default axle (v4.06)  
**Data type:** Axle sensors - Paired (Class/Speed/Count)

#### Profile:

**Filter time:** 9:25 Tuesday, 7 May 2019 => 9:31 Wednesday, 15 May 2019 (8.00473)  
**Included classes:** 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12  
**Speed range:** 10 - 160 km/h.  
**Direction:** North, East, South, West (bound), P = East  
**Separation:** Headway > 0 sec, Span 0 - 100 metre  
**Name:** Default Profile  
**Scheme:** Vehicle classification (AustRoads94)  
**Units:** Metric (metre, kilometre, m/s, km/h, kg, tonne)  
**In profile:** Vehicles = 3534 / 3536 (99.94%)



**Daily Classes**

**DailyClass-138**

**Site:** MC13.0.1WE  
**Description:** Lomas Lane, Nulkaba - 12m east of eastern bridge abutment <80>  
**Filter time:** 9:25 Tuesday, 7 May 2019 => 9:31 Wednesday, 15 May 2019  
**Scheme:** Vehicle classification (AustRoads94)  
**Filter:** Cls(1 2 3 4 5 6 7 8 9 10 11 12 ) Dir(NESW) Sp(10,160) Headway(>0) Span(0 - 100)

Monday, 6 May 2019													
	1	2	3	4	5	6	7	8	9	10	11	12	Total
<b>Mon*</b>	0	0	0	0	0	0	0	0	0	0	0	0	0
(%)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0
<b>Tue*</b>	209	1	22	6	0	1	0	0	0	0	0	0	239
(%)	87.4	0.4	9.2	2.5	0.0	0.4	0.0	0.0	0.0	0.0	0.0	0.0	
<b>Wed</b>	275	9	35	8	4	0	0	2	0	0	0	0	333
(%)	82.6	2.7	10.5	2.4	1.2	0.0	0.0	0.6	0.0	0.0	0.0	0.0	
<b>Thu</b>	339	12	26	2	0	0	3	0	0	0	0	0	382
(%)	88.7	3.1	6.8	0.5	0.0	0.0	0.8	0.0	0.0	0.0	0.0	0.0	
<b>Fri</b>	341	7	36	6	2	3	0	0	0	0	0	0	395
(%)	86.3	1.8	9.1	1.5	0.5	0.8	0.0	0.0	0.0	0.0	0.0	0.0	
<b>Sat</b>	508	11	12	0	0	2	0	0	0	0	0	0	533
(%)	95.3	2.1	2.3	0.0	0.0	0.4	0.0	0.0	0.0	0.0	0.0	0.0	
<b>Sun</b>	826	3	20	2	0	1	0	0	0	0	0	0	852
(%)	96.9	0.4	2.3	0.2	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.0	

**Average daily volume**

<b>Entire week</b>	457	8	25	2	0	0	0	0	0	0	0	0	499
(%)	91.6	1.6	5.0	0.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
<b>Weekdays</b>	318	9	32	4	2	0	0	0	0	0	0	0	370
(%)	85.9	2.4	8.6	1.1	0.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
<b>Weekend</b>	666	7	16	0	0	1	0	0	0	0	0	0	692
(%)	96.2	1.0	2.3	0.0	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.0	

\* - Incomplete



**Daily Classes**

**DailyClass-138**

**Site:** MC13.0.1WE  
**Description:** Lomas Lane, Nulkaba - 12m east of eastern bridge abutment <80>  
**Filter time:** 9:25 Tuesday, 7 May 2019 => 9:31 Wednesday, 15 May 2019  
**Scheme:** Vehicle classification (AustRoads94)  
**Filter:** Cls(1 2 3 4 5 6 7 8 9 10 11 12 ) Dir(NESW) Sp(10,160) Headway(>0) Span(0 - 100)

Monday, 13 May 2019

	1	2	3	4	5	6	7	8	9	10	11	12	Total
<b>Mon</b>	358	5	22	2	2	5	0	0	0	0	0	0	394
(%)	90.9	1.3	5.6	0.5	0.5	1.3	0.0	0.0	0.0	0.0	0.0	0.0	
<b>Tue</b>	337	3	34	3	0	1	0	0	0	0	0	0	378
(%)	89.2	0.8	9.0	0.8	0.0	0.3	0.0	0.0	0.0	0.0	0.0	0.0	
<b>Wed*</b>	19	0	4	3	2	0	0	0	0	0	0	0	28
(%)	67.9	0.0	14.3	10.7	7.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
<b>Thu*</b>	0	0	0	0	0	0	0	0	0	0	0	0	0
(%)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
<b>Fri*</b>	0	0	0	0	0	0	0	0	0	0	0	0	0
(%)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
<b>Sat*</b>	0	0	0	0	0	0	0	0	0	0	0	0	0
(%)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
<b>Sun*</b>	0	0	0	0	0	0	0	0	0	0	0	0	0
(%)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	

Average daily volume

<b>Entire week</b>	347	4	28	2	0	2	0	0	0	0	0	0	385
(%)	90.1	1.0	7.3	0.5	0.0	0.5	0.0	0.0	0.0	0.0	0.0	0.0	
<b>Weekdays</b>	347	4	28	2	0	2	0	0	0	0	0	0	385
(%)	90.1	1.0	7.3	0.5	0.0	0.5	0.0	0.0	0.0	0.0	0.0	0.0	

Weekend No complete days.

\* - Incomplete



### Daily Classes by Direction

#### DayClassSplit-139 -- English (ENA)

##### Datasets:

**Site:** [MC13] Lomas Lane, Nulkaba - 12m east of eastern bridge abutment <80>  
**Attribute:** Cessnock City Council  
**Direction:** 6 - West bound A>B, East bound B>A. Lane: 0  
**Survey Duration:** 9:24 Tuesday, 7 May 2019 => 9:31 Wednesday, 15 May 2019,  
**Zone:**  
**File:** MC13 0 2019-05-15 0931.EC0 (Plus )  
**Identifier:** KB72SQJ9 MC56-L5 [MC55] (c)Microcom 19Oct04  
**Algorithm:** Factory default axle (v4.06)  
**Data type:** Axle sensors - Paired (Class/Speed/Count)

##### Profile:

**Filter time:** 9:25 Tuesday, 7 May 2019 => 9:31 Wednesday, 15 May 2019 (8.00473)  
**Included classes:** 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12  
**Speed range:** 10 - 160 km/h.  
**Direction:** North, East, South, West (bound), P = East  
**Separation:** Headway > 0 sec, Span 0 - 100 metre  
**Name:** Default Profile  
**Scheme:** Vehicle classification (AustRoads94)  
**Units:** Metric (metre, kilometre, m/s, km/h, kg, tonne)  
**In profile:** Vehicles = 3534 / 3536 (99.94%)





**Daily Classes by Direction**

**DayClassSplit-139**

**Site:** MC13.0.1WE  
**Description:** Lomas Lane, Nulkaba - 12m east of eastern bridge abutment <80>  
**Filter time:** 9:25 Tuesday, 7 May 2019 => 9:31 Wednesday, 15 May 2019  
**Scheme:** Vehicle classification (AustRoads94)  
**Filter:** Cls(1 2 3 4 5 6 7 8 9 10 11 12 ) Dir(NESW) Sp(10,160) Headway(>0) Span(0 - 100)

Monday, 6 May 2019													
	1	2	3	4	5	6	7	8	9	10	11	12	Total
Mon*	0	0	0	0	0	0	0	0	0	0	0	0	0
(%)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
AB	0	0	0	0	0	0	0	0	0	0	0	0	0
AB%	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
BA	0	0	0	0	0	0	0	0	0	0	0	0	0
BA%	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Tue*	209	1	22	6	0	1	0	0	0	0	0	0	239
(%)	87.4	0.4	9.2	2.5	0.0	0.4	0.0	0.0	0.0	0.0	0.0	0.0	100.0
AB	116	1	10	3	0	0	0	0	0	0	0	0	130
AB%	55.5	100.0	45.5	50.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	54.4
BA	93	0	12	3	0	1	0	0	0	0	0	0	109
BA%	44.5	0.0	54.5	50.0	0.0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	45.6
Wed	275	9	35	8	4	0	0	2	0	0	0	0	333
(%)	82.6	2.7	10.5	2.4	1.2	0.0	0.0	0.6	0.0	0.0	0.0	0.0	100.0
AB	139	5	18	4	2	0	0	1	0	0	0	0	169
AB%	50.5	55.6	51.4	50.0	50.0	0.0	0.0	50.0	0.0	0.0	0.0	0.0	50.0
BA	136	4	17	4	2	0	0	1	0	0	0	0	164
BA%	49.5	44.4	48.6	50.0	50.0	0.0	0.0	50.0	0.0	0.0	0.0	0.0	49.2
Thu	339	12	26	2	0	0	3	0	0	0	0	0	382
(%)	88.7	3.1	6.8	0.5	0.0	0.0	0.8	0.0	0.0	0.0	0.0	0.0	100.0
AB	172	6	13	1	0	0	1	0	0	0	0	0	193
AB%	50.7	50.0	50.0	50.0	0.0	0.0	33.3	0.0	0.0	0.0	0.0	0.0	50.5
BA	167	6	13	1	0	0	2	0	0	0	0	0	189
BA%	49.3	50.0	50.0	50.0	0.0	0.0	66.7	0.0	0.0	0.0	0.0	0.0	49.5
Fri	341	7	36	6	2	3	0	0	0	0	0	0	395
(%)	86.3	1.8	9.1	1.5	0.5	0.8	0.0	0.0	0.0	0.0	0.0	0.0	100.0
AB	161	4	20	3	1	1	0	0	0	0	0	0	190
AB%	47.2	57.1	55.6	50.0	50.0	33.3	0.0	0.0	0.0	0.0	0.0	0.0	45.1
BA	180	3	16	3	1	2	0	0	0	0	0	0	205
BA%	52.8	42.9	44.4	50.0	50.0	66.7	0.0	0.0	0.0	0.0	0.0	0.0	51.9
Sat	508	11	12	0	0	2	0	0	0	0	0	0	533
(%)	95.3	2.1	2.3	0.0	0.0	0.4	0.0	0.0	0.0	0.0	0.0	0.0	100.0
AB	251	4	8	0	0	1	0	0	0	0	0	0	264
AB%	49.4	36.4	66.7	0.0	0.0	50.0	0.0	0.0	0.0	0.0	0.0	0.0	49.5
BA	257	7	4	0	0	1	0	0	0	0	0	0	269
BA%	50.6	63.6	33.3	0.0	0.0	50.0	0.0	0.0	0.0	0.0	0.0	0.0	50.5
Sun	826	3	20	2	0	1	0	0	0	0	0	0	852
(%)	96.9	0.4	2.3	0.2	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.0	100.0
AB	416	2	10	1	0	0	0	0	0	0	0	0	429
AB%	50.4	66.7	50.0	50.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	50.4
BA	410	1	10	1	0	1	0	0	0	0	0	0	423
BA%	49.6	33.3	50.0	50.0	0.0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	49.6

**Average daily volume**

<b>Entire week</b>													
	487	0	25	2	0	0	0	0	0	0	0	0	499
(%)	91.6	1.6	5.0	0.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0
AB	227	4	13	1	0	0	0	0	0	0	0	0	245
AB%	46.7	50.0	52.0	50.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	49.9
BA	260	4	12	1	0	0	0	0	0	0	0	0	254
BA%	53.3	50.0	48.0	50.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	50.1
<b>Weekdays</b>													
	318	9	32	4	2	0	0	0	0	0	0	0	370
(%)	85.9	2.4	8.6	1.1	0.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0
AB	167	5	17	2	1	0	0	0	0	0	0	0	194
AB%	49.4	55.6	53.1	50.0	50.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	49.7
BA	151	4	15	2	1	0	0	0	0	0	0	0	176
BA%	50.6	44.4	46.9	50.0	50.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	50.3
<b>Weekend</b>													
	666	7	15	0	0	1	0	0	0	0	0	0	692
(%)	96.2	1.0	2.3	0.0	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.0	100.0
AB	333	3	9	0	0	0	0	0	0	0	0	0	345
AB%	50.0	42.9	56.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	50.0



BA	333	4	7	0	0	1	0	0	0	0	0	0	346
BA%	50.0	57.1	43.8	0.0	0.0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	50.0

\* - Incomplete



**Daily Classes by Direction**

**DayClassSplit-139**

**Site:** MC13.0.1WE  
**Description:** Lomas Lane, Nulkaba - 12m east of eastern bridge abutment <80>  
**Filter time:** 9:25 Tuesday, 7 May 2019 => 9:31 Wednesday, 15 May 2019  
**Scheme:** Vehicle classification (AustRoads94)  
**Filter:** Cls(1 2 3 4 5 6 7 8 9 10 11 12 ) Dir(NESW) Sp(10,160) Headway(>0) Span(0 - 100)

Monday, 13 May 2019													
	1	2	3	4	5	6	7	8	9	10	11	12	Total
Mon	358	5	22	2	2	5	0	0	0	0	0	0	394
(%)	90.9	1.3	5.6	0.5	0.5	1.3	0.0	0.0	0.0	0.0	0.0	0.0	
AB	176	2	14	2	1	3	0	0	0	0	0	0	199
AB%	49.2	40.0	63.6	100.0	50.0	60.0	0.0	0.0	0.0	0.0	0.0	0.0	50.3
BA	182	3	8	0	1	2	0	0	0	0	0	0	195
BA%	50.8	60.0	36.4	0.0	50.0	40.0	0.0	0.0	0.0	0.0	0.0	0.0	49.7
Tue	327	3	34	3	0	1	0	0	0	0	0	0	378
(%)	89.2	0.8	9.0	0.8	0.0	0.3	0.0	0.0	0.0	0.0	0.0	0.0	
AB	175	2	16	2	0	0	0	0	0	0	0	0	195
AB%	51.9	66.7	47.1	66.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	51.6
BA	152	1	18	1	0	1	0	0	0	0	0	0	183
BA%	46.1	33.3	52.9	33.3	0.0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	48.4
Wed*	19	0	4	3	2	0	0	0	0	0	0	0	28
(%)	67.9	0.0	14.3	10.7	7.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
AB	12	0	2	1	1	0	0	0	0	0	0	0	16
AB%	63.2	0.0	50.0	33.3	50.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	57.1
BA	7	0	2	2	1	0	0	0	0	0	0	0	12
BA%	36.8	0.0	50.0	66.7	50.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	42.9
Thu*	0	0	0	0	0	0	0	0	0	0	0	0	0
(%)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
AB	0	0	0	0	0	0	0	0	0	0	0	0	0
AB%	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
BA	0	0	0	0	0	0	0	0	0	0	0	0	0
BA%	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Fri*	0	0	0	0	0	0	0	0	0	0	0	0	0
(%)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
AB	0	0	0	0	0	0	0	0	0	0	0	0	0
AB%	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
BA	0	0	0	0	0	0	0	0	0	0	0	0	0
BA%	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Sat*	0	0	0	0	0	0	0	0	0	0	0	0	0
(%)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
AB	0	0	0	0	0	0	0	0	0	0	0	0	0
AB%	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
BA	0	0	0	0	0	0	0	0	0	0	0	0	0
BA%	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Sun*	0	0	0	0	0	0	0	0	0	0	0	0	0
(%)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
AB	0	0	0	0	0	0	0	0	0	0	0	0	0
AB%	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
BA	0	0	0	0	0	0	0	0	0	0	0	0	0
BA%	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

**Average daily volume**

<b>Entire week</b>													
	347	4	28	2	0	2	0	0	0	0	0	0	385
(%)	90.1	1.0	7.3	0.5	0.0	0.5	0.0	0.0	0.0	0.0	0.0	0.0	
AB	175	2	15	2	0	1	0	0	0	0	0	0	196
AB%	50.4	50.0	53.6	100.0	0.0	50.0	0.0	0.0	0.0	0.0	0.0	0.0	50.9
BA	172	2	13	0	0	1	0	0	0	0	0	0	189
BA%	49.6	50.0	46.4	0.0	0.0	50.0	0.0	0.0	0.0	0.0	0.0	0.0	49.1
<b>Weekdays</b>													
	347	4	28	2	0	2	0	0	0	0	0	0	385
(%)	90.1	1.0	7.3	0.5	0.0	0.5	0.0	0.0	0.0	0.0	0.0	0.0	
AB	175	2	15	2	0	1	0	0	0	0	0	0	196
AB%	50.4	50.0	53.6	100.0	0.0	50.0	0.0	0.0	0.0	0.0	0.0	0.0	50.9
BA	172	2	13	0	0	1	0	0	0	0	0	0	189
BA%	49.6	50.0	46.4	0.0	0.0	50.0	0.0	0.0	0.0	0.0	0.0	0.0	49.1

Weekend No complete days.

\* - Incomplete





## Speed Statistics

### SpeedStat-141 -- English (ENA)

#### Datasets:

**Site:** [MC13] Lomas Lane, Nulkaba - 12m east of eastern bridge abutment <80>  
**Attribute:** Cessnock City Council  
**Direction:** 6 - West bound A>B, East bound B>A. Lane: 0  
**Survey Duration:** 9:24 Tuesday, 7 May 2019 => 9:31 Wednesday, 15 May 2019,  
**Zone:**  
**File:** MC13 0 2019-05-15 0931.EC0 (Plus )  
**Identifier:** KB72SQJ9 MC56-L5 [MC55] (c)Microcom 19Oct04  
**Algorithm:** Factory default axle (v4.06)  
**Data type:** Axle sensors - Paired (Class/Speed/Count)

#### Profile:

**Filter time:** 9:25 Tuesday, 7 May 2019 => 9:31 Wednesday, 15 May 2019 (8.00473)  
**Included classes:** 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12  
**Speed range:** 10 - 160 km/h.  
**Direction:** North, East, South, West (bound), P = East  
**Separation:** Headway > 0 sec, Span 0 - 100 metre  
**Name:** Default Profile  
**Scheme:** Vehicle classification (AustRoads94)  
**Units:** Metric (metre, kilometre, m/s, km/h, kg, tonne)  
**In profile:** Vehicles = 3534 / 3536 (99.94%)



**Speed Statistics**

**SpeedStat-141**

**Site:** MC13.0.1WE  
**Description:** Lomas Lane, Nulkaba - 12m east of eastern bridge abutment <80>  
**Filter time:** 9:25 Tuesday, 7 May 2019 => 9:31 Wednesday, 15 May 2019  
**Scheme:** Vehicle classification (AustRoads94)  
**Filter:** Cls(1 2 3 4 5 6 7 8 9 10 11 12 ) Dir(NESW) Sp(10,160) Headway(>0) Span(0 - 100)

Vehicles = 3534  
 Posted speed limit = 80 km/h, Exceeding = 68 (1.92%), Mean Exceeding = 87.48 km/h  
 Maximum = 131.3 km/h, Minimum = 11.7 km/h, Mean = 48.8 km/h  
 85% Speed = 63.0 km/h, 95% Speed = 71.3 km/h, Median = 47.5 km/h  
 20 km/h Pace = 35 - 55, Number in Pace = 1941 (54.92%)  
 Variance = 180.34, Standard Deviation = 13.43 km/h

**Speed Bins (Partial days)**

Speed	Bin	Below	Above	Energy	vMult	n * vMult
0 - 10	0 0.0%	0 0.0%	3534 100.0%	0.00	0.00	0.00
10 - 20	19 0.5%	19 0.5%	3515 99.5%	0.00	0.00	0.00
20 - 30	191 5.1%	200 5.7%	3334 94.3%	0.00	0.00	0.00
30 - 40	777 22.0%	977 27.6%	2557 72.4%	0.00	0.00	0.00
40 - 50	1024 29.0%	2001 56.6%	1533 43.4%	0.00	0.00	0.00
50 - 60	821 23.2%	2822 79.9%	712 20.1%	0.00	0.00	0.00
60 - 70	501 14.2%	3323 94.0%	211 6.0%	0.00	0.00	0.00
70 - 80	143 4.0%	3466 98.1%	68 1.9%	0.00	0.00	0.00
80 - 90	52 1.5%	3518 99.5%	16 0.5%	0.00	0.00	0.00
90 - 100	11 0.3%	3529 99.9%	5 0.1%	0.00	0.00	0.00
100 - 110	4 0.1%	3533 100.0%	1 0.0%	0.00	0.00	0.00
110 - 120	0 0.0%	3533 100.0%	1 0.0%	0.00	0.00	0.00
120 - 130	0 0.0%	3533 100.0%	1 0.0%	0.00	0.00	0.00
130 - 140	1 0.0%	3534 100.0%	0 0.0%	0.00	0.00	0.00
140 - 150	0 0.0%	3534 100.0%	0 0.0%	0.00	0.00	0.00
150 - 160	0 0.0%	3534 100.0%	0 0.0%	0.00	0.00	0.00
160 - 170	0 0.0%	3534 100.0%	0 0.0%	0.00	0.00	0.00
170 - 180	0 0.0%	3534 100.0%	0 0.0%	0.00	0.00	0.00
180 - 190	0 0.0%	3534 100.0%	0 0.0%	0.00	0.00	0.00
190 - 200	0 0.0%	3534 100.0%	0 0.0%	0.00	0.00	0.00

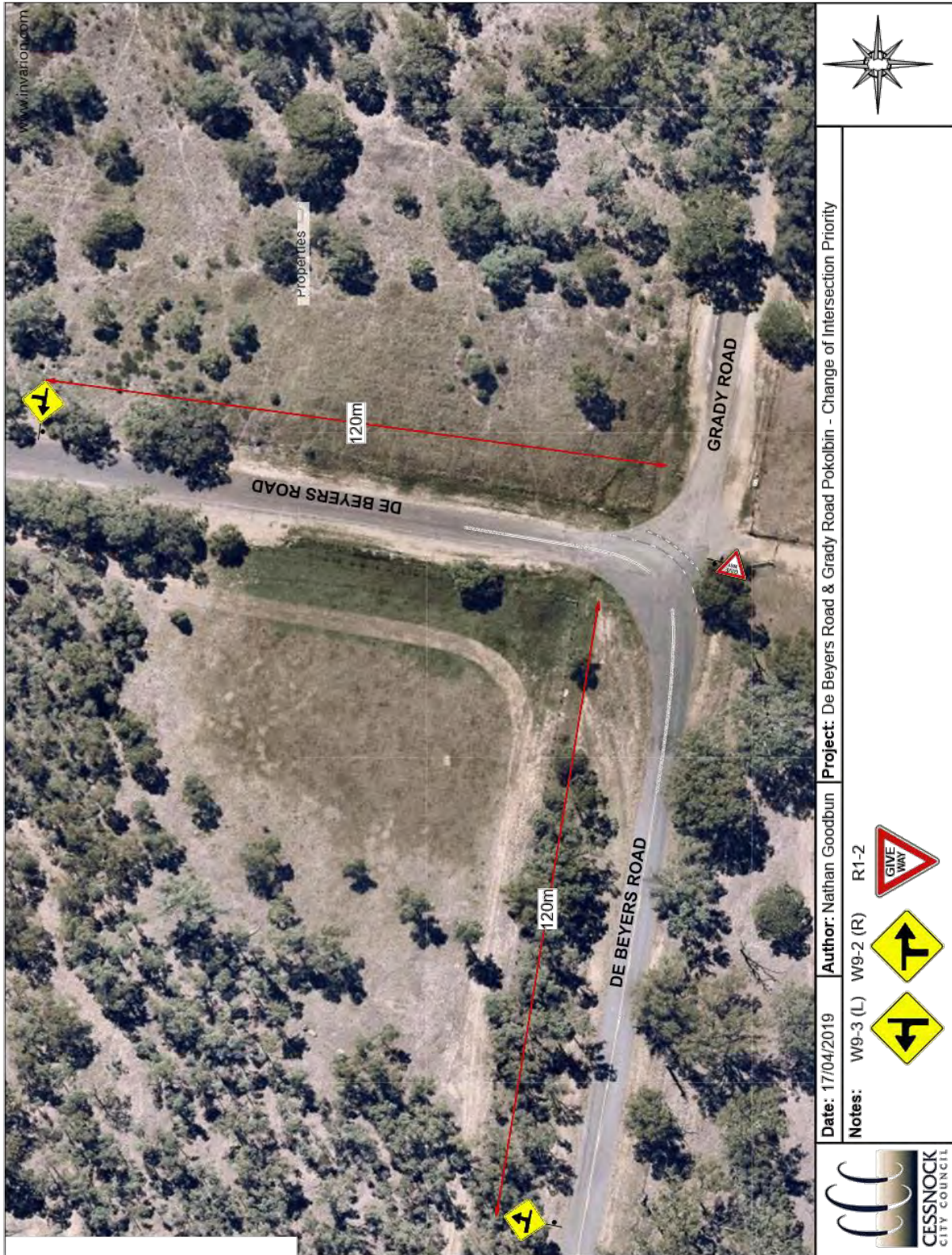
Total Speed Rating = 0.00  
 Total Moving Energy (Estimated) = 0.00

**Speed limit fields (Partial days)**

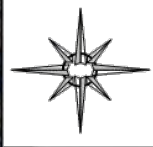
Limit	Below	Above
0   80 (PSL)	3466 98.1%	68 1.9%







**Date:** 17/04/2019  
**Notes:** W9-3 (L) W9-2 (R) R1-2  
**Author:** Nathan Goodbun  
**Project:** De Beyers Road & Grady Road Pokolbin - Change of Intersection Priority


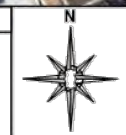








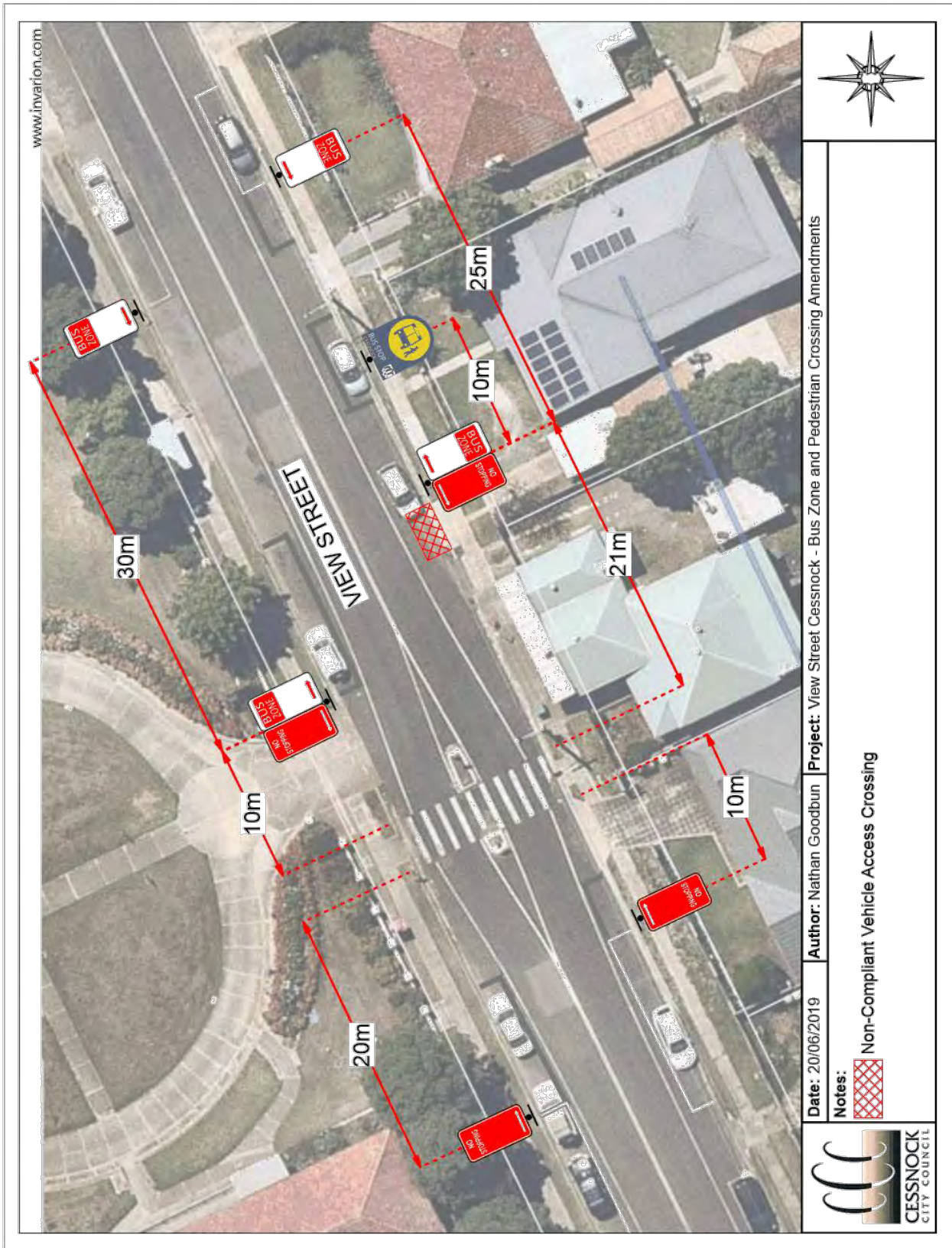


	<b>Date:</b> 28/08/2019	<b>Author:</b> Nathan Goodbun	<b>Project:</b> Darwin Street Cessnock - Bus Zone Removal & Regulatory Parking	
<b>Notes:</b> Remove existing Bus Zone. Install 3HR Parking: 8:30am to 6:00pm Mon-Fri & 8:30am to 12:30pm Sat. All NO STOPPING signs are existing. New signage to be installed on existing posts.				
















 <p>CESSNOCK CITY COUNCIL</p>	<p>Date: 28/08/2019   Author: Nathan Goodbun   Project: Darwin Street Cessnock - Bus Zone Removal &amp; Regulatory Parking</p>	
<p><b>Notes:</b> Remove existing Bus Zone.                  Install 3HR Parking: 8:30am to 6:00pm Mon-Fri &amp; 8:30am to 12:30pm Sat.                  All NO STOPPING signs are existing. New signage to be installed on existing posts.</p>		



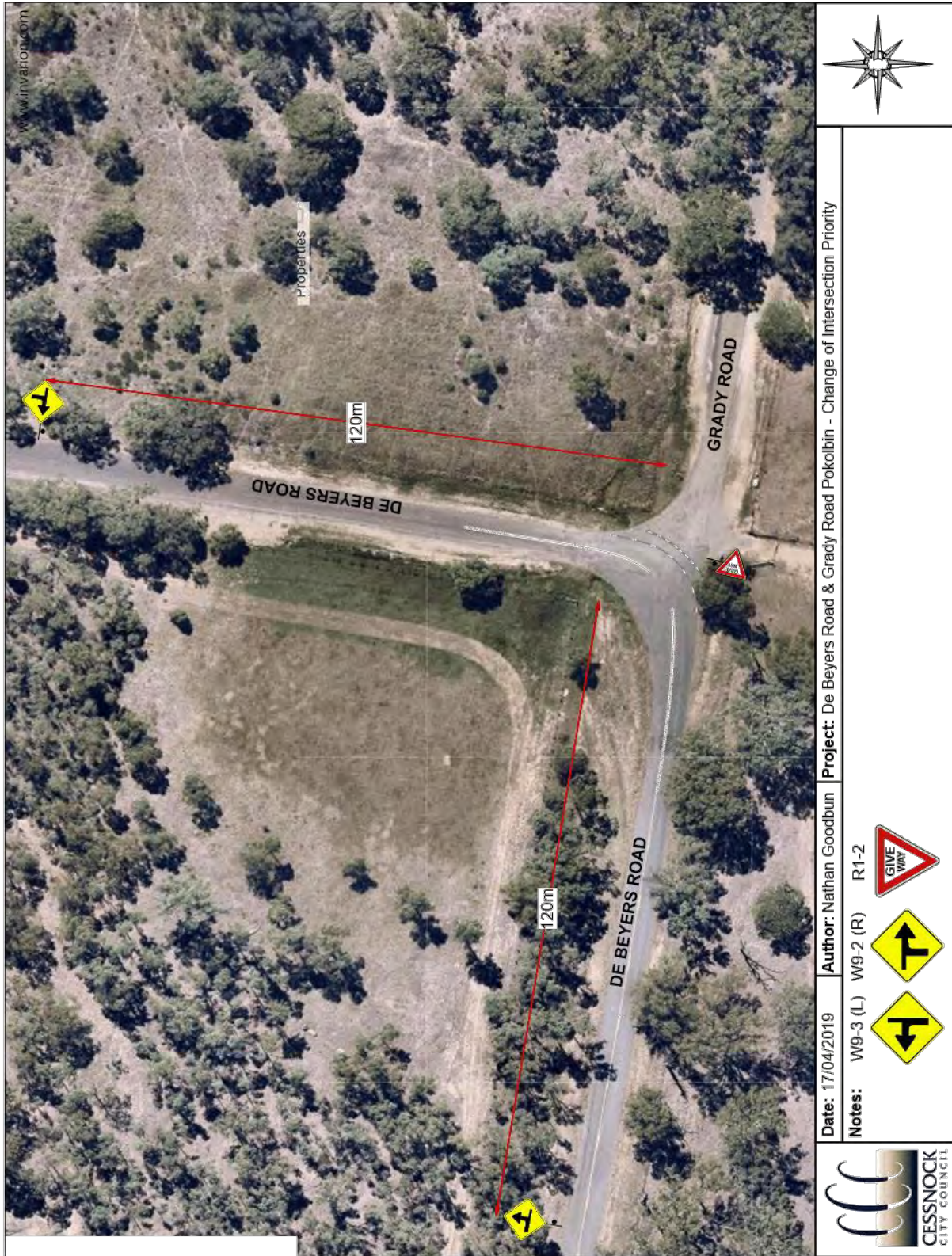


 CESSNOCK CITY COUNCIL cessnock.nsw.gov.au	Date: 3/07/2019	Author: Nathan Goodburn	Project: Cumberland Street Cessnock - No Parking Area
	Notes: Provide Authorised Vehicle Parking for FRNSW vehicles		



















26 June 2019

The Occupant  
00 View Street  
CESSNOCK NSW 2325

Contact: Warren Jeffery  
Our Ref: DOC2019/063356  
Your Ref:

### **View Street Cessnock – Proposed Extension of Bus Zone and No Stopping Zone**

Council wishes to advise that in response to a request from Rover Coaches, consideration is currently being given to extending the bus zone on the southern side of View Street, Cessnock, opposite to the main entrance to Cessnock District Hospital.

The proposed extension of the existing bus zone is necessary to bring the bus zone into compliance with standards, which generally require bus zones to be at least 30 metres in length. The existing bus zone is currently less than 20 metres long and does not satisfactorily accommodate modern buses, which when servicing the bus zone, in order to fully vacate the west bound travel lane, have to encroach on the area of the existing pedestrian crossing, which is both unsafe and illegal.

Whilst investigating this matter, it was observed that the existing pedestrian crossing on View Street does not comply with the relevant standard, in that the statutory NO STOPPING area on the eastern approach is less than the mandatory minimum, length of 20 metres.

It is proposed that both of these non-conformances be addressed simultaneously, with the installation of NO STOPPING signage and BUS ZONE signage, as depicted in the concept plan which is attached for your reference.

The major restrictive impact of the proposal would be a minor loss of parking spaces on the southern side of View Street. The positive impact of the proposal will be enhanced pedestrian safety, increased sight distance to the pedestrian crossing for drivers and improved public transport amenity in the vicinity of the hospital.

t: 02 4993 4100 f: 02 4993 2500  
p: PO Box 152 Cessnock NSW 2325 or DX 21502 Cessnock  
e: council@cessnock.nsw.gov.au w: www.cessnock.nsw.gov.au  
ABN 60 919 148 928

Page 2

In considering this proposal, Council would like to invite you to make comment or raise any issues or concerns you may have, prior to the matter being referred to the Local Traffic Committee for further consideration. Should you wish to make comment on the matter, please forward your written comments to:

General Manager,  
Cessnock City Council,  
PO Box 152,  
Cessnock NSW 2325

Endorsed: "View Street Cessnock – Proposed Extension of Bus Zone and No Stopping Zone."

Comments should be lodged within 28 days of the date of this letter.

Please be advised that full copies of submissions may be made available to the public including your name and address, unless Council receives a request for personal details to be suppressed.

If you require any further information, please do not hesitate to contact Customer Service on telephone 02 4993 4100.

Yours faithfully



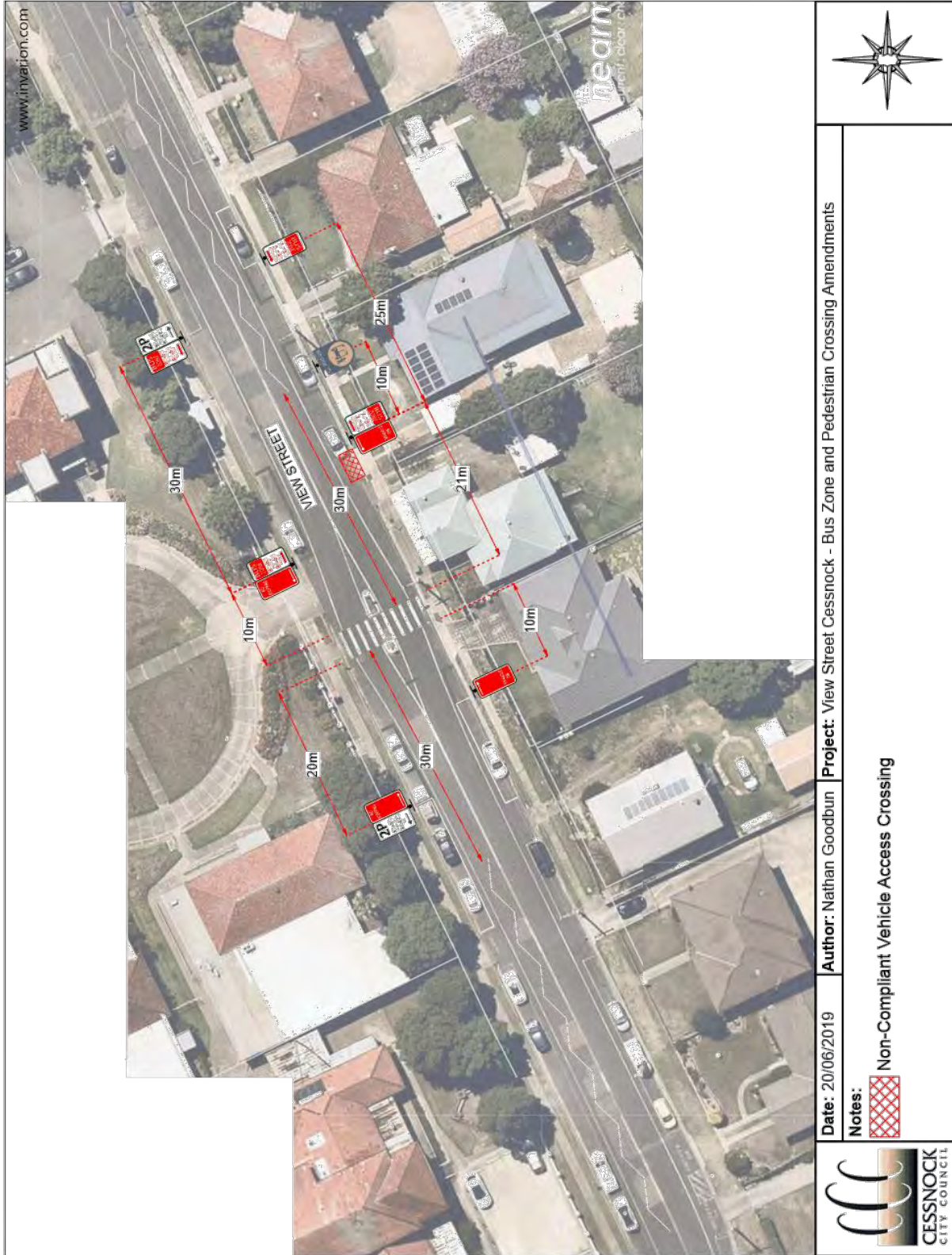
Warren Jeffery  
Principal Engineer  
Traffic & Transport Infrastructure

Enc. View Street Cessnock Signage Diagram



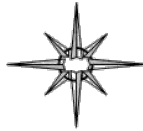






**Date:** 20/06/2019 **Author:** Nathan Goodbun **Project:** View Street Cessnock - Bus Zone and Pedestrian Crossing Amendments

**Notes:**  Non-Compliant Vehicle Access Crossing









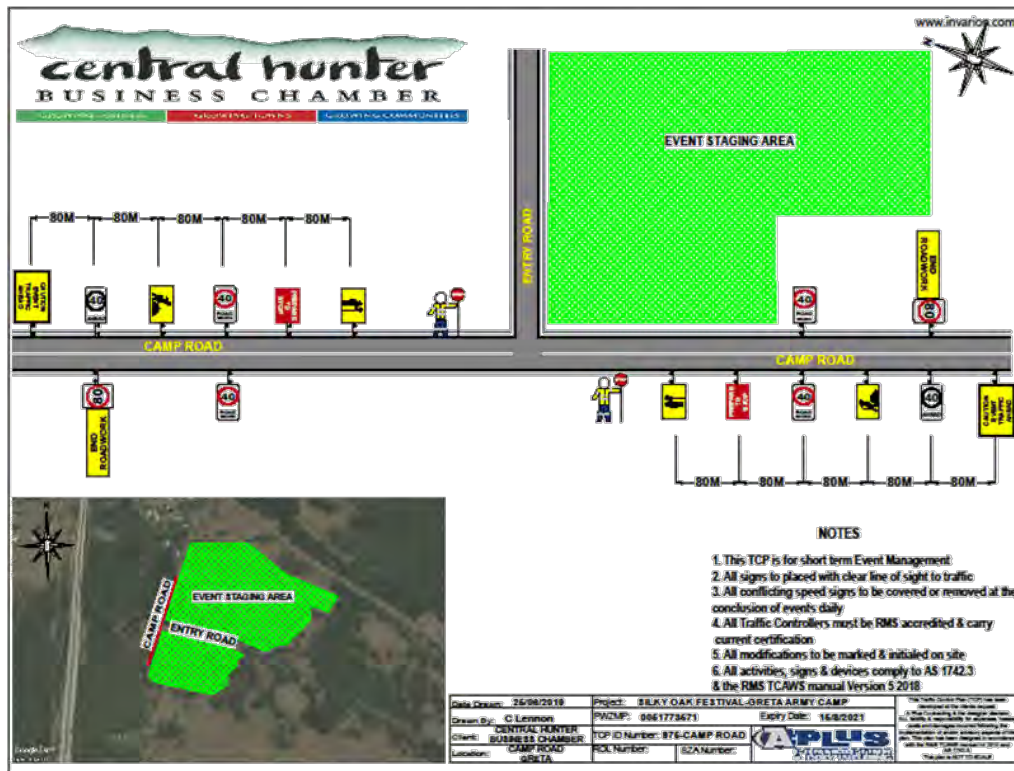






12. Traffic/ Pedestrian Control Plans

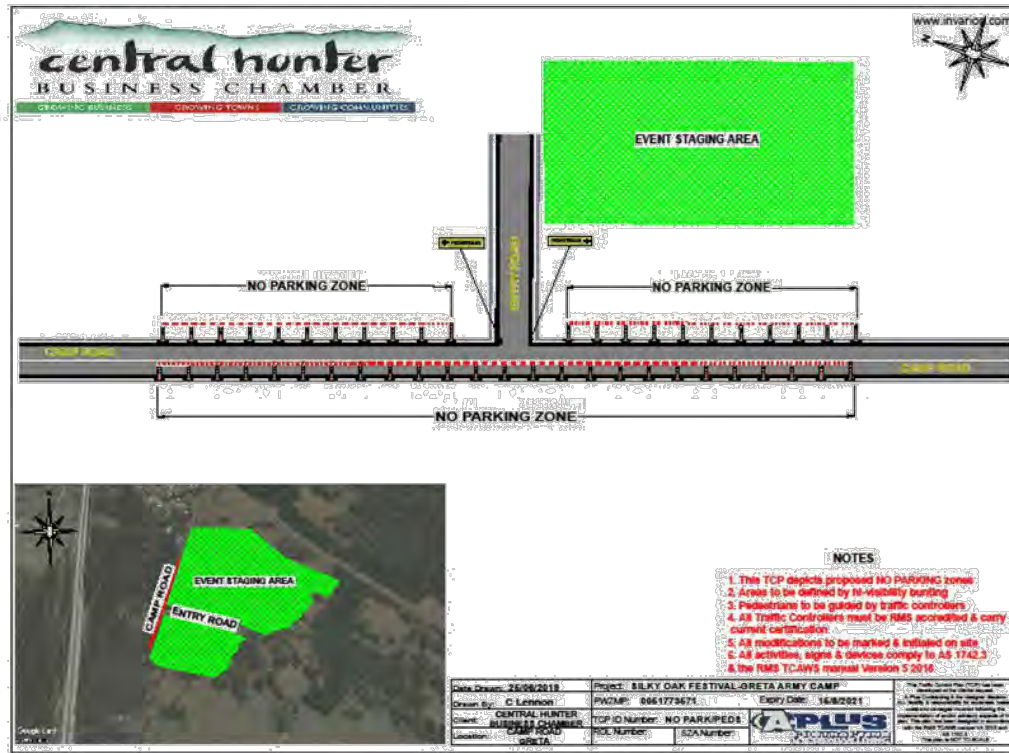
PLAN NUMBER	DESCRIPTION	VERSION
975- Speed Reduction	Camp Road Greta 40km/h Speed Reduction	DRAFT
975- No Parking Zones	No Parking Areas-Camp Road Greta	DRAFT
975 – VMS Positioning	Proposed Event VMS Positioning	DRAFT



975-Silky Oak Festival Speed Reduction – Camp Road Greta

This plan depicts the sign placement required for the implementation of a reduced speed limit of 40k/h that will be in place for the duration of the event. The 40k/h speed limit is to ensure both through traffic and pedestrians can proceed past the event in safety.

Silky Oak Festival 2019

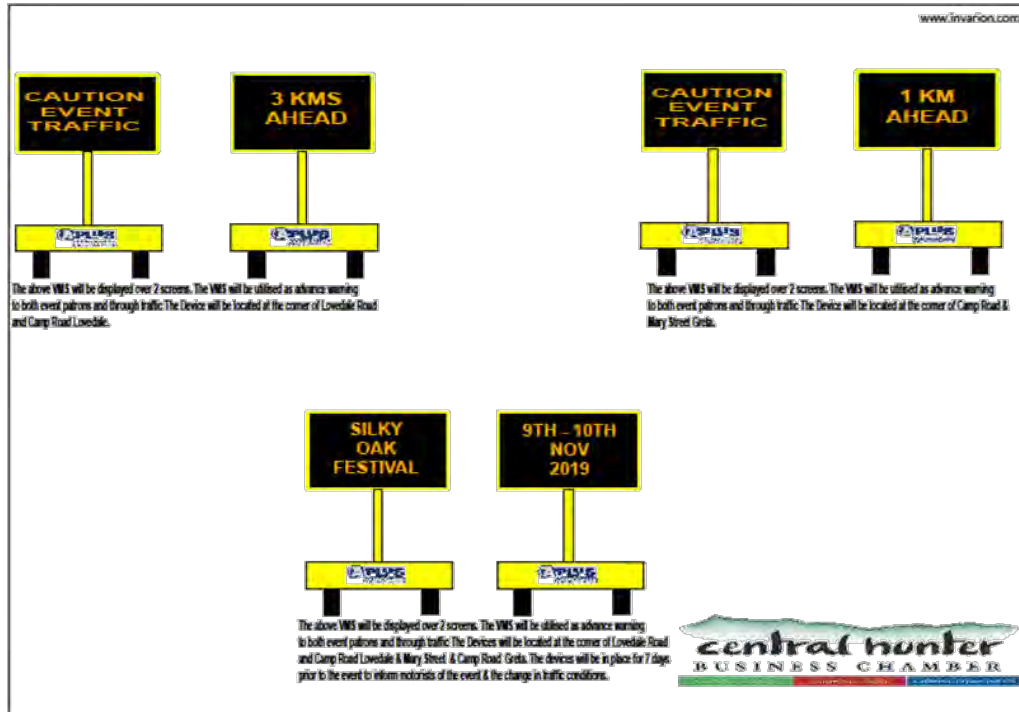


**975-Silky Oak Festival NO PARKING ZONE – Camp Road Greta**

This plan depicts the proposed NO PARKING zones that will be utilised during the event. These zones will allow for safer areas for both event patrons & through traffic. Pedestrians will be guided by the accredited Traffic Controllers.

Silky Oak Festival 2019





**975- Variable Message Sign Schedule**

RMS approved Variable Message Signs will be installed at strategic locations both prior and during the event to advise and inform both motorists and attending patrons of the Changed Traffic Conditions that will be implemented for the duration of the event.

\*\* All Traffic Control plans have been designed in accordance with AS 1742.3 and the Roads & Maritime Service Traffic Control at Worksites Manual Version 5 2018.

Silky Oak Festival 2019



Works and Infrastructure

Report No. WI76/2019

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**SUBJECT:** *TOMALPIN STREET, KEARSLEY - SCHOOL ZONE INVESTIGATION AND DESIGN*

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

### **SUMMARY**

This report details the findings of the investigation into the pedestrian and parking infrastructure around Kearsley Public School, and outlines proposed concept design and cost estimates to provide safer pedestrian amenity and improved parking facilities on Tomalpin Street, Kearsley.

### **RECOMMENDATION**

1. That Council upgrades pedestrian and car parking facilities in the school zone on the eastern side of Tomalpin Street, Kearsley, by installing the treatments outlined in Option 1 of the report, being:
  - Concrete pathway between Mulbring Street and the school' pedestrian access gate;
  - A 25m (parallel parking) school-zone-timed, Kiss and Ride area;
  - 13 x Rear to Kerb 90° angle parking spaces; and
  - 1 x Mobility Scheme Parking Space.
2. That Council notes that the proposed \$120,000 upgrade of Tomalpin Street, Kearsley is currently not funded in the 2019/20 Operational Plan.
3. That Council considers funding the project in the 2020/21 Operational Plan

### **BACKGROUND**

As a result of concerns being expressed by some parents of children who attend Kearsley Public School, regarding parking issues and the lack of pedestrian amenity in the school zone on the eastern side of Tomalpin Street, Kearsley, Council, at its Ordinary Meeting of 17 April 2019, considered Notice of Motion (BN7/2019) and resolved as follows;

1. *That the General Manager work with the School Community to investigate and develop cost effective options for a safe drop off/pick up area adjacent to Kearsley Public, including options for the Tomalpin Street entrance.*
2. *That the General Manager work with the School Principal in relation to potential changes to internal pedestrian amenity, which may assist in providing a cost effective option for a safe drop off/pick up area.*
3. *That Council be presented with a briefing within 6 months, detailing the findings of the investigation and design/costings and that following the briefing a report be brought back to Council for further consideration of the matter*

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**REPORT/PROPOSAL**

**Pursuant to Point 1 of the above resolution:**

*That the General Manager work with the School Community to investigate and develop cost effective options for a safe drop off/pick up area adjacent to Kearsley Public, including options for the Tomalpin Street entrance.*

Council officers investigated the pedestrian and parking facilities in the Kearsley school zone and advise as follows:

**Existing Pedestrian Facilities:**

The school's traditional main pedestrian access gates are both situated on State Road (Main Road 220) frontages – Caledonia and Allandale Streets.

As depicted in **Figures 1 and 2** below, both of these State road frontages are serviced by formal pedestrian facilities, in the form of a supervised children's crossing operating over a permanent zebra crossing on Caledonia Street, and a pedestrian refuge with kerb extensions and centre traffic island, on Allandale Street. Both of these facilities are equipped with pram ramps / laybacks and concrete pathway connectivity to the respective access gates, which connect to the schools internal pedestrian pathways.

Currently, the nature strips abutting the school's two local road boundaries on Mulbring and Tomalpin Streets have no concrete footpaths. Pedestrian and vehicle access points exist on the northern end of Tomalpin Street. There is no vehicle or pedestrian access to the school on its Mulbring Street boundary.

Both Tomalpin and Mulbring Streets share the following features:

- Two lane, two way, residential streets with unformed shoulders;
- Posted 50km/h speed limit, with a 40km/h School Zone speed limit prevailing during posted times on school days; and
- Nature strips and unsealed footpaths.
- Road users on both streets are bound by the relevant provisions of the *Road Rules 2014*.





**Figure 1 – Caledonia Street – Pedestrian Facility**



**Figure 2 – Allandale Street – Pedestrian Facility**



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**Existing Parking on Tomalpin Street**

To assist the school in dealing with the increased demand on Tomalpin Street, Council officers met with the Principal, Assistant Principal and the Department of Education Work Health & Safety Consultant and discussed solutions to traffic issues at the school, which culminated in the installation of the following treatments through the Local Traffic Committee process:

- 15m of 90° angle parking (rear to kerb) on the eastern side of Tomalpin Street, north of the school pedestrian access gate;
- 15m of 90° angle parking (rear to kerb) on the eastern side of Tomalpin Street, south of the school pedestrian access gate; and
- NO STOPPING signs 7.5m apart, on the eastern side of Tomalpin Street, each side of the school pedestrian access gate.
- The above regulatory treatments were installed in October 2018 and serve to legalise previously occurring angle parking practices, and provide additional parking capacity in the vicinity of the school and are shown in **Figure 3** below:



**Figure 3 – Tomalpin Street – Regulatory Parking**

**Mobility Scheme Parking Spaces**

Currently there are no mobility parking scheme parking spaces in the school zone.

**Identified School Zone Speeding Issue**

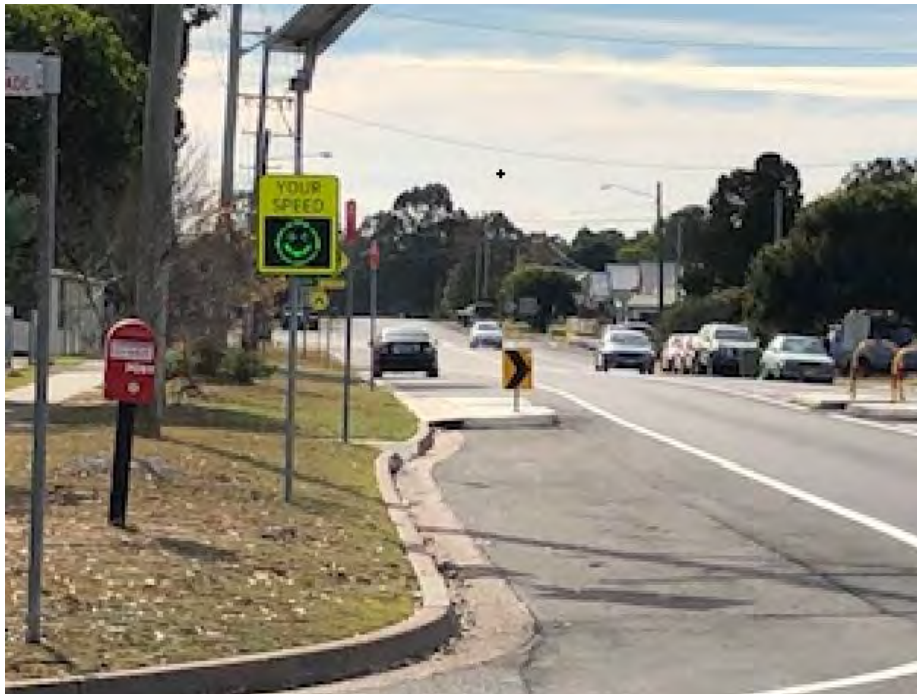
In the course delivering the ongoing ‘Safety around Schools’ projects, Council deployed traffic classifiers in the Kearsley school zone and the following speed data report was generated for Allandale Street. These statistics were forwarded to NSW Police:

**Speed Statistics – School Zone Times - Both Directions**

**SpeedStat-55**  
**Site:** MC4.0 1NS  
**Description:** Allandale Street, Kearsley - 55m north of Mulbring Street <60>  
**Filter time:** 10:31 Monday, 12 November 2018 => 12:12 Tuesday, 20 November 2018 (With Exclusions)  
**Exclusions:**  
**Scheme:** Vehicle classification (AustRoads94)  
**Filter:** C[s(1 2 3 4 5 6 7 8 9 10 11 12 ) Dir(NESW) Sp(10,160) Headway(>0) Span(0 - 100)

Vehicles = 3363  
 Posted speed limit = 40 km/h, Exceeding = 3077 (91.50%), Mean Exceeding = 53.28 km/h  
 Maximum = 88.7 km/h, Minimum = 17.1 km/h, Mean = 51.8 km/h  
 85% Speed = 59.0 km/h, 95% Speed = 62.6 km/h, Median = 52.6 km/h  
 20 km/h Pace = 42 - 62, Number in Pace = 2752 (81.83%)  
 Variance = 60.46, Standard Deviation = 7.78 km/h

In response to this identified speeding issue, a Courtesy Speed Check Radar Sign was procured and installed on Allandale Street on 14 June 2019, as part of a Road Safety Officer Project, funded by Roads & Maritime Services, to promote voluntary compliance with the speed limit, as shown in **Figure 4** below:



**Figure 4 – Allandale Street – Courtesy Speed Check Radar Sign**

**Pursuant to Point 2 of the above resolution:**

*That the General Manager work with the School Principal in relation to potential changes to internal pedestrian amenity, which may assist in providing a cost effective option for a safe drop off/pick up area.*



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***Internal Pedestrian Amenity***

Between April 2016 and January 2017 the school installed internal concrete footpaths connecting the area of the school buildings to the pedestrian gate on Tomalpin Street, as depicted in **Figure 5** below:

This additional pathway improved internal pedestrian amenity and lead to increased use of Tomalpin Street during morning and afternoon school zone times, which was the catalyst for the above mentioned changes to the parking arrangements on Tomalpin Street, which serve to legalise previously occurring angle parking practices, and provide additional parking capacity in the vicinity of the school.



***Internal pedestrian amenity April 2016***

***Internal pedestrian amenity January 2017***

**Figure 5 – Internal Pedestrian Amenity – Pathway to Tomalpin Street**

**Safe Drop-off & Pick-up Area**

Council officers liaised with the school community and Roads & Maritime Services to facilitate the proposed installation of a Kiss & Ride area on Allandale Street, as shown in the **Figure 6** below:

The proposed Kiss & Ride area will operate under Regulation 168 of the *Road Rules 2014* – No Parking Signs which provides:

- (1) The driver of a vehicle must not stop on a length of road or in an area to which a no parking sign applies, unless the driver:*
- (a) Is dropping off, or picking up, passengers or goods, and*
  - (b) Does not leave the vehicle unattended, and*
  - (c) Completes the dropping off, or picking up, of the passengers or goods, and drives on, as soon as possible and, in any case, within the required time after stopping.*
- Maximum penalty: 20 penalty units.*

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(2) For this rule, a driver leaves a vehicle "unattended" if the driver leaves the vehicle so the driver is over 3 metres from the closest point of the vehicle.

(3) In this rule:

"required time" means:

- (a) if information on or with the sign indicates a time--the indicated time, or
- (b) if there is no indicated time - 2 minutes, or
- (c) if there is no indicated time, or the indicated time is less than 5 minutes, and rule 206 applies to the driver - 5 minutes.

The below treatments were recently installed by Roads & Maritime Services in the intervening period between the Councilor briefing and the drafting of this report.



**Figure 6 – Allandale Street - Proposed Kiss & Ride Area**

**OPTIONS**

**Pursuant to Point 3 of the above resolution:**

*That Council be presented with a briefing within 6 months, detailing the findings of the investigation and design/costings and that following the briefing a report be brought back to Council for further consideration of the matter.*

Council officers developed three concept options for the design of improvements in the school zone to meet the above resolution of Council.



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Councillors were briefed on the following concept options on the evening of 25 September 2019:

**OPTION 1 – Pathway and parking on Tomalpin Street (Preferred Option):**

That Council upgrade pedestrian and car parking facilities in the school zone on the eastern side of Tomalpin Street, Kearsley, by installing the following treatments:

- Concrete pathway between Mulbring Street and the school’s pedestrian access gate;
- A 25m (parallel parking) school-zone-timed, Kiss and Ride area;
- 13 x Rear to Kerb 90° angle parking spaces; and
- 1 x Mobility Scheme Parking Space

During the engagement process, upon reviewing the 3 options, the School Principal was in favour of this option.

The above treatments are amenable to the inclusion of additional pathway on Tomalpin Street, south of Mulbring Street and additional pathway connecting the proposed pedestrian pathway to the proposed Kiss and Ride area, should extra funding become available.



<b>Summary - Option 1 - Pathway &amp; Parking Tomalpin Street</b>	
Detail survey, service location	12,000.00
Design and documentation	6,000.00
Site establishment, traffic control, erosion and sediment control	11,000.00
Earthworks	12,000.00
Drainage	2,000.00
Concrete Footpath 1.5m wide(190m approx.)	43,000.00
Pavement - Carpark 150mm min.	10,000.00
AC work - Carpark	18,000.00
Signs and Linemarkings	6,000.00
<b>Total</b>	<b>\$120,000</b>

**OPTION 2 – Pathway, parking and one-way traffic scheme on Tomalpin Street**

That Council implement a one-way traffic scheme – south bound on Tomalpin Street, Kearsley and upgrade pedestrian and car parking facilities in the school zone on the eastern side of Tomalpin Street, by installing the following treatments:

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- Concrete pathway between Mulbring Street and the school's pedestrian access gate;
- A 25m (parallel parking) school-zone-timed, Kiss and Ride area;
- 13 x Rear to Kerb 90° angle parking spaces;
- 1 x Mobility Scheme Parking Space
- Additional pathway on southern side of Mulbring Street;

This option is not preferred, based on the following factors:

- Unnecessary restriction and inconvenience imposed by the one-way traffic scheme on residents and parents using the street; and
- Redirected northbound traffic would likely add to volumes on adjoining Allandale and Caledonia Streets, potentially exacerbating queuing associated with the operation of the supervised children's crossing during school zone times



As with Option 1, the above treatments are amenable to the inclusion of additional pathway on Tomalpin Street, south of Mulbring Street and additional pathway connecting the proposed pedestrian pathway to the proposed Kiss and Ride area, should extra funding become available.

<b>Summary - Option 2 - Pathway, Parking &amp; One Way Tomalpin Street</b>			
Detail survey, service location			12,000.00
Design and documentation			6,000.00
Site establishment, traffic control, erosion and sediment control			11,000.00
Earthworks			12,000.00
Drainage			2,000.00
Concrete footpath 1.5m wide(210m approx.)			46,000.00
Pavement - carpark 150mm min.			10,000.00
AC work - carpark			18,000.00
Signs and linemarkings			7,000.00
<b>Total</b>			<b>\$124,000</b>

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**OPTION 3 – Pathway parking and road widening on Tomalpin Street**

That Council provides road pavement reconstruction and widening on Tomalpin Street, Kearsley as well as an upgrade to pedestrian and car parking facilities in the school zone on the eastern side of Tomalpin Street, by installing the following treatments:

- Concrete pathway between Mulbring Street and the school’s pedestrian access gate;
- A 25m (parallel parking) school-zone-timed, Kiss and Ride area;
- 13 x Rear to Kerb 90° angle parking spaces;
- 1 x Mobility Scheme Parking Space
- Additional pathway on southern side of Mulbring Street;

This option is not preferred, based on the following factors:

- High cost – difficult to justify with relatively low traffic volumes;
- Would restrict parking outside of residential premises on the southern end of the school zone; and
- Would potentially incentivise cut-through-traffic (rat-running) to avoid the queuing associated with the operation of the supervised children’s crossing during school zone times.



<b>Summary - Option 3 - Parthway, Parking &amp; Road Widening</b>		
Detail survey, service location		\$15,000
Design and documentation		\$25,000
Site establishment, traffic control, erosion and sediment control		\$19,000
Earthworks		\$41,000
Drainage		\$25,000
Concrete Footpath 1.5m wide(210m approx.)		\$52,000
Pavement - car park and road widening 150mm min.		\$58,000
AC work - carpark and two coat seal road		\$54,000
Signs and linemarkings		\$18,000
<b>Total</b>		<b>\$307,000</b>

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**CONSULTATION**

**External Consultation:** External consultation has occurred with:

- Kearsley Public School Principal
- Kearsley Public School Deputy Principal
- School Community Engagement via Principal in school newsletter, website
- Work Health & Safety Manager, Rover Coaches
- Roads & Maritime Services
- Kearsley School P&C
- Department of Education Work Health and Safety Consultant

Constructive engagement has occurred between Council officers and the Kearsley Public School community as detailed in the timeline below:

<b>2017</b>	
14 February 2017	Site Inspection – Bus Stop Safety and Signage
30 November 2017	CRM submitted for tree trimming on Allandale Street to facilitate pedestrian movements.
<b>2018</b>	
26 March 2018	Supplied new children's crossing flags
27 March 2018	Liaison with Department of Education work Health and Safety Consultant regarding speeds in school zone.
3 April 2018	Meeting and site inspection at School with Principal, Deputy Principal and Department of Education Work Health and Safety Consultant – General road safety discussion and review of parking and pedestrian amenity requirements.
4 April 2018	Provided School with flyer for inclusion in school newsletter showing a pictorial representation of default parallel parking on roads which are not sign posted otherwise.
10 April 2018	Local Traffic Committee Inspection of Kearsley School zone.
16 April 2018	Regulatory parking matters – Tomalpin Street dealt with at Local Traffic Committee (TC16/2018)
8 May 2018	Traffic classifier deployment – Allandale Street – school zone
12 October 2018	Installation of regulatory parking signage on Tomalpin Street.
23 November 2018	Speed data report for Allandale Street school zone forwarded to NSW Police.
<b>2019</b>	
12 March 2019	Referral of Schools request for children's crossing on Allandale Street to RMS.
12 March 2019	Provided School with Crossing Fact Sheet for distribution amongst school community.
11 April 2019	Received notification from RMS of their advice to the school that the request for Children's Crossing on Allandale Street was declined and that RMS officers noted that parents were leading children across Allandale Street at a position immediately adjacent to the gate rather than using the safer option of the existing pedestrian refuge.



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13 June 2019	Site inspection Tomalpin Street re scoping of potential footpath, drainage and parking treatments.
14 June 2019	Programming of newly procured RMS funded Courtesy Speed Check Radar Sign at Allandale Street.
8 July 2019	Liaison with Kearsley School P&C and RMS regarding installation of a Kiss and Ride Zone by RMS on either of the school's state road frontages.
3 September 2019	Site inspection Tomalpin Street for preparation of concept design for footpath, parking and drainage treatments.
10 September 2019	Follow up from liaison with RMS and School regarding installation of a Kiss and Ride Zone – RMS advised that installation is imminent.
24 September 2019	Meeting with Principal to review proposed pedestrian drainage and traffic management options for Tomalpin Street – Principal resolutely prefers Option 1.
25 September 2019	Creation of CRM 18186/2019 for tree trimming on Tomalpin Street to facilitate

**Internal Consultation:** In preparation of the relevant concept options, internal consultation occurred with the following:

- Principal Engineer - Traffic & Transport;
- Principal Engineer – Design & Project Management;
- Traffic Engineering Officer;
- Design Engineer – Infrastructure

**STRATEGIC LINKS**

**a. Delivery Program**

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

- 1.3 Promoting Safe Communities – Our roads are safe for motorists and pedestrians
- 1.3.5 Improve the safety of the road network
- 4.1 Better transport links
  - 4.1.1: Advocate for increased road, public and community transport and associated infrastructure funding.
  - 4.1.1a: Prepare applications for available grant funding to improve commuter, freight and tourism transport links.
- 4.2 Improving the road network
  - 4.2.1 Develop prioritised capital works programs in line with adopted asset management plans.
  - 4.2.2 Deliver prioritised on-ground capital works and maintenance programs.

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**b. Other Plans**

**Community Strategic Plan - Cessnock 2027:** The recommendation of this report aligns with the following objectives:

- 1.3 Promoting safe communities - Our roads are safe for motorists and pedestrians.
- 4.0 Accessible infrastructure, services and facilities:
  - 4.1 better transport links
  - 4.2 Improving the road network
    - We have a quality road network.
    - We have managed the traffic impact of the Hunter Expressway on local communities.

**Operational Plan 2019-20:** The recommendation of this report aligns with the following objectives:

- 1.3: Promoting Safe Communities
  - 1.3.5 Improve the safety of the road network
- 4.1: Better transport links
  - 4.1.1: Advocate for increased road, public and community transport and associated infrastructure funding.
  - 4.1.2 Commence implementation of the Traffic & Transport Strategy.
  - 4.1.3 Commence implementation of the Pedestrian Access & Mobility Plan.
- 4.2: Improving the road network
  - 4.2.1 Develop prioritised capital works programs in line with adopted asset management plans.
  - 4.2.2 Deliver prioritised on-ground capital works and maintenance programs.
    - 4.2.2b Undertake in-house design and document road work, bridges and culverts to meet required service levels for the Capital Works Program.
    - 4.2.2c Advocate for and support applications for grant funding to improve road infrastructure.

**Cessnock City Council - Road Safety Strategic Plan (2014 - 2018) incorporating Road Safety Action Plan 2019-20:**

The recommendation of this report aligns with the following objectives:

Safer Roads: Develop Programs that will deliver safer roads and roadsides:

- 2.1: Continue to manage Council's assets in an innovative and cost effective manner, delivering treatments for safe road use through improved design, construction, maintenance, operation and auditing of the road network.
- 2.2: Make applications under State and Federal Government road safety funding grant schemes for targeted road infrastructure works programs to enhance safety outcomes for all road users.

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2.3: Administer Council's Capital Works Program to ensure that road safety is considered throughout the design, construction, maintenance, operation and audit of the road network for all road users.

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Installation of the proposed treatments aligns with Council's strategy of prioritising road safety works in school zones.

**b. Financial Implications**

All cost figures referred to in the tables below are estimates which were formulated without recourse to survey and geotechnical investigation.

The proposed works are not currently funded or programmed in the 2109/20 Operational Plan.

<b>Summary - Option 1 - Pathway &amp; Parking Tomalpin Street</b>			
Detail survey, service location			12,000.00
Design and documentation			6,000.00
Site establishment, traffic control, erosion and sediment control			11,000.00
Earthworks			12,000.00
Drainage			2,000.00
Concrete Footpath 1.5m wide(190m approx.)			43,000.00
Pavement - Carpark 150mm min.			10,000.00
AC work - Carpark			18,000.00
Signs and Linemarkings			6,000.00
<b>Total</b>			<b>\$120,000</b>

<b>Summary - Option 2 - Pathway, Parking &amp; One Way Tomalpin Street</b>			
Detail survey, service location			12,000.00
Design and documentation			6,000.00
Site establishment, traffic control, erosion and sediment control			11,000.00
Earthworks			12,000.00
Drainage			2,000.00
Concrete footpath 1.5m wide(210m approx.)			46,000.00
Pavement - carpark 150mm min.			10,000.00
AC work - carpark			18,000.00
Signs and linemarkings			7,000.00
<b>Total</b>			<b>\$124,000</b>

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<b>Summary - Option 3 - Parthway, Parking &amp; Road Widening</b>			
Detail survey, service location			\$15,000
Design and documentation			\$25,000
Site establishment, traffic control, erosion and sediment control			\$19,000
Earthworks			\$41,000
Drainage			\$25,000
Concrete Footpath 1.5m wide(210m approx.)			\$52,000
Pavement - car park and road widening 150mm min.			\$58,000
AC work - carpark and two coat seal road			\$54,000
Signs and linemarkings			\$18,000
<b>Total</b>			<b>\$307,000</b>

**c. Legislative Implications**

**Road Rules 2014:**

- Part 8 – Traffic Signs & Road Markings
- Part 11 – Other Driving Rules
- Part 12 – Restrictions on Stopping & Parking
- Part 14 – Rules for Pedestrians

**Roads Act 1993:**

- Section 7 – The council of a local government area is a roads authority
- Section 71 – Powers of roads authority with respect to road work
- Section 145 – Roads authorities own public roads

**Civil Liability Act 2002:**

- Section 42 – Principles concerning resources, responsibilities etc. of public and other authorities.
- Section 43 - Proceedings against public or other authorities based on breach of statutory duty
- Section 45 – Special non-feasance protection for roads authorities
- Section 46 - Exercise of function or decision to exercise does not create duty

**d. Risk Implications**

A number of risks are present as outlined below;

**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 effective traffic control measures. The proposed works would mainly be off the carriageway and would require minimal traffic control measures.

**Quality Risk –** There are no quality risks associated with the proposed treatments which will be installed in accordance with relevant standards, technical directions and guidelines.

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**Financial Risk:** In the event of a serious crash involving pedestrian casualties, having identified the need, should the proposed pedestrian and parking treatments not be installed, Council may be liable for damages, should successful personal injury litigation ensue.

**Reputational Risk:** Council may face reputational risk in the event of a serious crash involving pedestrian casualties if the proposed pedestrian and parking treatments are not installed.

The optics of children walking on the carriageway in the immediate vicinity of a school, for want of a traversable footpath would not enhance Council's reputation.

**e. Environmental Implications**

The works will maintain existing drainage paths and will require minimal pruning of trees on the nature strip to provide for unfettered pedestrian access.

**f. Other Implications**

Nil

**CONCLUSION**

Children are the most vulnerable of road users and having considered the realistic options to alleviate genuine road safety concerns in the school zone it is recommended that, the treatments outlined in Option 1 be installed on Tomalpin Street.

The proposed treatments would provide immediate road safety and amenity benefits and future proof the school zone, in light of expected regional population growth.

**ENCLOSURES**

There are no enclosures for this report

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**SUBJECT:** *TENDER NO. T1819-17 - WATERMAIN RELOCATION IN GINGERS LANE, WESTON*

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

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### **SUMMARY**

Evaluation and selection of tender for Tender No. T1819-17 – Watermain Relocation in Gingers Lane, Weston.

### **RECOMMENDATION**

**That Council accepts the tender from Murphy McCarthy & Associates Pty Ltd in the lump sum and schedule of rates amount of \$304,879 (including GST) for T1819-17 – Watermain Relocation in Gingers Lane, Weston.**

### **BACKGROUND**

Reference is made to Council Report No. WI35/2019 - Hart Road & Gingers Lane, Sawyers Gully – Upgrade Traffic Management, and in particular the upgrade works along Gingers Lane.

The subject of this tender is the construction of 1km of watermain, relocating it to the south of its current location to facilitate road widening along Gingers Lane.

Design of the watermain relocation was undertaken by a Hunter Water Accredited Design Consultant and approved by Hunter Water. The relocated water main will sit behind the new road kerb and within the correct footpath allocation area.

Construction of the watermain relocation is required to be undertaken by a Hunter Water Accredited Construction Contractor.

### **REPORT**

#### **Request for Tender**

The Request for Tender (RFT) documents were prepared by Council officers, and reviewed by members of the Tender Audit Panel (TAP) before tenders were called. The form of contract selected was *AS2124-1992 General conditions of contract for construction*. The RFT called for a lump sum and schedule of rates tender for the construction of the watermain including cut-ins to the existing watermain as well as associated services.

A selective tender was called from the prequalified list of Hunter Water Accredited Construction Contractors.



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**Invitation**

Selective tenders were invited in accordance with Part 7, Division 4, Clause 169 (8) of the *Local Government (General) Regulation 2005* from six contractors on the Hunter Water Accredited Construction Contractors list as shown **Table 1** below, on 6 September 2019, via Council's VendorPanel online tendering and quotation portal.

**Table 1 – Selected Tenderers Invited**

Contractor	Hunter Water Accredited Construction Contractor?
Daracon	Yes
Ditchfield Contracting Pty Ltd	Yes
KCE Pty Ltd	Yes
Lantry Earthmoving Pty Ltd	Yes
Mullane Maintenance Pty Ltd	Yes
Murphy McCarthy & Associates Pty Ltd	Yes

**Pre-Tender Meeting**

A mandatory pre-tender meeting was conducted on 17 September 2019 to review the scope and observe the site conditions.

**Addenda**

An addendum was issued via VendorPanel to all prospective tenderers during the invitation period as shown in **Table 2**.

**Table 2 – Addenda**

No.	Date	Description
1	18 September 2019	<ol style="list-style-type: none"> <li>1. DBYD information for underground power.</li> <li>2. Revised pricing schedule to include water service installations in 1 section of the work.</li> <li>3. Information on stormwater pipe crossings and invert levels, tree removal and Telstra asset relocation timing.</li> <li>4. Minutes of the mandatory pre-tender meeting.</li> </ol>

**Closure**

Tenders closed 2pm Tuesday 24 September 2019.

**Evaluation of Tenders**

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

- Projects Engineer
- Project Engineer
- Design Engineer

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

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

The evaluation criteria and their weightings were documented in the Tender Evaluation Plan, reviewed by the Infrastructure Manager prior to tenders being invited.

**1. Assessment of Receipt**

Tenders were received and assessed against the first threshold criteria as shown in **Table 3:**

**Table 3 – Threshold Criteria**

Threshold Criteria	
Criterion 1	Submission on time

The following tenders were received as shown in Table 4.

**Table 4 – Tenders Received**

Tender	Tenderer	Business Address	Criterion 1
1	Mullane Maintenance Pty Ltd	Sandgate	On time
2	Murphy McCarthy & Associates Pty Ltd	Leichardt	On time

Those tenders received met threshold Criterion 1 for submission on time. Being currently prequalified with Hunter Water, the tenderers have satisfied a suitable level of financial capacity.

**2. Assessment of Conformance**

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

**Table 5 – Threshold Criteria (continued)**

Threshold Criteria	
Criterion 4	Contract program

Tender 1 from Mullane Maintenance Pty Ltd failed to meet the specified timeframes and was not considered any further.

Tender 2 from Murphy McCarthy & Associates was compliant for Criterion 4 and was progressed to the next stage of evaluation.



**3. Shortlisting**

Shortlisting was not considered necessary as there was only 1 compliant tender received.

**4. Weighted Evaluation**

Tender 2 was evaluated using weighted evaluation criteria as shown in **Table 6**.

Tender 1 was also evaluated for the purpose of comparison.

**Table 6 – Weighted Evaluation Criteria**

Weighted Criteria	
Criterion 2	Tendered Amount
Criterion 3	Safety, Quality and Environmental Management Performance
Criterion 5	Experience and past performance
Criterion 6	Management and resources offered

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**.

Tender 2 from Murphy McCarthy & Associates was the only compliant tender received which achieved a satisfactory score following weighted evaluation and is therefore the preferred tender.

In comparison to Tender 1, Tender 2 represented very good value for money particularly in relation to Criterion 2 Tendered Amount.

**5. Due Diligence**

The preferred tenderer is a Hunter Water Accredited Contractor with a track record of satisfactory performance on work of a similar scale and nature.

**6. Evaluation Result**

Following steps 1 to 5 of the evaluation process, the TET found that Tender 2 from Murphy McCarthy & Associates met the requirements of the RFT and recommended acceptance of Tender 2.

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

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***TIME FRAME***

Submission of a program to describe the preconstruction and construction activities with the contract period formed part of the tender process. The contract period was determined allowing for materials procurement, construction of the watermain, pressure testing, commissioning, removal of existing fitting surface boxes and works as executed drawings as follows:

- Preconstruction:
  - Documentation procurement 3.0 weeks
- Construction:
  - Watermain and services 3.0 weeks
  - WAE, Restoration and Demobilisation 1.5 weeks
  - 7.5 weeks

***LOCAL CONTENT***

With only one tender in contention, local preference scoring was not applied, however it was noted that the preferred tenderer, Murphy, McCarthy & Associates, is based in Leichardt and is likely to use services and suppliers from within the region.

***OPTIONS***

**Option 1 (preferred):**

That Council accept the tender from Murphy McCarthy & Associates Pty Ltd in the lump sum and schedule of rates amount of \$304,879 (including GST) for T1819-17 – Watermain Relocation in Gingers Lane, Weston.

This is the preferred option as it offers best value to Council.

**Option 2:**

That Council decline to accept the tender and call fresh tenders for the work.

This is not the preferred option as it will negatively impact on the project program and is not likely to result in improved value for money.

***CONSULTATION***

**Internal Consultation:** The following officers were consulted during the tender process:

- Infrastructure Manager,
- Project Engineer, Infrastructure,
- Design Engineer, Infrastructure,
- Works Engineer, Works & Operations, and
- Senior Contracts & Tendering Officer, Finance and Administration

**External Consultation:** The following consultation has occurred:

- Transport providers,
- Emergency services,
- Gingers Lane Working Group, and

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- Adjacent property owners

Communication about progress of the works will be ongoing. For property owners and residents, Council's website will provide information and access to a *Community Newsletter*, and Council's Facebook Page offers opportunity for feedback.

**STRATEGIC LINKS**

**a. Delivery Program**

**Delivery Program 2017-2021:** Acceptance of the recommended tender will contribute to achieving:

- Objective 4.2 Improving the road network.

**b. Other**

**Operational Plan 2019-20:** Acceptance of the recommended tender will contribute to achieving:

- Local Road Construction Program:
  - CRL-2019-007 Gingers Lane, Sawyers Gully Upgrade Stage 2 construction.

**STATUTORY 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 Guideline,*
- *Tendering Guidelines for NSW Local Government 2009, and*
- *NSW Government – Code of Practice for Procurement 2005.*

**b. Financial Implications**

The watermain relocation as part of the Gingers Lane Road Upgrade project is funded by the New South Wales Government under a Restart NSW Fixing Country Roads Grant.

Acceptance of the tender and a suitable contingency amount to administer the contract is fully funded under the adopted budget for the *Operational Plan 2019-20* as shown in **Table 7**.

**Table 7 – Funding**

Source	
Local road Construction Program 2019-20 (CRL)	
Grants	RNSW896 Frame Bridge Replacement and Associated Road Upgrade

**c. Legislative Implications**

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

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

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



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**d. Risk Implications**

To minimise Council's exposure to business risks, the following information has been assessed with the tender submission:

- Hunter Water Accredited Construction Contractors prequalification,
- Satisfactory financial capacity, and
- Adequate levels of insurance.

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

- Workers Compensation
- Public Liability to \$20M
- Comprehensive Motor Vehicle
- Insurance of the works

Risks identified in relation to safety, environment and quality are mitigated by the preferred tenderers adherence to system standards/guidelines as follows:

- AS/NZS ISO 14001:2004 – Environment management systems,
- AS/NZS ISO 31000:2009 – Risk management,
- AS/NZS ISO 9001:2016 – Quality management systems, and
- NSW Government – Work Health and Safety Management Systems and Auditing Guidelines.

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

- Traffic Control Plans to manage traffic through the construction period.
- Requirements for on-site workers to have current general construction induction cards (white card) and licenses/tickets, and be inducted to the site.
- Safe Work Method Statements, which are kept on site and discussed at tool box talks.

**Other Implications**

Timely acceptance of the tender and execution of the work is essential to meet the requirements of the grant funding and expectations communicated to the community.

**CONCLUSION**

Acceptance of the tender from Murphy McCarthy & Associates Pty Ltd, in the lump sum and schedule of rates amount of \$304,879 (including GST) offers the best value for money for the watermain relocation work. The contract sum and contingency are fully funded from the available project budget identified in this report.

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**ENCLOSURES**

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

Notices Of Motion

Report No. BN26/2019

General Manager's Unit



***NOTICES OF MOTION No. BN26/2019***

**SUBJECT:** *WESTON FIRE AND RESCUE STATION*

**COUNCILLOR:** *Anne Sander*

***MOTION***

**That the General Manager writes to the Minister for Police and Emergency Services, The Hon. David Elliott, MP seeking the following;**

- **NSW Government support to keep the Weston Fire Station open, pending an investigation into suitable options to enhance the attractiveness of being a retained fire fighter so as to encourage more community members to join local brigades.**
- **A written commitment from the NSW Government that if Weston Fire Station is to be closed, the building and infrastructure on site in Swanson Street, Weston be transferred to Council to be used as a Community Asset, with one option being to re-open the station as an RFS facility.**

It is my intention to move the above motion at the next Ordinary Meeting of Council on 23 October 2019.

**RATIONALE**

In light of a recent community meeting on Friday 20 September 2019 held by Fire and Rescue NSW at Weston Civic Centre regarding the proposed closure of Weston Fire Station, I would like to explore every available opportunity for the station to remain open. In doing this I would like to see Council write to the relevant Minister seeking support to have the station remain open, pending an investigation into suitable options to enhance the attractiveness of being a retained fire fighter so as to encourage more community members to join local brigades.

Due to the continuing issues with recruiting retained fire fighters in our Communities throughout the LGA there are a number of issues that the NSW State Government and in particular the Minister for Police and Emergency Services must change in order to make it more attractive to be a fire fighter. I would like to see Council be proactive in bringing about this change.

I believe a tax concession would be a good place to start, with another option being to make more positions permanent as opposed to having retained fire fighters. The current position is not tenable and other stations in our LGA may be threatened with closure if the number of required retained fire fighters cannot be recruited. The stringent fitness criteria is also on impediment to retrain fire fighters.

**SOURCE OF FUNDING:**

N/A

**Notices Of Motion**

**Report No. BN26/2019**

**General Manager's Unit**

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**DELIVERY PROGRAM:**

Objective 1.3 Promoting safe communities

Sgd: Anne Sander

Date: 25 September 2019

***ENCLOSURES***

There are no enclosures for this report

Notices Of Motion

Report No. BN27/2019

General Manager's Unit



***NOTICES OF MOTION No. BN27/2019***

**SUBJECT:** *GAOL ACCESS*

**COUNCILLOR:** *Ian Olsen*

***MOTION***

**That Council contact the State Government Minister for Police and Emergency Services, The Hon David Elliott MP and ask him to supply a design of the preferred access road and a commitment to complete that road within 6 months, otherwise Council may be left with no option but to close the Lindsay Street access due to the excess traffic and damage to local roads.**

It is my intention to move the above motion at the next Ordinary Meeting of Council on 23 October 2019.

**RATIONALE**

The residents of Cessnock have been very patient waiting for a solution and both parties during the recent election committed to solving the problem. Following on from my previous motion 6 months ago, where my motion was changed to organise another meeting with State representatives. That meeting took place but nothing has happened and no sign of anything happening in the near future. The current build is almost complete and the Lindsay Street access has been improved and it doesn't look like anything happening so we need the new access road built as a priority.

**SOURCE OF FUNDING**

State Government

**DELIVERY PROGRAM**

Civic leadership and effective governance

Sgd: Ian Olsen

Date: 14 October 2019

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ97/2019

Works and Infrastructure

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**SUBJECT:** *KURRI KURRI COMMUNITY CENTRE*

**RESPONSIBLE OFFICER:** *Open Space and Community Facilities Manager - Nicole Benson*

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**Q95/2019 - Kurri Kurri Community Centre**

Asked by Councillor Sander at the Ordinary Meeting of Council held on 2 October 2019.

*“What the timeframe is for the completion of the Kurri Kurri Community Centre?”*

The engaged contractors working on the project (Bay Building) have advised Council Officers that the completion of the works remains on track for late December 2019.

**ENCLOSURES**

There are no enclosures for this report



Answers To Questions For Next Meeting

Report No. AQ98/2019

Works and Infrastructure



**SUBJECT:** *BLUE GUM ROAD - TOURIST ENTRY SIGN*

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

**Q96/2019 – Blue Gum Road – Tourist Entry Sign**

Asked by Councillor Sander at the Ordinary Meeting of Council held on 2 October 2019.

*“Will Council be constructing a tourist entry sign on the boundary on Blue Gum Road?”*

City Gateways and Suburb Entry Signs are being constructed in accordance with Council's adopted *LGA Signage Strategy*.

City Gateways have been constructed under successful grant applications at:

- Branxton
- Brunkerville, and
- Blackhill.

Investigations are in progress for possible future City Gateways on:

- Broke Road, Pokolbin,
- Great North Road, Bucketty, and
- George Booth Drive, Stockrington.

Locations in the road reserve on George Booth Drive (aka Blue Gum Road) in the vicinity of the LGA boundary between Cessnock and Lake Macquarie have proven highly constrained by boundaries, lines of sight and other features.

A modified City Gateway of reduced size is currently being planned for George Booth Drive with a view to meeting the intentions of the *LGA Signage Strategy* for a gateway on each of the major vehicular entry routes into the City.

**ENCLOSURES**

There are no enclosures for this report

**Answers To Questions For Next Meeting**

**Report No. AQ99/2019**

**Works and Infrastructure**

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**SUBJECT:** *CRUICKSHANK STREET, BELLBIRD - DRAINAGE*

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

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**Q97/2019 - Cruickshank Street Drainage**

Asked by Councillor Stapleford at the Ordinary Meeting of Council held on 2 October 2019.

*“Could an update be provided on the Cruickshank Street drainage?”*

The Drainage Construction Program of the adopted *Operational Plan 2019-20* includes Stage 1 Investigation and design for upgrade of drainage in Cruickshank Street.

Preliminary investigations have commenced to determine the full extent of investigations required and to scope the design.

An update will be provided in a Community Newsletter to inform Councillors and affected property owners and occupiers of the outcome of the investigation and the anticipated scope of the upgrade design.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ100/2019

Planning and Environment

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**SUBJECT:** *AIRPORT MASTER PLAN*

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

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**Q93/2019 – Airport Master Plan**

Asked by Councillor Doherty at the Ordinary Meeting of Council held on 2 October 2019.

*“Asked for an update on airport economics against the Airport Masterplan.”*

Please note there is no adopted Airport “Masterplan”.

Council does have a Draft Cessnock Airport Strategic Plan.

Council staff are currently finalising a review of the Draft Cessnock Airport Strategic Plan (the Plan) with a view of reporting the final Plan to the next Strategic Property and Community Facilities Committee in November. A site development plan (similar to a masterplan) forms part of the Plan as does a Business Plan setting out the financial viability of the Airport. The Business Plan looks at running the Airport on a more commercial basis and includes the “break even” date.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ101/2019

Works and Infrastructure

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**SUBJECT:** *COOPER STREET, CESSNOCK - WORKS*

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

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**Q91/2019- Cooper Street, Cessnock - Works**

Asked by Councillor Burke at the Ordinary Meeting of Council held on 2 October 2019.

*“Please provide an updated completion date for the Cooper Street works?”*

The current works in Cooper Street are programmed for completion by the end of November 2019, subject to site conditions and weather permitting.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ102/2019

Planning and Environment

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**SUBJECT:** *GOLDEN BEAR GOLF DEVELOPMENT*

**RESPONSIBLE OFFICER:** *Development Services Manager - Janine Maher*

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**Q94/2019 – Golden Bear Golf Development**

Asked by Councillor Doherty at the Ordinary Meeting of Council held on 2 October 2019.

*“asked for an update on the Golden Bear Golf Development.”*

The proponent has recently submitted information in respect to the Golden Bear Golf development, as requested by the Hunter and Central Coast Regional Planning Panel (RPP) when the matter was last considered on 11 December 2018.

The information will be considered by the RPP at a briefing session scheduled for 16 October 2019.

**ENCLOSURES**

There are no enclosures for this report

**Answers To Questions For Next Meeting**

**Report No. AQ103/2019**

**Works and Infrastructure**

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**SUBJECT: LINDSAY STREET, CESSNOCK - CLOSURE**

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

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**Q92/2019 - Closure of Lindsay Street**

Asked by Councillor Burke at the Ordinary Meeting of Council held on 2 October 2019.

*“Has Council received any communication from Justice regarding the closure of Lindsay Street, Cessnock from Tuesday and the reasoning?”*

Council received correspondence from NSW Justice’s contractor advising that they would be undertaking work to augment sewer services to Cessnock Correctional Complex, which would require traffic control on Allandale Road and indicating construction site access via Kerlew Street, Nulkaba.

In response, Council officers advised that, as a State road under the management of Transport for NSW (formerly Roads and Maritime Services), under boring and traffic control on Allandale Road was a matter for Transport for NSW.

Council officers also contacted Cessnock Correctional Complex directly and were advised that work would also affect the access road inside the Complex off Lindsay Street, Cessnock.

The variable message board sign recently erected by others appears to refer to a temporary closure of the entry to Cessnock Correctional Complex off Lindsay Street.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ104/2019

Works and Infrastructure



**SUBJECT:** *MILLER PARK MASTERPLAN*  
**RESPONSIBLE OFFICER:** *Open Space and Community Facilities Manager - Nicole Benson*

**Q98/2019 - Miller Park Masterplan**

Asked by Councillor Dagg at the Ordinary Meeting of Council held on 2 October 2019.

*“When will further capital works be undertaken at Miller Park given that Council has almost \$1m set aside for the implementation of the Miller Park Masterplan?”*

Capital works at Miller Park will be scheduled following consultation with sporting groups and will take place during times when there is minimal impact on Miller Park users. Planning is underway for the larger projects. For example, design for buildings, preparation of procurement documentation and so on. The on ground works will occur once approvals are granted and/or opportunities present themselves.

Capital works recently completed at Miller Park include installation of seating and shade at the eastern end of the reserve, extension of the concrete concourse at the football/athletics amenities improving spectator facilities and drainage.

Provision of additional shade/shelter via extensions to the amenity awning is soon to be completed via a successful My Community Project grant in which Council is the Project Sponsor.

Council was recently successful in obtaining \$107,150 in grant funding for Miller Park under the 2019/20 NSW ICC T20 World Cup 2020 Cricket Legacy Fund. The funding is provided on a 50:50 co-contribution basis. The total project cost is \$232,150 and includes a contribution from Council (\$90,000), Greta Branxton United Cricket Club (\$20,000), Cricket NSW (\$15,000) and the T20 Legacy Fund (\$107,150). Works to be completed utilising these funds include a new turf cricket wicket, construction of two unisex change-rooms and player amenities, irrigation on fields 1 & 2 and the installation of two sight screens.

In addition to this, works listed in the Operational Plan 2019-2020 (\$187,000) include construction of long jump pits, a children’s bike circuit, a rebound wall and drainage.

**ENCLOSURES**

There are no enclosures for this report



Answers To Questions For Next Meeting

Report No. AQ105/2019

Works and Infrastructure

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**SUBJECT:** *CARMICHAEL PARK MASTERPLAN AND BELLBIRD NORTH SECTION 7.11 PLAN*

**RESPONSIBLE OFFICER:** *Open Space and Community Facilities Manager - Nicole Benson*

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**Q99/2019 - Carmichael Park Masterplan and Bellbird North Section 7.11 Plan**

Asked by Councillor Lyons at the Ordinary Meeting of Council held on 2 October 2019.

*“What coordination is there between the staff working on the Carmichael Masterplan and the Bellbird North Section 7.11 Plan?”*

Council’s Recreation Planners have been working closely with the Strategic Planning team in the development of the Citywide Contributions Plan (incorporating Bellbird North).

The Citywide Contributions Plan will likely be reported to Council prior to the completion of the Carmichael Park Masterplan (anticipated to be early next year), however any revisions can be incorporated into the document once adopted.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ106/2019

Works and Infrastructure



**SUBJECT:** *LIST OF MASTERPLANS*

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

**Q100/2019 - List of Masterplans**

Asked by Councillor Olsen at the Ordinary Meeting of Council held on 2 October 2019.

*“Asked for a list of all Masterplans that have been approved in the last 7 years and the total cost for each of those projects?”*

The following table provides information with respect to the request, noting that an “Order of Probable Costs” does not form part of some of the listed Masterplans.

<b>Adopted Masterplans 2012 - 2019</b>	<b>Order of Probable Costs</b>
Cessnock Business District (CBD) Masterplan 2012	\$ 3,700,000.00
Margaret Johns Park Plan of Management & Masterplan 2013	Not provided in document
Convent Hill, Bridges Hill and East End Oval Masterplan 2016	\$ 4,386,077.00
Branxton Town Centre Masterplan 2016	Not provided in document
Cessnock Commercial Precinct 2017	\$ 81,707,168.00
Kurri Kurri Commercial Centre Masterplan 2017	Not provided in document
Weston Commercial Centre Masterplan 2017	Not provided in document
Cessnock City Council Cemeteries Masterplan 2018	Not provided in document
Miller Park Masterplan 2018	\$ 5,072,861.00
Mount View Park Masterplan 2018	\$ 4,225,341.00
Turner Park Masterplan 2018 (cost estimates includes \$20M for new pool)	\$ 25,936,010.00
Greta Central Park Masterplan 2019	\$ 8,795,565.00
Cessnock Pool Masterplan 2019 (currently on public exhibition)	Not provided in document

**ENCLOSURES**

There are no enclosures for this report

**Answers To Questions For Next Meeting**

**Report No. AQ107/2019**

**Planning and Environment**

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**SUBJECT: ST PHILIP'S COLLEGE MASTERPLAN**

**RESPONSIBLE OFFICER: Development Services Manager - Janine Maher**

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**Q101/2019 – St Philip's College Masterplan**

Asked by Councillor Fitzgibbon at the Ordinary Meeting of Council held on 2 October 2019.

*“If Council could contact St Philip's College regarding the timing of their submission of their Masterplan?”*

By way of background, it is noted that a Pre-DA Meeting had been scheduled by the applicant on 2 August 2019 to discuss a proposed development application (incorporating a masterplan) for the school site, however, such meeting was cancelled at the applicant's request.

The applicant's representative has been contacted by Council officers, and has advised that the school is currently in the process of preparing a traffic study in respect of the proposal. The applicant has also indicated that the traffic study should be finalised in the coming weeks, thereby enabling a new Pre-DA Meeting to be scheduled. At this stage there is no definite date for the pre-DA meeting nor for the submission of a DA.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ108/2019

Planning and Environment

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**SUBJECT:** *ABBOTSFORD STREET BRIDGE*

**RESPONSIBLE OFFICER:** *Development Services Manager - Janine Maher*

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**Q102/2019 – Abbotsford Street Bridge**

Asked by Councillor Dunn at the Ordinary Meeting of Council held on 2 October 2019.

*“Could he get an update on the Abbotsford Street bridge?”*

Construction works associated with the Abbotsford Street bridge and road works, have commenced.

Advice received from the developer indicates that the works are expected to be completed by the end of 2019.

**ENCLOSURES**

There are no enclosures for this report

Correspondence

Report No. CO25/2019

Corporate and Community Services



**SUBJECT:** *SEEKING SUPPORT FOR FUNDING TO IMPLEMENT THE CESSNOCK LGA TRAFFIC & TRANSPORT STRATEGY 2018 HIGH PRIORITY PROJECTS*

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

**RECOMMENDATION**

**That the correspondence be noted.**

At its Ordinary Meeting of 7 November 2018 Council considered report WI87/2018 – Traffic and Transport Strategy – Implementation Priorities and resolved:

- 3. That Council writes to the NSW Minister Roads, Maritime and Freight, the NSW Parliamentary Secretary for Planning, the Central Coast and the Hunter, the State Member for Cessnock and Taylor Martin MLC seeking support for funding to implement the high priority projects.**

Council wrote to the Minister for Regional Transport and Roads, The Hon. Paul Toole MP on 11 July 2019 seeking support for funding.

A response has been received from the Minister and a copy of the correspondence is attached for Councils information as Enclosure 1.

Also attached is a letter of support from Clayton Barr MP as Enclosure 2.

**ENCLOSURES**

- [1↓](#) Response Letter - The Hon. Paul Toole MP
- [2↓](#) Letter of Support - Clayton Barr MP



The Hon Paul Toole MP  
Minister for Regional Transport and Roads

Our Ref: 00864245  
Your Ref: DOC2019/067422

Councillor Bob Pynsent  
Mayor  
Cessnock City Council  
PO Box 152  
CESSNOCK NSW 2325

Dear Cr Pynsent

Thank you for your correspondence about funding for high priority projects in the *Cessnock LGA Traffic and Transport Strategy 2018*.

I appreciate Cessnock City Council sharing its strategic priorities for the Cessnock area and note Council's request for funding to support their implementation. As Council may be aware, funding for these projects may be applied for through a range of State and Federal funding programs. I encourage Council to consider future funding opportunities through NSW Government programs such as Safer Roads and Active Transport, and Federal programs including Black Spot and Roads to Recovery.

The NSW Government is also investing \$1 billion to improve local and regional roads and country bridges. This includes \$500 million to help councils repair, maintain and seal important local roads, and \$500 million to replace timber bridges in poor condition.

Arrangements for the new Fixing Local Roads and Fixing Country Bridges programs are being developed. Councils will be able to apply for grants to repair priority council roads under the Fixing Local Roads program and nominate bridges in poor condition to be included in the Fixing Country Bridges program. Applications will be assessed against key criteria, such as asset condition, safety, economic and social benefit.

Understandably, there is a high level of interest in these programs and Council may be assured that it will be given the opportunity to provide feedback. Transport for NSW will continue to engage with councils, Local Government NSW and other stakeholders as the programs develop.

The NSW Government has separately announced up to 15,000 kilometres of council-owned roads may be transferred to the State, as part of a full review of road classifications announced under the *Future Transport 2056 Strategy*. This is a complex process and a transition of this scale will take time to complete. The policy framework, guiding principles and process for the transfer and review are currently being developed.

The process will be overseen by an Independent Expert Panel, to be established soon. The Panel will be responsible for providing recommendations to the NSW Government on changes to the roads classification framework, and on roads that may be considered for transfer to the State.

GPO Box 5341, Sydney NSW 2001

- 2 -

00864245

I am advised that Ms Anna Zycki, Director Hunter Region at Transport for NSW, will discuss funding opportunities when she next meets with Council. In the meantime, if you have any further questions, Ms Zycki would be pleased to take your call on (02) 4908 7777.

I trust this information is of assistance.

Yours sincerely

A handwritten signature in black ink that reads "Paul Toole". The signature is written in a cursive style with a large, looped initial "P".

04/10/2019

**THE HON PAUL TOOLE MP**





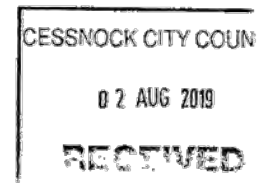
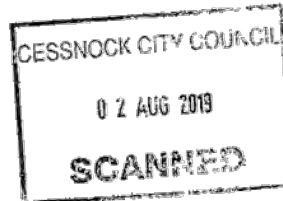
**Clayton Barr, MP**  
STATE MEMBER FOR THE ELECTORATE OF CESSNOCK



Our Ref: CB2-CessnockCityCouncil-Reg-20190722-SF1621572

22 July 2019

Mr Stephen Glen, General Manager  
Cr Bob Pynsent, Mayor  
Cessnock City Council  
PO Box 152  
CESSNOCK NSW 2325



*Stephen*

Dear ~~Mr Glen~~ and Cr Pynsent

Thank you for your recent letter (your ref: DOC2019/043175) seeking support for Council's request for funding to implement the high priority projects as identified in the Cessnock LGA Traffic and Transport Strategy 2018.

I have made representations have been made on Council's behalf to the Minister for Regional Transport and Roads, the Hon Paul Toole, MP, advising of my support for Council's funding request.

I shall contact you again once I have received a response to my representations.

Yours sincerely

*Clayton Barr*

**CLAYTON BARR, MP**  
State Member for the Electorate of Cessnock  
Shadow Minister for Water  
Shadow Minister for Innovation, Science and  
Tertiary Education  
Shadow Minister for the Hunter

118 Vincent Street (PO Box 242), Cessnock NSW 2325  
P (02) 4991 1466 | 1300 550 114 F (02) 4991 1103 E [cessnock@parliament.nsw.gov.au](mailto:cessnock@parliament.nsw.gov.au)

Country Labor - *Thinking outside of the City*