



5 December 2023

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, 13 December 2023 at 6:30pm, for the purposes of transacting the undermentioned business.

**AGENDA:**

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<b>(1) ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS</b>	
<b>(2) OPENING PRAYER</b>	
<b>(3) RECEIPT OF APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE</b>	
<b>(4) CONFIRMATION OF MINUTES OF PREVIOUS MEETING</b>	
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**(16) COUNCILLORS' REPORTS**

**(17) REPORT OF THE CONFIDENTIAL SESSION OF THE ORDINARY COUNCIL MEETING ON 13 DEC 2023**

‡ - 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 Code of Conduct***

Council adopted its current Code of Conduct on 1 November 2022. 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. Councillors took an oath or affirmation at the commencement of their term of office under section 233A of the *Local Government Act 1993* (NSW) and are therefore obligated under Council's Code of Conduct to disclose and appropriately manage their conflicts of interest.

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 as soon as practicable and to refrain from being involved in any consideration or to vote on any such matter where required and out outlined in the Code of Conduct.
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 disclosure.
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 disclosures of interest shall be recorded in the minutes of the meeting.
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, 15 NOVEMBER 2023,  
COMMENCING AT 6:30PM**

**PRESENT:** His Worship the Mayor, Councillor J Suvaal (in the Chair) and Councillors Dunn, Jurd, Hawkins, Burke, Moores, Jackson, Watton, Sander, Grine, Hill, Paynter.

**IN ATTENDANCE:** General Manager  
Acting Director Planning and Environment (Compliance Services Manager)  
Director Corporate and Community Services  
Director Works and Infrastructure  
Acting Development Services Manager (Principal Development Planner)  
Acting Strategic Planning Manager (Principal Strategic Planner)  
Senior Planning Assessment Officer  
Environment & Waste Services Manager  
Communications & Engagement Manager  
Principal Community Engagement Officer  
Media & Communications Officer  
Help Desk Support Officer  
Council Services Team Leader  
Senior Governance Officer

**Council Prayer:**

Council Prayer was led by Pastor Rachel Main from Beyond Church.

**LEAVE OF ABSENCE:**

**MOTION**

**Moved:** Councillor Sander  
**Seconded:** Councillor Watton

616

**RESOLVED** that a leave of absence be granted to Councillor Olsen from 11 November 2023 to 27 November 2023.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**MINUTES:**

**MOTION**

**Moved:** Councillor Hill  
**Seconded:** Councillor Dunn

617

**RESOLVED** that the minutes of the ordinary meeting of Council held on 18 October 2023, as circulated, be taken as read and confirmed as a correct record.

**FOR**

**AGAINST**

Councillor Jackson  
Councillor Moores  
Councillor Dunn  
Councillor Burke  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Paynter  
Councillor Watton  
Councillor Jurd  
Councillor Suvaal

**Total (12)**

**Total (0)**

**CARRIED UNANIMOUSLY**

## **DISCLOSURES OF INTEREST**

### **DISCLOSURES OF INTEREST NO. DI10/2023**

**SUBJECT: DISCLOSURES OF INTEREST**

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#### **RECOMMENDATION**

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

**WI37/2023 - Cessnock Waste Management Centre - Landfill Extension** – Councillor Jurd declared a Pecuniary Interest for the reason that she has a family member that works at the Centre. Councillor Jurd advised that she would leave the Chamber and take no part in discussion and voting.

#### **PETITIONS**

Nil



## **ADDRESS BY INVITED SPEAKERS**

The following people addressed the meeting of Council:

<b>Speakers</b>	<b>For / Against</b>	<b>Report</b>	<b>Page No.</b>	<b>Duration</b>
Brad Snedden	For	PE39/2023 - DA 8/2021/22318/1 - Alterations and Additions to Existing Cafe comprising an Amenities Building, Pop-up Coffee Stand, Juice Bar, Additional Carparking, Outdoor Lighting and Extended Cafe Trading Hours  701 Lovedale Road, Lovedale	4	3 mins

**EXTENSION OF TIME**

618

**Moved:**

Councillor Hawkins

**Seconded:**

Councillor Watton

**RESOLVED** that an extension of time of one minute be granted to Brad Snedden to complete his presentation.

**FOR**

**AGAINST**

Councillor Jackson  
Councillor Moores  
Councillor Dunn  
Councillor Burke  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Paynter  
Councillor Watton  
Councillor Jurd  
Councillor Suvaal  
**Total (12)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**EXTENSION OF TIME****Moved:**  
**Seconded:**Councillor Watton  
Councillor Hawkins

619

**RESOLVED** that a further extension of time of one minute be granted to Brad Snedden to complete his presentation.**FOR****AGAINST**Councillor Jackson  
Councillor Moores  
Councillor Dunn  
Councillor Burke  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Paynter  
Councillor Watton  
Councillor Jurd  
Councillor Suvaal  
**Total (12)****Total (0)****CARRIED UNANIMOUSLY**

Matt Dillow	Against	PE39/2023 - DA 8/2021/22318/1 - Alterations and Additions to Existing Cafe comprising an Amenities Building, Pop-up Coffee Stand, Juice Bar, Additional Carparking, Outdoor Lighting and Extended Cafe Trading Hours  701 Lovedale Road, Lovedale	4	3 mins
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**PLANNING AND ENVIRONMENT NO. PE39/2023**

**SUBJECT: DA 8/2021/22318/1 - ALTERATIONS AND ADDITIONS TO EXISTING CAFE COMPRISING AN AMENITIES BUILDING, POP-UP COFFEE STAND, JUICE BAR, ADDITIONAL CARPARKING, OUTDOOR LIGHTING AND EXTENDED CAFE TRADING HOURS**

**701 LOVEDALE ROAD, LOVEDALE**

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**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Hill  
620

**RESOLVED**

1. That Development Application No. 8/2022/22318/1 proposing alterations and additions to the existing cafe comprising an amenities' building, pop-up coffee stand, juice bar, additional carparking, outdoor lighting and extended cafe trading hours at Lot 81, DP831654, 701 Lovedale Road, Lovedale, be deferred to afford the applicant a final opportunity to submit amended plans/additional information to address the outstanding issues raised in the assessment report; and
2. That following assessment of the information, a report be referred to Council's meeting in March 2024 to enable final consideration/determination of the application.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	Councillor Watton
Councillor Moores	Councillor Jurd
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Suvaal	
<b>Total (10)</b>	<b>Total (2)</b>

**CARRIED**

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

**MOTION**      **Moved:**    Councillor Dunn      **Seconded:**    Councillor Burke  
621  
**RESOLVED**

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

NI7/2023	Notice of Intention to Deal with Matters in Confidential Session - Report CC71/2023 - Sale of Land for Unpaid Rates and Charges Report GMU9/2023 - Code of Conduct: Consideration of Final Investigation Report and Recommendation of formal Censure – Councillor Olsen ..... 32
‡ PE41/2023	Strategic Planning 2022 - 2023 Annual Monitoring Report ..... 43
CC73/2023	2024 Ordinary Council Meeting Schedule ..... 49
‡ CC76/2023	Annual Report 2022-23 ..... 60
‡ CC77/2023	Resolutions Tracking Report ..... 62
‡ CC78/2023	Investment Report - October 2023 ..... 63
CC79/2023	Tender T2024-12 Engineering Project Manager Panel ..... 70
WI39/2023	Minutes of the Community Engagement Awards and Grants Committee held on 18 October 2023 ..... 113
WI40/2023	Minutes of the Roads Review Committee Meeting held on 4 October 2023 ..... 119
WI41/2023	Minutes of the Floodplain Risk Management Committee meeting held 13 July 2023 ..... 121

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

***CARRIED UNANIMOUSLY***

**NOTICE OF INTENTION TO DEAL WITH MATTERS IN  
CONFIDENTIAL SESSION**

**NOTICE OF INTENTION NO. NI7/2023**

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

**REPORT CC71/2023 - SALE OF LAND FOR UNPAID RATES AND  
CHARGES**

**REPORT GMU9/2023 - CODE OF CONDUCT: CONSIDERATION OF  
FINAL INVESTIGATION REPORT AND RECOMMENDATION OF  
FORMAL CENSURE - COUNCILLOR OLSEN**

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**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Burke  
622  
**RESOLVED**

1. That Council considers in Confidential Session the following matters in accordance with Sections 10A (2) (b) & (i) of the *Local Government Act 1993*:
  - Report CC71/2023 – Sale of Land for Unpaid Rates and Charges as the report deals with discussion in relation to the personal hardship of a resident or ratepayer.
  - Report GMU9/2023 – Code of Conduct: Consideration of Final Investigation Report and Recommendation of Formal Censure – Councillor Olsen as the report contains alleged contraventions of any code of conduct requirements applicable under section 440.
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.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## MAYORAL MINUTES

### MAYORAL MINUTES NO. MM8/2023

**SUBJECT: WINE COUNTRY 500 - SUPERCARS BID**

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**MOTION**      **Moved:** Mayor Suvaal

623

**RESOLVED**

**That Council formally engage with the Minister for Jobs and Tourism, the Minister for Sport, Destination NSW, State Member for Cessnock and Supercars to express Councils interest in having discussions about securing a Supercars 500 event in the Cessnock LGA.**

*Councillor Grine left the meeting the time being 7:26pm*

*Councillor Grine returned to the meeting, the time being 7:28pm*

*Councillor Jurd left the meeting, the time being 7:36pm*

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	Councillor Moores
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Suvaal	
<b>Total (10)</b>	<b>Total (1)</b>

**CARRIED**

**MOTIONS OF URGENCY**

**MOTIONS OF URGENCY NO. MOU10/2023**

**SUBJECT: MOTIONS OF URGENCY**

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**Nil**

## **PLANNING AND ENVIRONMENT**

### **PLANNING AND ENVIRONMENT NO. PE40/2023**

**SUBJECT: VOLUNTARY PLANNING AGREEMENT - 174 - 178 LANG STREET,  
KURRI KURRI**

---

**MOTION**

**Moved:** Councillor Hill

**Seconded:** Councillor Sander

624

**RESOLVED**

**That Council provide 'In Principal' agreement to the Voluntary Planning Agreement Offer dated 29 September 2023 relating to 178 Lang Street Kurri Kurri (Lot 136 DP 869710).**

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Suvaal	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



**PLANNING AND ENVIRONMENT NO. PE41/2023**

**SUBJECT: STRATEGIC PLANNING 2022 - 2023 ANNUAL MONITORING REPORT**

---

**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Burke  
625

**RESOLVED**

That Council notes the information contained within this report being an overview of residential development activity, employment development activity, land supply and progress of key planning strategies for the 2022-2023 financial year.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **CORPORATE AND COMMUNITY**

### **CORPORATE AND COMMUNITY NO. CC72/2023**

**SUBJECT: DOYLE STREET PARK - PROPOSED DRAINAGE EASMENT**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Paynter  
626  
**RESOLVED**

- a) That Council consent to the granting of an easement over Council land Lot 1 DP397021 and Lot 6 DP116107 - Doyle Street Park, 2 – 4 Doyle Street Cessnock benefiting Lot 14 DP4966 being 272 Maitland Road Cessnock for storm water drainage purposes.
- b) That Council delegates to the General Manager the power to negotiate the amount payable for the granting of an easement over Lot 1 DP397021 and Lot 6 DP116107 with reference to a current market land valuation assessment.
- c) That Council advises the applicant that all costs associated with the granting of the easement including Council's reasonable legal and valuation costs be borne by the benefiting property owner.
- d) That Council authorises the General Manager to execute all documentation required to transact granting of the easement.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Suvaal	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC73/2023**

**SUBJECT: 2024 ORDINARY COUNCIL MEETING SCHEDULE**

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**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Burke  
627  
**RESOLVED**

1. That Council adopts the schedule of Ordinary Meetings of Council for 2024:
2. That Council schedules an Extra Ordinary Meeting of Council for 9 October 2024 to enable procedural reports for the newly elected Council to be considered.

<b>21 February 2024</b>	<b>20 March 2024</b>	<b>17 April 2024</b>
<b>15 May 2024</b>	<b>19 June 2024</b>	<b>17 July 2024</b>
<b>21 August 2024</b>	<b>16 October 2024</b>	<b>20 November 2024</b>
<b>11 December 2024</b>		

**FOR**

Councillor Jackson  
Councillor Moores  
Councillor Dunn  
Councillor Burke  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Paynter  
Councillor Watton  
Councillor Jurd  
Councillor Suvaal  
**Total (12)**

**AGAINST**

**Total (0)**

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC74/2023**

**SUBJECT: SEPTEMBER 2023 REVIEW OF THE 2022-26 DELIVERY PROGRAM**

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*Councillor Jurd returned to the meeting, the time being 7:39pm*

**MOTION**      **Moved:** Councillor Hill      **Seconded:** Councillor Sander

628

**RESOLVED**

1. That Council notes the progress in implementing the 2022-26 Delivery Program as at 30 September 2023.
2. That Council approves changes to the 2023-24 Operational Plan actions and targets as outlined in the report.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	Councillor Watton
Councillor Moores	Councillor Jurd
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Suvaal	
<b>Total (10)</b>	<b>Total (2)</b>

**CARRIED**

**CORPORATE AND COMMUNITY NO. CC75/2023**

**SUBJECT: QUARTERLY BUDGET REVIEW STATEMENT - SEPTEMBER 2023**

---

**MOTION**      **Moved:**    Councillor Hill                      **Seconded:**    Councillor Burke  
629

**RESOLVED**

1.      That Council receives the September 2023 Quarterly Budget Review Statement in accordance with Clause 203 of the Local Government (General) Regulation 2021.
2.      That Council notes that the September 2023 Quarterly Budget Review Statement reflects a forecast operating surplus for the year of \$30.8m or (\$9.5m) deficit excluding capital income.
3.      That Council notes that the September 2023 Quarterly Budget Review Statement reflects a forecast capital expenditure budget of \$81.3m.
4.      That Council approves proposed changes to the 2023-24 operating and capital budgets as presented in the Quarterly Business Report September 2023.
5.      That Council notes that the Quarterly Budget Review Statement forecasts five of the six key performance indicators will exceed Office of Local Government benchmarks.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC76/2023**

**SUBJECT: ANNUAL REPORT 2022-23**

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**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Burke

630

**RESOLVED**

1. That Council receives and notes the Annual Report for 2022-23.
2. That Council notes the Annual Report will be posted on Council's website.
3. That Council notes the link to the Annual Report will be forwarded to the Minister for Local Government as required by Section 428 of the *Local Government Act 1993*.

**FOR**

**AGAINST**

Councillor Jackson  
Councillor Moores  
Councillor Dunn  
Councillor Burke  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Paynter  
Councillor Watton  
Councillor Jurd  
Councillor Suvaal  
**Total (12)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC77/2023**

**SUBJECT: RESOLUTIONS TRACKING REPORT**

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**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Burke  
631  
**RESOLVED**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC78/2023**

**SUBJECT: INVESTMENT REPORT - OCTOBER 2023**

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**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Burke  
632  
**RESOLVED**

That Council receives the Investment Report for October 2023 and notes that:

- Investments are held in accordance with Council’s Investment Policy, which is in accordance with the Ministerial Investment Order.
- Council’s month end cash and investments balance was \$87,463,765.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



**CORPORATE AND COMMUNITY NO. CC79/2023**

**SUBJECT: TENDER T2024-12 ENGINEERING PROJECT MANAGER PANEL**

---

**MOTION Moved:** Councillor Dunn **Seconded:** Councillor Burke

633

**RESOLVED**

1. That Council accept the tender panel of suppliers below in no order of preference for T2024-12 – Engineering Project Managers.

- Abid Khan
- Civil Construction Solutions Pty Limited
- EJC Projects
- Engenicom Pty Ltd
- K J Fitz Trading Pty Limited
- Loyalty Management Solutions
- Metzner Project Management Pty Ltd
- Monteath and Powys
- Port Macquarie Consulting Pty Ltd
- Projence Pty Ltd
- RHE Project Consulting Pty Ltd
- SB Lees & J Rissman
- SABA Civil Management
- S J McClean Consulting Pty Ltd
- Tag Project Partners Pty Ltd
- Voraus Pty Ltd

2. That Council notes the contract term for T2024-12 Engineering Project Managers is 1 February 2024 to 1 February 2025 (1 year) with an option for 2x12 month extension based on satisfactory performance of the contract and suitability of the panel.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **WORKS AND INFRASTRUCTURE**

### **WORKS AND INFRASTRUCTURE NO. WI35/2023**

**SUBJECT:** **TENDER T2024-09 LANDSLIDE & REMEDIATION WORKS PACKAGE 1 – SOIL NAILS/ROCK BOLTS**

---

**MOTION**      **Moved:**    Councillor Dunn      **Seconded:**    Councillor Hawkins  
634  
**RESOLVED**

**That Council accepts the tender T2024-09 Landslide Remedial Works – Package 1 – Soil Nails/Rock Bolts from Ground Stabilisation Systems Pty Ltd for the lump sum of \$3,731,908 (including GST).**

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI36/2023**

**SUBJECT: TENDER Q2024-53 DIVERSION CHANNEL - SOUTH CESSNOCK  
BUNDWALL TENDER EVALUATION REPORT**

---

**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Burke  
635

**RESOLVED**

**That Council accept the tender submitted by Bolte Civil Pty Ltd for the tendered amount of \$1,323,418.51 (including GST) for Contract No. Q2024-53 RFT-10057751 for South Cessnock Bund Wall Scheme - Stage 1 - Channel Widening.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI37/2023**

**SUBJECT: CESSNOCK WASTE MANAGEMENT CENTRE - LANDFILL EXTENSION**

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*Councillor Jurd declared a Pecuniary Interest for the reason that she has a family member that works at the Centre. Councillor Jurd left the Chamber and took no part in discussion and voting.*

*Councillor Jurd left the meeting, the time being 7:47pm*

**MOTION**      **Moved:** Councillor Hawkins      **Seconded:** Councillor Dunn  
636

**RESOLVED**

**That Council endorse:**

- **The landfill extension and rehabilitation project at the Cessnock Waste Management Centre; and**
- **The tender process for Stage 1 of the landfill extension development with funding to be incorporated into the 2024-25 Operational Plan.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Suvaal	
<b>Total (11)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

*Councillor Jurd returned to the meeting, the time being 7:52pm*

**WORKS AND INFRASTRUCTURE NO. WI38/2023**

**SUBJECT: CESSNOCK LGA TRAFFIC AND TRANSPORT STRATEGY 2023 - PUBLIC EXHIBITION APPROVAL**

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**MOTION**      **Moved:** Councillor Hawkins      **Seconded:** Councillor Grine  
637

**RESOLVED**

1. That Council place the Draft Cessnock LGA Traffic and Transport Strategy 2023 on public exhibition for a period of twelve weeks.
2. That a report on the outcomes of the exhibition be provided to Council prior to adopting the final Draft Cessnock LGA Traffic and Transport Strategy 2023.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI39/2023**

**SUBJECT: MINUTES OF THE COMMUNITY ENGAGEMENT AWARDS AND GRANTS COMMITTEE HELD ON 18 OCTOBER 2023**

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**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Burke  
638

**RESOLVED**

1. That the Minutes of the Community Engagement, Awards and Grants Committee Meeting of the 18 October 2023 be adopted as a resolution of the Ordinary Council.
2. That Council provides funds through the Sustainable Communities - Tidy Towns Environment Grant Program to:
  - North Rothbury Tidy Towns in the amount of \$1,028.05
  - Greta Sustainable Community/Tidy Towns in the amount of \$1,568.18
3. That the remaining \$8,403.77 be allocated to Round Two Sustainable Communities - Tidy Towns Environment Grant proposed to be held early 2024
4. That Council provides funds through the Community and Cultural Development Grant Scheme to:
  - Cessnock Family Support in the amount of \$6,077
  - Sculpture in the Vineyards in the amount of \$3,000
  - Northern Coalfields Community Care Association in the amount of \$3,809
  - Coalfields Local History Association Inc in the amount of \$1,560
  - Cessnock Senior Citizens Association Inc in the amount of \$2,500
  - Richmond Vale Preservation Cooperative Society Ltd t/as Richmond Railway Museum in the amount of \$3,735
  - Wollombi Cultural Centre in the amount of \$1,870
5. That the remaining \$2,449 in the Community and Cultural Development Grant Scheme be allocated to Round Two Sustainable Communities - Tidy Towns Environment Grant proposed to be held early 2024.
6. That Council provides funds through the Community Facilities - Dollar for Dollar Grant Scheme to:
  - North Cessnock Community Hall Section 355 Committee in the amount of \$10,363
7. That Council transfers \$1,398 to the Sporting Facilities Dollar for Dollar Grant Scheme and advertises a second round of the Community Facilities Dollar for Dollar Grant Scheme in early 2024 with the surplus funding of \$18,239
8. That Council provides funds through the Sporting Facilities - Dollar for Dollar Grant Scheme to:
  - Branxton Croquet Club in the amount of \$1,305
  - Branxton Greta Swimming Club in the amount of \$12,793
  - Cessnock Minor Rugby League Football Club in the amount of \$17,300

9. That the General Manager writes to all applicants advising them of the outcome of their application and thanking them for their contribution to the development of community, arts and culture in the Cessnock Local Government Area.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

***CARRIED UNANIMOUSLY***

**WORKS AND INFRASTRUCTURE NO. WI40/2023**

**SUBJECT: MINUTES OF THE ROADS REVIEW COMMITTEE MEETING HELD ON 4 OCTOBER 2023**

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**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Burke  
639

**RESOLVED**

**That the Minutes of the Roads Review Committee Meeting held on 4 October 2023 be adopted as a resolution of the Ordinary Council.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



**WORKS AND INFRASTRUCTURE NO. WI41/2023**

**SUBJECT: MINUTES OF THE FLOODPLAIN RISK MANAGEMENT COMMITTEE MEETING HELD 13 JULY 2023**

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**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Burke  
640

**RESOLVED**

**That the Minutes of the Floodplain Risk Management Committee held 13 July 2023 be adopted as a resolution of the Ordinary Council.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **CORRESPONDENCE**

**CORRESPONDENCE NO. CO5/2023**

**SUBJECT: HOUSING SUPPLY**

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**MOTION**      **Moved:** Councillor Hill      **Seconded:** Councillor Burke  
641

**RESOLVED**

1. That Council notes the correspondence received from The Hon Paul Scully MP, Minister for Planning and Public Spaces regarding Government intentions to help increase supply and diversity of homes across NSW.
2. That Council reply to the Minister for Planning and Public Spaces seeking more NSW Government support for roads and social infrastructure to support our housing growth.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## COUNCILLORS REPORTS

### Councillor Hawkins – 2023 NSW Tidy Towns Awards

Councillor Hawkins advised that it was his pleasure to be in the company of staff and community representatives attending the 2023 NSW Tidy Town Awards held in Scone over the weekend 3 – 5 November.

The Tidy Towns awards have evolved to encompass projects and initiatives with a focus on environmental sustainability and resource management reflecting a growing awareness of the importance of community led environmental action. The awards recognise the hard work undertaken by regional towns, councils, schools, individuals and groups, encouraging the sharing of best practices and ideas to enhance our rural towns.

He also took the opportunity to recognise and thank the 9 active Tidy Towns groups we have across our LGA, being:-

- Cessnock
- Weston
- Paxton
- North Rothbury Tidy Towns
- North Rothbury Bushcare
- Greta
- Ellalong
- Kearsley
- Branxton

These groups bring 96 participants who selflessly donate their time for the beautification and projects that benefit of our community.

Whilst these volunteers do not undertake their task for recognition or reward the Keep Australia Beautiful Tidy Town Awards goes some way to recognise the effort and pride these groups ring to their community and in 2023 the overall ward winner was Bathurst who will also host next years event.

However, whilst we congratulate Bathurst I also advise Council that the Cessnock LGA was well represented across numerous categories and received the following awards:-

- Climate Change Mitigation and Adaptation Award (population category E) – **Highly commended** for Council's Climate Change Resilience Plan
- **Special Commendation** – Alison Davey (Founder of Cessnock Tidy Towns)
- Heritage and Culture (Population category B) – **High Commended** award for Branxton Community Hall Preserve and Retain History – Greta Camp Hall project.
- **Local Legends** >65 years – Steve and Maureen Lind (North Rothbury Town Towns)
- (Cessnock LGA) Overall Tidy Town Award Finalist (category D)
- A Special memorium acknowledgement was also given to Mick Haines a member of Weston Tidy Towns.

He was particularly humbled to escort (former Mayor) Alison Davey to the podium to receive her Special Commendation Award for being instrumental in the establishment and growth of the Cessnock Tidy Towns since inception in 1983.

The award is fitting recognition to a person that has devoted so much of her life to community well-being and betterment.

On behalf of Council and the broader community, I again say THANK YOU and congratulations on a job well done.

### **Mayor Suvaal – NSW 2023 Tidy Towns Awards**

Mayor Suvaal echoed Councillor Hawkins comments in regard to the Tidy Town Awards and advised that he had the pleasure of attending the presentations in the morning session, where Stephen and Maureen Lynn from North Rothbury received awards and Branxton Community Hall as well.

Mayor Suvaal advised that earlier this afternoon Council had a brief presentation with former Mayor, Alison Davey to acknowledge her tremendous contribution to the Region and following her award from Tidy Towns.

He is very supportive of the work that they have done and all of the volunteers that continues to do day in day out to make our community a better place.

8:10PM

**Confidential reports (closed session)**

**MOTION**            **Moved:**    Councillor Dunn            **Seconded:**    Councillor Burke  
642

**RESOLVED**

**That the meeting move into closed session in order to consider confidential items.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

8:13PM

**Open Session**

The meeting moved back into open session and The Mayor reported on the outcome.

**GENERAL MANAGER'S UNIT NO. GMU9/2023**

**SUBJECT: CODE OF CONDUCT: CONSIDERATION OF FINAL INVESTIGATION REPORT AND RECOMMENDATION OF FORMAL CENSURE - COUNCILLOR OLSEN**

*This matter is considered to be confidential under Section 10A(2)(i) of the Local Government Act as the report contains alleged contraventions of any code of conduct requirements applicable under section 440.*

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**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Hawkins  
643

**RESOLVED**

**That the report be deferred.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
<b>Total (12)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC71/2023**

**SUBJECT: SALE OF LAND FOR UNPAID RATES AND CHARGES**

*This matter is considered to be confidential under Section 10A(2) (b) of the Local Government Act, as it deals with discussion in relation to the personal hardship of a resident or ratepayer.*

**MOTION**      **Moved:** Councillor Hill      **Seconded:** Councillor Dunn  
644  
**RESOLVED**

1. That Council in accordance with Section 713 of the Local Government Act 1993 authorise the sale of land for overdue rates and charges, with a proposed auction date during March 2024, for the properties known by assessment numbers: 3657, 26187, 34439, 34595, 124503, 144527, 145979, 190728, 196568, 223164, 228510, 241000 and 354159.
2. That Council authorise the signing of and affixing of the Council Seal to sale contracts relating to the sale of land for unpaid rates for the above properties.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	Councillor Jurd
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Suvaal	
<b>Total (11)</b>	<b>Total (1)</b>

**CARRIED**

*The Meeting Was Declared Closed at 8:16pm*

**CONFIRMED AND SIGNED** at the meeting held on 13 December 2023

.....CHAIRPERSON

.....GENERAL MANAGER

Disclosures Of Interest

Report No. DI11/2023

Corporate and Community Services



**SUBJECT:** *DISCLOSURES OF INTEREST*

**RESPONSIBLE OFFICER:** *Chief Financial Officer - Matthew Plumridge*

**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. NI8/2023

Corporate and Community Services



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

*REPORT GMU13/2023 - CODE OF CONDUCT: CONSIDERATION OF FINAL INVESTIGATION REPORT AND RECOMMENDATION OF FORMAL CENSURE - COUNCILLOR OLSEN*

**RESPONSIBLE OFFICER:** *Chief Finance Officer - Matthew Plumridge*

**RECOMMENDATION**

1. That Council considers in Confidential Session the following matters in accordance with Sections 10A (2) (i) of the *Local Government Act 1993*:
  - Report GMU13/2023 – Code of Conduct: Consideration of Final Investigation Report and Recommendation of Formal Censure – Councillor Olsen as the report contains alleged contraventions of any code of conduct requirements applicable under section 440.
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.

Mayoral Minute

Report No. MM9/2023

General Manager's Unit



***MAYORAL MINUTE No. MM9/2023***

***SUBJECT: NSW REGIONAL DEVELOPMENT ROAD MAP AND TRUST FUND - COUNCIL ENDORSE SUBMISSION***

***RECOMMENDATION***

- 1. That Council note that the Resources for Regions Grant Funding has been discontinued.**
- 2. That Council note the NSW Government is undertaking a comprehensive review of the approach by which it invests funding into Regional NSW, via the Regional Development and Road Map process and Trust Fund.**
- 3. That Council make a submission regarding the terms and grant criteria to be established for the Regional Development and Road Map process and Trust Fund.**
- 4. That Council provide a copy of the submission to Councillors prior to the supply of submission to NSW Government.**

***REPORT/PROPOSAL***

Given the positive impact the Resources for Regions grant program has had on Cessnock, it is extremely disappointing the program was omitted from the NSW Government's September budget.

The NSW Government is undertaking a comprehensive review of the approach by which it invests funding into Regional NSW, via the Regional Development and Road Map process and Trust Fund. This includes a review of key funding programs such as Royalties for Regions, which to date has provided significant financial support to mining impacted Councils in the Hunter.

Scheduled to commence in late 2023, the consultation process will include:

- A series of roundtable sessions across Regional NSW. A roundtable is being planned for delivery in Maitland on 20th December 2023 (10.00am – 12.00pm). The roundtables will include multi-sector representation.
- Release of an Issues Paper (currently in final draft stages) to which formal submissions will be invited.

Hunter Joint Organisation (Hunter JO) at their scheduled meeting of the 14 December 2023 have as an agenda item the preparation of a submission to the Regional Development Roadmap.

**Mayoral Minute**

**Report No. MM9/2023**

**General Manager's Unit**

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Resources for Regions has proved to be a successful mechanism to deliver a fair return to our community for the daily and unavoidable impacts of mining. Issues including air quality, traffic congestion, visual impairment and reputation are matters that affect us so much more as a result of being where the mining activity actually occurs, as such Cessnock City Council needs to make appropriate representation in the form of a formal submission to the Regional NSW, via the Regional Development and Road Map process and Trust Fund.

***ENCLOSURES***

There are no enclosures for this report.

Mayoral Minute

Report No. MM10/2023

General Manager's Unit



***MAYORAL MINUTE No. MM10/2023***

***SUBJECT: RURAL FIRES AMENDMENT (RED FLEET) BILL 2023 -  
SUBMISSION TO PUBLIC ACCOUNTS COMMITTEE***

***RECOMMENDATION***

**That Council endorses a submission being made to the Public Accounts Committee regarding the Rural Fires Amendment (Red Fleet) Bill 2023, that notes:**

- 1. Council has no control over the acquisition, deployment or disposal of Rural Fire Service assets;**
- 2. That Rural Fire Service assets are accounted for differently to NSW Fire and Rescue and the State Emergency Service whose assets are vested in the State Government; and**
- 3. Council endorses legislative change to have Rural Fire Services mobile assets vest in the State Government instead of Council**

***REPORT/PROPOSAL***

The member for Northern Tablelands, the Hon. Adam Marshall introduced a private members bill on 14 September 2023 seeking to amend the Rural Fires Act 1997 so that the clause noting ownership vesting in the local council is instead vested in the Commissioner of the Rural Fire Service.

The Minister for Local Government, has proposed to have the bill submitted to the Public Accounts Committee to inquire and report on:

- the mechanisms for funding Rural Fire Service assets and premises, including maintaining Rural Fire Service assets and premises, and accounting for the ownership of the Rural Fire Service assets and premises;
- whether the following arrangements between councils and the Rural Fire Service are fit for purpose, including service agreements, the division of responsibilities for bushfire management and hazard reduction, the upkeep of assets, the provision of insurance, the provision of land and construction management for RFS premises, and bushfire management committees;
- the appropriate role for local authorities and the provision of emergency services;
- the sustainability of local government contributions to emergency service provisions
- any other related matters.

**Mayoral Minute**

**Report No. MM10/2023**

**General Manager's Unit**

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The 2021 Auditor General's report into Local Government noted that 68 councils did not account for rural firefighting equipment at an estimated value \$145m of assets and recommended that all Councils should perform a stocktake for equipment throughout the LGA to recognise these assets in future financial statements.

Cessnock City Council at the 20 July 2022 meeting resolved in part:

- ***Expressing Council's objection to the NSW Government's determination on ownership of Rural Fire Service (RFS) assets;***
- ***Advising of the impact of the Government's position on Council finances of this accounting treatment;***
- ***Informing that Council will not carry RFS asset stocktakes on behalf of the NSW Government and will not record RFS assets in Council's financial statements;***
- ***Calling on the NSW Government to take immediate action to permanently clear up inequities and inconsistencies around the accounting treatment of RFS assets by acknowledging that rural firefighting equipment is vested in, under the control of and the property of the RFS; and***
- ***Amending s119 of the Rural Fires Act 1997 so that the effect is to make it clear that RFS assets are not the property of councils.***

The quantum of depreciation cost that Council would incur for carrying the Rural Fire Service assets in the LGA is unknown but is approximated in the \$1m - \$1.5m per annum. While this is not a cash burden to Council it does impact various other ratios in place with the Office of Local Government, including the Operating Performance ratio of Council.

While the bill has not been passed as yet it is proposed that Council prepare a submission to the Public Accounts committee in line with previous decisions of this Council.

**ENCLOSURES**

There are no enclosures for this report

Motions of Urgency

Report No. MOU11/2023

Corporate and Community Services



**SUBJECT:** *MOTIONS OF URGENCY*

**RESPONSIBLE OFFICER:** *Chief Financial Officer - Matthew Plumridge*

**RECOMMENDATION**

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

**SUMMARY**

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

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

**ENCLOSURES**

There are no enclosures for this report.

General Manager's Unit

Report No. GMU10/2023

General Manager's Unit



**SUBJECT:** *MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD 8 NOVEMBER 2023*

**RESPONSIBLE OFFICER:** *Internal Auditor - Lisa Ollerton*

**RECOMMENDATION**

That the Minutes of the Audit and Risk Committee Meeting held 8 November 2023 be adopted as a resolution of the Ordinary Council.

**MINUTES OF AUDIT & RISK COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL HELD IN ANTE ROOM ON WEDNESDAY, 8 NOVEMBER 2023, COMMENCING AT 1.00PM**

**PRESENT:** Jennifer Hayes – Independent Chair  
William Middleton – Independent Member  
Damien Connor – Independent Member  
Mayor Suvaal  
Councillor Paynter

**IN ATTENDANCE:** Councillor Grine  
Ken Liddell – General Manger  
Robert Maginnity – Director Corporate & Community Services  
Paul McLachlan – Director Works & Infrastructure  
Lisa Ollerton – Internal Auditor  
Matthew Plumridge – Chief Financial Officer  
India Anderson – Minute Taker

**ABSENT:** Nil

**INVITEES:** Arun Varghese – Finance Coordinator  
Charmaine Bennett – Safety & Risk Coordinator  
Keri Neveldsen – Governance & Council Support Coordinator  
Steve Hepple – Information Technology Manager  
Ethan Truesdale – Cyber Security Specialist  
Penelope Corkill - Centium

General Manager's Unit

Report No. GMU10/2023

General Manager's Unit



## **APOLOGIES**

**APOLOGY**      *Moved:* Mayor Suvaal      *Seconded:* Councillor Paynter

That the Committee accepts the apologies on behalf of:

Councillor Paul Dunn

Martin Johnson – Acting, Director Planning & Environment

Sonia Huthnance – Acting, People & Culture Manager

Luke Malone – Prosperity Advisors

Cassie Malone – Audit Office NSW

## **ACKNOWLEDGEMENT OF COUNTRY**

The Chair delivered an Acknowledgement of Country

## **CLOSED SESSION**

The Chair acknowledged a closed session was held between 1.00pm and 1.27pm.

## **CONFIRMATION OF MINUTES**

**MINUTES:**

**MOTION**

*Moved:* William Middleton

*Seconded:* Damien Connor

**RECOMMENDED** that the Minutes of the Audit & Risk Committee held on 6 September 2023, as circulated, be taken as read and confirmed as a correct record.

**CARRIED UNANIMOUSLY**

## **DISCLOSURES OF INTEREST**

### **COMMITTEE DISCLOSURE OF INTEREST NO. ACCDI4/2023**

**SUBJECT:**      **DISCLOSURES OF INTEREST**

Nil



## **LISTED MATTERS**

### **LISTED MATTERS - COMMITTEE NO. ACCLM29/2023**

**SUBJECT:** 2022-03 WORK HEALTH AND SAFETY - INTERNAL AUDIT REPORT

**MOTION**      **Moved:** Jennifer Hayes      **Seconded:** Mayor Suvaal

#### **RECOMMENDATION**

That the Audit and Risk Committee receives the Work Health and Safety Internal Audit Report and notes that the audit is complete, in accordance with the Strategic Internal Audit Plan 2020-23, and that forty four recommendations were made.

**CARRIED UNANIMOUSLY**

### **LISTED MATTERS - COMMITTEE NO. ACCLM30/2023**

**SUBJECT:** SAFETY AND RISK UPDATE

**MOTION**      **Moved:** William Middleton      **Seconded:** Damien Connor

#### **RECOMMENDATION**

That the Audit and Risk Committee notes the Safety and Risk update

**CARRIED UNANIMOUSLY**

### **LISTED MATTERS - COMMITTEE NO. ACCLM31/2023**

**SUBJECT:** INFORMATION TECHNOLOGY - UPDATE ON SECURITY AND RISK INITIATIVES

**MOTION**      **Moved:** Damien Connor      **Seconded:** Councillor Paynter

#### **RECOMMENDATION**

That the Audit and Risk Committee receives the report and notes the Information Technology risk reduction and security improvement initiatives.

**CARRIED UNANIMOUSLY**

***LISTED MATTERS - COMMITTEE NO. ACCLM32/2023***

***SUBJECT: REVIEW OF PRIVACY MANAGEMENT PLAN 2023***

***MOTION Moved: Jennifer Hayes Seconded: William Middleton***

***RECOMMENDATION***

That the Audit and Risk Committee notes the revision of the Privacy Management Plan 2023 is on public exhibition until 15 November 2023.

***CARRIED UNANIMOUSLY***

***LISTED MATTERS - COMMITTEE NO. ACCLM33/2023***

***SUBJECT: CREDIT CARD USAGE SUMMARY - RISK MITIGATION***

***MOTION Moved: Jennifer Hayes Seconded: Mayor Suvaal***

***RECOMMENDATION***

That the Audit and Risk Committee receives the report and notes:

- The continued proactive steps to the Credit Card management and risk mitigation approach;
- That credit card expenditure for the period 2022-23 was \$464,799; and
- That there were no identified breaches of the Credit Card Policy for the review period.

***CARRIED UNANIMOUSLY***

General Manager's Unit  
Report No. GMU10/2023  
General Manager's Unit



**LISTED MATTERS - COMMITTEE NO. ACCLM34/2023**

**SUBJECT:** **QUARTERLY BUDGET REVIEW STATEMENT - Q1 SEPTEMBER 2023**

**MOTION** **Moved:** William Middleton **Seconded:** Mayor Suvaal

**RECOMMENDATION**

1. That the Audit and Risk Committee receives the Quarterly Budget Review Statement Q1 September 2023 and endorses its presentation to Council in accordance with Clause 203 of the Local Government (General) Regulation 2021.
2. That the Audit and Risk Committee notes that the Quarterly Budget Review Statement Q1 September 2023 reflects a forecast operating surplus for the year of \$30.8m or a deficit of \$9.5m excluding capital income.
3. That the Audit and Risk Committee notes that the Quarterly Budget Review Statement Q1 September 2023 reflects a forecast full year capital works program of \$81.3m and acknowledge the size of this program is significant and will carry an inherent risk around implementation.
4. That the Audit and Risk Committee notes that the Quarterly Budget Review Statement Q1 September 2023 forecasts five out of six key performance indicators to exceed Office of Local Government benchmarks, with the Operating Performance Ratio not meeting benchmark due to the forecast deficit.

**CARRIED UNANIMOUSLY**

**LISTED MATTERS - COMMITTEE NO. ACCLM35/2023**

**SUBJECT:** **INTERNAL AUDIT REPORT NOVEMBER 2023**

**MOTION** **Moved:** Jennifer Hayes **Seconded:** William Middleton

**RECOMMENDATION**

That the Audit and Risk Committee notes:

- The Internal Audit Report for November 2023;
- That forty-four (44) agreed audit actions were added and ten (10) agreed audit actions were implemented during the period; and
- That seventy-three (73) recommendations are open as at 20 October 2023, nineteen (19) overdue, one (1) not accepted.

**CARRIED UNANIMOUSLY**

**LISTED MATTERS - COMMITTEE NO. ACCLM36/2023**

**SUBJECT:** INTERNAL AUDIT MANUAL AND QUALITY ASSURANCE  
IMPROVEMENT PROGRAM

**MOTION**      **Moved:** Jennifer Hayes      **Seconded:** Damien Connor

**RECOMMENDATION**

That the Audit and Risk Committee note the Internal Audit Manual and Quality Assurance Improvement Program.

**CARRIED UNANIMOUSLY**

**LISTED MATTERS - COMMITTEE NO. ACCLM37/2023**

**SUBJECT:** REVIEW STRATEGIC INTERNAL AUDIT PLAN 2020-23 / ANNUAL  
INTERNAL AUDIT PLAN 2023 - 24

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

**RECOMMENDATION**

That the Audit and Risk Committee endorses

- the draft Annual Internal Audit Plan 2023-24;
- the carry-forward of the following internal audits to the Annual Internal Audit Plan 2023-24:
  - Procurement including Panels and Arrangements
  - Development Assessment Process
  - Onsite Sewage Management Systems

**CARRIED UNANIMOUSLY**

General Manager's Unit

Report No. GMU10/2023

General Manager's Unit



**LISTED MATTERS - COMMITTEE NO. ACCLM38/2023**

**SUBJECT:**     **AUDIT AND RISK COMMITTEE FORWARD PLAN**

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

**RECOMMENDATION**

That the Audit and Risk Committee notes the indicative calendar of reports to June 2024.

**CARRIED UNANIMOUSLY**

**GENERAL BUSINESS**

Councillor Paynter advised he will be an apology for the Extraordinary Audit & Risk Committee Meeting being held on Thursday, 23 November 2023.

*The Meeting Was Declared Closed at 3.15pm*

**ENCLOSURES**

There are no enclosures for this report

General Manager's Unit  
Report No. GMU11/2023  
General Manager's Unit



**SUBJECT:** *MINUTES OF THE EXTRAORDINARY AUDIT & RISK COMMITTEE MEETING HELD ON 23 NOVEMBER 2023*

**RESPONSIBLE OFFICER:** *Internal Auditor - Lisa Ollerton*

**RECOMMENDATION**

That the Minutes of the Extraordinary Audit and Risk Committee Meeting held 23 November 2023 be adopted as a resolution of the Ordinary Council.

**MINUTES OF EXTRAORDINARY AUDIT & RISK COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL HELD IN ANTE ROOM ON THURSDAY, 23 NOVEMBER 2023, COMMENCING AT 11.30AM**

**PRESENT:** Jennifer Hayes – Independent Chair  
William Middleton – Independent Member  
Damien Connor – Independent Member  
Mayor Suvaal

**IN ATTENDANCE:** Ken Liddell – General Manger  
Robert Maginnity – Director Corporate & Community Services  
Matthew Plumridge – Chief Financial Officer  
Lisa Ollerton – Internal Auditor  
Councillor Jackson  
Councillor Grine  
Luke Malone – Prosperity Advisors  
Cassie Malone – Audit Office NSW  
Alison Brown – Assistant Auditor General, Audit Office NSW  
India Anderson – Executive Assistant, Minute Taker

**ABSENT:** Nil

**INVITEES:** Nil

Meeting officially opened at 11.40am

General Manager's Unit

Report No. GMU11/2023

General Manager's Unit



## ACKNOWLEDGEMENT OF COUNTRY

The Chair delivered an Acknowledgement of Country.

## APOLOGIES

**APOLOGY**      **Moved:** Jennifer Hayes      **Seconded:** Damien Connor

That the committee note and accept the apology from Councillor Paynter.

## DISCLOSURES OF INTEREST

Nil

## LISTED MATTERS

### LISTED MATTERS - COMMITTEE NO. ACCLM39/2023

**SUBJECT:**      **SUMMARY OF CHANGES TO FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2023**

**MOTION**      **Moved:** Jennifer Hayes      **Seconded:** Damien Connor

### RECOMMENDATION

That the Audit and Risk Committee received and does not endorse the draft audited Annual Financial Statements for the year 30 June 2023 for presentation to Council and the public at the Ordinary Council Meeting on 13 December 2023.

**CARRIED UNANIMOUSLY**

General Manager's Unit

Report No. GMU11/2023

General Manager's Unit



**LISTED MATTERS - COMMITTEE NO. ACCLM40/2023**

**SUBJECT:     AUDIT AND RISK COMMITTEE ANNUAL REPORT TO COUNCIL**

**MOTION       Moved:**   Jennifer Hayes       **Seconded:**   Damien Connor

**RECOMMENDATION**

**That the Audit and Risk Committee endorses the Annual Audit and Risk Committee Report to Council (to be reported at the December Ordinary Council Meeting).**

**CARRIED UNANIMOUSLY**

*The Meeting Was Declared Closed at 12.43pm*

**ENCLOSURES**

There are no enclosures for this report



**SUBJECT:** *AUDIT AND RISK COMMITTEE ANNUAL REPORT 2022-23*  
**RESPONSIBLE OFFICER:** *Internal Auditor - Lisa Ollerton*

### **SUMMARY**

This report provides information to Council on the Audit and Risk Committee's activities during the period from 1 July 2022 to 30 June 2023.

### **RECOMMENDATION**

**That Council receives and notes the Audit and Risk Committee's Annual Report for the period from 1 July 2022 to 30 June 2023.**

### **BACKGROUND**

The Audit and Risk Committee Charter requires the Chair to report annually to Council. This report covers the period from 1 July 2022 to 30 June 2023.

### **REPORT/PROPOSAL**

The Audit and Risk Committee (Committee) provides structured and systematic guidance to Council's governance, risk management and internal control practices. The Committee assists Council and management by providing advice and guidance on the adequacy, and effectiveness, of Council's initiatives for:

1. Values and ethics;
2. Governance structure;
3. Risk management;
4. Internal control framework;
5. Oversight of internal audit, external audit and other providers of assurance; and
6. Financial statements and public accountability reporting.

As required by the Committee Charter, the Chair has prepared an annual report (*Enclosure 1*) covering Committee's work for the period from 1 July 2022 to 30 June 2023.

The following are the highlights for 2022/23:

- Reviewed reports from six internal audits;
- Monitoring of management action plans from both internal and external audits;
- Received and endorsed the Quarterly Budget Review Statements for September 2022, December 2022 and March 2023;
- Received updates on risk management activities relating to insurance renewals, flood events and associated insurance claims;
- Received and reviewed reports on:
  - Privacy Management Plan
  - Gifts and Benefits Register 1 January 2021 – 30 June 2022
  - Legislative Compliance Management Register 2021-2022

**General Manager's Unit**

**Report No. GMU12/2023**

**General Manager's Unit**



- Statutory Reporting and Compliance Protocol
- Office of Local Government Credit Card Management Guidelines
- Audit Office of NSW 2021 Report on Local Government
- Rural Fire Service Assets
- Records Management Compliance Assessment
- Received and reviewed the following external audit reports:
  - Draft Financial Statements for the FY 2021-22 before the external audit, and recommended Council to formally refer for the external audit.
  - Audited Financial Statements for the FY 2021-22.
  - Engagement Closing Report and the Conduct of the Audit Report FY 2021-22.
  - Interim Management Letter and the Final Management Letter with the issues raised by the external auditor and the management responses to the issues raised.
  - Annual Client Engagement Plan prepared by the external auditor for FY 2022-23 audit.

Representatives from the New South Wales Audit Office attended the Committee meetings with regard to the external audit process.

**OPTIONS**

Nil

**CONSULTATION**

- Audit and Risk Committee Chair
- Governance Team

**STRATEGIC LINKS**

**a. Delivery Program**

The Audit and Risk Committee is a crucial part of the organisation's governance framework. This support the Community's desired outcome of: *"Civic Leadership and Effective Governance."*

**b. Other Plans**

Nil

**IMPLICATIONS**

**a. Policy and Procedural Implications**

This Annual Report meets the requirements of the Audit and Risk Committee Charter to report annually to the Council

General Manager's Unit

Report No. GMU12/2023

General Manager's Unit



**b. Financial Implications**

Nil

**c. Legislative Implications**

Nil

**d. Risk Implications**

Nil

**e. Environmental Implications**

Nil

**f. Other Implications**

Nil

***CONCLUSION***

The Audit and Risk Committee Charter requires the Chair to report annually to the Council. This report covers the activities of the Committee for the period 1 July 2022 to 30 June 2023.

***ENCLOSURES***

[1](#) Audit and Risk Committee Annual Report to Council 2023

**SUBJECT:** *UPDATED STRATEGIC PLANNING POLICIES - CLIMATE CHANGE, CONTAMINATED LAND AND HERITAGE*

**RESPONSIBLE OFFICER:** *Acting Strategic Planning Manager - Jenny Mewing*

### **SUMMARY**

Strategic Planning have undertaken a periodic review of the Climate Change, Contaminated Land and Heritage Policies (adopted in 2020) to align them with contemporary legislative and operational requirements. This report provides a summary of the proposed revisions and seeks Council's endorsement to exhibit and adopt the revised policies, subject to no unresolved submissions being received.

### **RECOMMENDATION**

1. That Council places the revised Climate Change, Contaminated Land and Heritage Policies on public exhibition for a period of 28 calendar days;
2. That Council adopts the revised Climate Change, Contaminated Land and Heritage Policies the day after the public exhibition period concludes, if no unresolved submissions are received.
3. That Council rescinds the 2020 Climate Change, Contaminated Land and Heritage Policies from the date the revised 2023 Climate Change, Contaminated Land and Heritage Policies are adopted.

### **BACKGROUND**

Each of the policies to which this report relates were adopted by Council in 2020:

- Contaminated Lands Policy – adopted 26 March 2020;
- Climate Change Policy – adopted 20 May 2020; and
- Heritage Policy – adopted 17 June 2020.

Each policy is subject to review every three years from the date of adoption. This report outlines the outcomes of this review process and proposed amendments to each of the policies.

### **REPORT/PROPOSAL**

Each policy operates under a different legislative and strategic planning framework, and this framework is updated periodically. The review undertaken of the policies seeks to align each policy with any updates to this framework.

The revisions to the policies do not propose any wholesale changes to the scope, intent, nor operation of each policy. A summary of the revisions to each of the policies is outlined below:

**Planning and Environment**

**Report No. PE42/2023**

**Planning and Environment**



Contaminated Lands Policy:

- Revision to reflect current legislation and definitions;
- Clarification of roles and responsibilities; and
- General formatting.

Climate Change Policy:

- Revision to reflect current legislation and policy framework, in particularly, the implementation of the Hunter Regional Plan 2041 and the adopted Cessnock Climate Change Resilience Plan;
- Clarification of roles and responsibilities; and
- Re-ordering of sections and general formatting.

Heritage Policy:

- Revision to reflect current legislation, definitions and relevant policies;
- General formatting.

**CONSULTATION**

In the review of these policies, consultation was undertaken with:

- Governance; and
- Council's Heritage Advisor.

The exhibition of the revised policies will not take place until after the Christmas/new year period.

**STRATEGIC LINKS**

**a. Delivery Program**

The policies have a direct nexus with Council's Operational Plan. The policies are related to the sustainable and healthy environment Outcome, specifically:

- Objective 3.1: Protecting and enhancing the natural environment & the rural character of the area; and
- Objective 3.3: Better waste management and recycling.

**b. Other Plans**

Nil

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Council's Community Participation Plan (CPP) establishes minimum notification/consultation timeframes for Strategic Planning matters. Draft policies are required to be publicly exhibited for 28 days and notified on Council's (Have Your Say) website.

**Planning and Environment**

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**Planning and Environment**



**b. Financial Implications**

Nil

**c. Legislative Implications**

Legislation relevant to the policy review includes:

- *National Greenhouse and Energy Reporting Act (Cth)*
- *Local Government Act 1993 (NSW)*
- *Local Government (General) Regulation, 2021 (NSW)*
- *Environment Planning and Assessment Act 1979 (NSW)*
- *Environmental Planning and Assessment Regulation, 2021 (NSW)*
- *Contaminated Land Management Act, 1997 (NSW)*
- *Contaminated Land Management Regulation, 2022 (NSW)*
- *Managing Land Contamination Planning Guidelines – SEPP 55 Remediation of Land*
- *National Environment Protection (Assessment of Site Contamination) Measure 1999, (amended in 2013)*
- *State Environmental Planning Policy (Resilience and Hazards 2021)*
- *Cessnock Local Environmental Plan 2011*
- *Cessnock Development Control Plan 2010*
- *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*
- *Heritage Act 1977*
- *Hunter Regional Environmental Plan 1989 (Heritage)*
- *National Parks and Wildlife Act 1974*

Updates to the policies reflect changes to the legislative and strategic planning framework. These updates are important to ensure that Council maintains to deliver processes and practices which align with this framework.

**d. Risk Implications**

Nil

**e. Environmental Implications**

The review of these policies ensures that Council is operating within the contemporary legislative and strategic framework, ensuring actions and decision making is considered and consistent with this framework.

**f. Other Implications**

Nil.

**CONCLUSION**

Strategic Planning has undertaken a review of Climate Change, Contaminated Land and Heritage Policies (adopted in 2020) to align them with contemporary legislative and operational requirements. The revisions are minor in nature and have been the subject of internal consultation.

**Planning and Environment**

**Report No. PE42/2023**

**Planning and Environment**

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It is recommended the revised Climate Change, Contaminated Lands and Heritage Policies are publicly exhibited for a period of 28 days, and in the event no unresolvable submissions are received, the policies be adopted by Council on the date the exhibition period concludes.

***ENCLOSURES***

- 1** ➡ Revised Climate Change Policy (for Exhibition/Adoption)
- 2** ➡ Revised Contaminated Lands Policy (for exhibition/adoption)
- 3** ➡ Revised Heritage Policy (for exhibition/adoption)



**SUBJECT:** *CESSNOCK DEVELOPMENT CONTROL PLAN 2010  
"INTRODUCTION AND LEGISLATIVE CONTEXT" AND  
"DEVELOPMENT BASED PROVISIONS-CENTRES" - POST  
EXHIBITION*

**RESPONSIBLE OFFICER:** *Acting Strategic Planning Manager - Jenny Mewing*

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## **SUMMARY**

The purpose of this item is to report on the outcomes of the exhibition of the revised Development Control Plan (DCP) chapters "Introduction and Legislative Context" and "Centres" and to seek the adoption of the DCP Chapters and the repeal of the superseded chapters.

## **RECOMMENDATION**

1. That Council adopt the "Introduction and Legislative Context" and "Centres" Chapters of the Cessnock Development Control Plan 2010.
2. That Council repeal the Chapters "Part A Introduction", "E16 Cessnock Commercial Precinct" and "E19 Branxton Town Centre".
3. That Council notify in writing the persons who made a submission of Council's decision.

## **BACKGROUND**

At the Ordinary Meeting of Council 16 August 2023 Council endorsed a recommendation to place the draft "Introduction and Legislative Context" and "Centres" Chapters of the Cessnock Development Control Plan 2010 on public exhibition for a period of 28 days. Council further resolved to receive a further report following public exhibition. This report provides the outcome of the public exhibition.

### ***Introduction and Legislative Context Chapter***

A new administrative chapter (Introduction and Legislative Context Chapter, **Enclosure 1**):

- updates the existing administration chapter,
- addresses the legislative requirements under the *Environmental Planning and Assessment Act 1979* and its Regulation,
- explains how the DCP will be interpreted and applied, and
- outlines the transitional arrangements as the DCP is incrementally reviewed and updated.

### ***Centres Chapter***

"Centres" refer to all city and town centres across Cessnock including the Cessnock Commercial Precinct, Kurri Kurri, Branxton, Weston and Greta Town Centres and smaller neighbourhood centres like Heddon Greta, Abermain and Bellbird.



Planning and Environment

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The intention of this review is to provide a new generic 'Centres' Chapter (**Enclosure 2**) which will apply to all development in any of the centres and only where there is a unique development issue for the centres of Cessnock, Branxton, Kurri Kurri or Weston, specific controls will be captured in the area-based provisions. The review seeks to streamline and simplify the DCP for intended uses and to ensure appropriate development provision are identified for Cessnock LGA's centres.

Comprehensive Masterplans and Public Domain Plans exist for Cessnock, Kurri Kurri, Weston and Branxton. Any development-related control for those centres will be captured in the area-based provisions of the draft Chapter. As other centres are planned in more detail, and if this planning requires specific area-based provisions, they will be separately exhibited as an amendment to this Chapter in the future.

The generic provisions within the draft Chapter address the following development issues:

- Active street frontages
- Addressing the Street and Public Domain
- Awnings
- Building materials, finishes and colours
- Built Form, Setbacks and Street Hierarchy
- Building height
- Roof form
- Gateways and landmark sites
- Site servicing
- Landscaping
- Sustainable Development and Water Sensitive Urban Design
- Parking and access – where specific mention of this is made in a Masterplan or Public Domain Plan.

The area-based provisions primarily respond to the Masterplans and Public Domain Plans for centres where they exist.

No new controls or development provisions beyond those which exist in existing Chapters E16 Cessnock Commercial Precinct and E19 Branxton Town Centre are proposed for the Cessnock and Branxton centres, however new area-based provisions for Kurri Kurri and Weston are included in the draft Chapter. These are based on the provisions of the Kurri Kurri Masterplan and Public Domain Plan.

The draft DCP Centres Chapter does not include provisions for the Huntlee Centre. Development within the Huntlee Centre will remain subject to its own site specific DCP Chapter.

**REPORT/PROPOSAL**

The draft Introduction and Legislative Context and Centres Chapters were exhibited for a period of 28 days in September / October.

One public submission was received during the public exhibition. This submission provided comment on the draft Centres Chapter as it relates to Branxton, concerning parking. Additionally, a number of comments related to the Branxton Public Domain Plan were included in this feedback. A summary of the issues raised in this submission are included in **Enclosure 3**.

### ***Post Exhibition Changes***

#### *Branxton Town Centre Parking Rates*

The exhibited draft Centres DCP included parking rates for Branxton town centre that had been carried over from the current Branxton Town Centre DCP chapter. These parking rates are not specific to Branxton and are not related to recommendations from the Branxton Public Domain Plan or Branxton Town Centre Masterplan.

To provide more consistent and up-to-date parking rates, these parking rates have been removed from the amended draft Centres DCP. Instead, parking rates for the Branxton centre will refer to/apply the current rates within Parking and Access Chapter of the DCP. These rates apply throughout the LGA and within other centres.

Separately, a comprehensive review of the Parking and Access DCP is being undertaken. This will include recommended parking rates based on contemporary standards and tested scenarios for each land use. This draft Chapter is expected to be presented to Council in early 2024 and will apply up-to-date parking rates across all centres in Cessnock LGA. Further, this draft Chapter is proposed to include provisions that allow developers to provide parking consistent with any Masterplan or Public Domain plan adopted by Council, ensuring that local factors are considered during the planning and assessment of development, such as heritage or site constraints.

#### *Typographical and formatting corrections*

A number of minor formatting and typo errors were corrected following exhibition.

### **CONSULTATION**

The draft DCP Chapters were reviewed by internal sections of Council.

The draft Chapters were on public exhibition between 13 September and 12 October 2023.

Printed copies of the draft Chapters were placed at Cessnock and Kurri Kurri libraries and a Have Your Say page was created on the Cessnock City Council Website.

One submission was received.

### **STRATEGIC LINKS**

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

Some of the desired outcome and objectives of the Community Strategic Plan 2036 relevant to the DCP Chapters are:

- Outcome 1: A connected, safe and creative community
- Outcome 2: A sustainable and prosperous economy
- Outcome 4: Accessible infrastructure, services and facilities



**b. Other Plans**

The draft DCP Chapters are consistent with the following planning priorities of the Local Strategic Planning Statement:

- Planning Priority 3: The character and vitality of our town centres and villages is protected and enhanced.
- Planning Priority 11: Our City has a defined hierarchy of commercial centres.

The Draft 'Centres' DCP Chapter is introducing development controls that respond to Council's Masterplans and Public Domain Plans for Cessnock, Kurri Kurri, Branxton and Weston.

**IMPLICATIONS**

**a. Policy and Procedural Implications**

NIL

**b. Financial Implications**

NIL

**c. Legislative Implications**

The amendment will be processed in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and its Regulation.

By adopting the Draft chapters, the following existing chapters will be repealed for the purposes of clause 16 of the *Environmental Planning and Assessment Regulation 2021*:

- Part A Introduction
- Chapter E16 Cessnock Commercial Precinct
- Chapter E19 Branxton Town Centre

**d. Risk Implications**

NIL

**e. Environmental Implications**

NIL

**f. Other Implications**

NIL

**CONCLUSION**

The Introduction and Legislative Context Chapter is required to address requirements under the Act and Regulation and assist in the interpretation and application of the DCP.

**Planning and Environment**

**Report No. PE43/2023**

**Planning and Environment**

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The amendments provide a regulatory framework to assess development in centres across Cessnock. They will also provide specific provisions for development in those centres where Council has adopted strategies, master plans and public domain plans.

***ENCLOSURES***

- 1** ➡ Draft Introduction and Legislative Context DCP Chapter (for adoption)
- 2** ➡ Draft Centres DCP Chapter (for adoption)
- 3** ➡ Exhibition Submission Summary



**SUBJECT:** *DEVELOPMENT APPLICATION PERFORMANCE  
MONITORING REPORT - SEPTEMBER QUARTER 2023*

**RESPONSIBLE OFFICER:** *Business Support & Customer Relations Manager - Roslyn Ashton*

## **SUMMARY**

The purpose of this report is to provide Council with the September quarter 2023/2024 data in relation to development performance monitoring and provide an overview of development activity within the Cessnock Local Government Area.

## **RECOMMENDATION**

**That Council receives and notes the Development Performance Monitoring Report for September quarter 2023/2024.**

## **BACKGROUND**

Each year, the NSW Department of Planning and Environment analyses data from each Council in NSW to provide comprehensive information on the operation of the local development assessment system for development applications, modification of consents and complying development. This information is available on the NSW Planning Portal. [Local Development Performance Monitoring \(LDPM\) | Planning Portal](#)

## **REPORT/PROPOSAL**

Data outlined in this report provides details of Council's local development performance during the period of 1 July 2023 to 30 September 2023. The NSW Planning performance dashboard provides additional ePlanning reporting in relation to development assessment. Data for each NSW Council can be monitored comparing data across the state. [NSW Planning Performance Dashboard | Planning Portal](#)

## **Highlights**

- July 2023 to September 2023 a total of 205 development applications were received and a further 42 modifications received. There were 209 applications processing (waiting to be assessed) as at 30 September 2023.
- A total of 212 development applications were determined (approved or refused) during the reporting period July 2023 – September 2023 and a further 33 modifications were also assessed and determined.
- Processing days - Median 48 days and average 75 days.
- Comparative Data processing times from the NSW Planning Portal performance dashboard outlines that Cessnock continues to be consistent with a number of Hunter Councils. When comparing to the NSW state average, Cessnock's average days are well below the year to date state average of 99 days as at 31 October 2023.

**Planning and Environment**

**Report No. PE44/2023**

**Planning and Environment**

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- During the September 2023 quarter, 2 development applications and no modifications were determined by Council, (2 approved, 0 refused). The average processing days for applications determined by Council resolution was 430 days.
- The highest level of development activity during the quarter was in Bellbird.
- The total value of approved development applications and complying development activity within the Cessnock LGA for September quarter was \$177,044,743.
- 286 residential dwellings were approved to be built during the September quarter (Based on .idcommunity Data) [Residential building approvals | Cessnock City Council](#) [Community profile](#) and 220 Subdivision lots were approved, which included 123 in Bellbird and 63 approved in Heddon Greta.

FINANCIAL YTD SEPTEMBER 2023



Development Applications  
**RECEIVED**

205



Development Applications  
**DETERMINED**

(approved & refused)

212



Development Applications  
**MEDIAN DAYS**

48



Development Applications  
**MEAN (AVG) DAYS**

75



Dwelling approvals in the financial  
year 2023-24 SEP FYTD  
Council and Private Certifier  
(including secondary and semi-attached)

286



**Lots approved**  
during the financial year  
2023-24 SEP FYTD

220



**FINANCIAL YTD SEPTEMBER 2023**



Determination Body  
**COUNCIL STAFF**

**99%**



Determination  
**GRANTING CONSENT**

**99%**

**Construction Certificates**

**31 percent**

Principal Certifying  
Authority  
Market Share

**Occupation Certificates**

**17 percent**

Principal Certifying  
Authority  
Market Share



**\$98,841,866**

**Development Applications**

Value for approvals  
(Development Applications only)



**\$78,202,877**

**Complying Development**

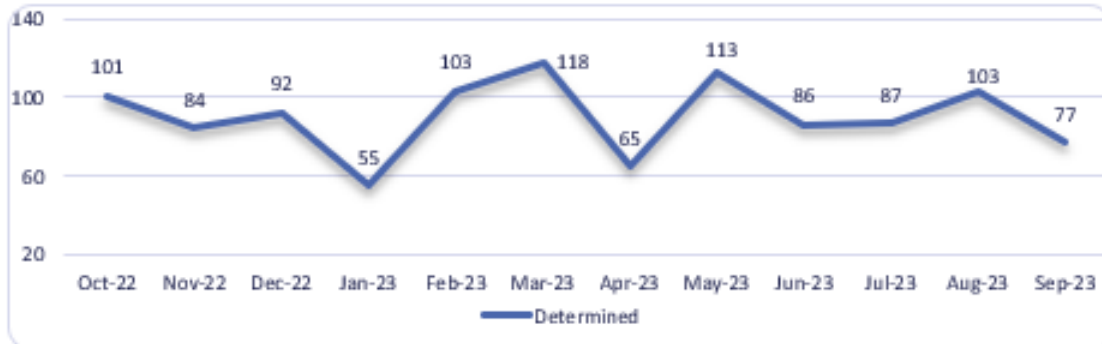
Value for approvals  
(Council & Private Certifiers)



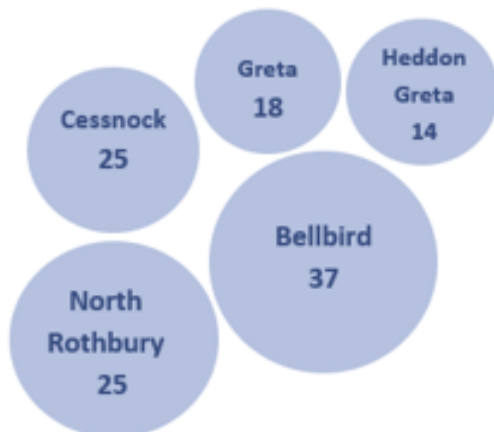


## FINANCIAL YTD SEPTEMBER 2023

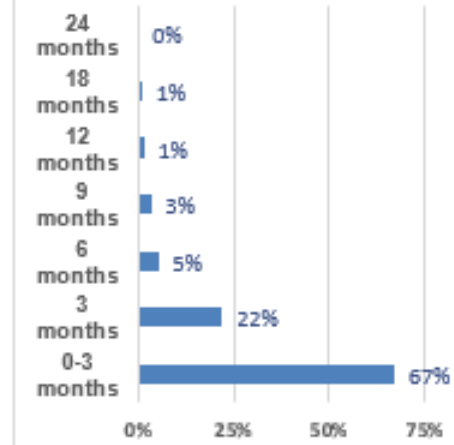
### 12 Month comparison of applications determined (DAs & Modifications)



### No of Approved DAs by Location



### Development Applications Percentage of undetermined



### Register of Development Applications with Variations to Development Standards (Last Updated 30/09/2023)

DA number	Lot/SEC/DP Lot/DP	Property Details	Development Standard to be varied	Extent of variation	Date DA Determined
Nil					

<https://www.cessnock.nsw.gov.au/Plan-and-build/Planning/Planning-matters>

### Legal Appeals - 2023/2024 – As at 30/09/2023

Application type (DA, Modification)	Council reference number	Legal appeal class	Legal Appellant	Legal appeal determination date dd/mm/yyyy	Legal appeal outcome
Nil					



### **CONSULTATION**

The following were consulted in the preparation of this report:

NSW Planning – Local Development Performance Monitoring  
NSW Planning Portal performance dashboard  
Civica – Authority and MasterView reports  
Director Planning and Environment  
Compliance Services Manager  
Development Services Manager

### **STRATEGIC LINKS**

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

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

#### **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**

N/A

#### **f. Other Implications**

Nil

Planning and Environment

Report No. PE44/2023

Planning and Environment

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***CONCLUSION***

The report is provided for information and outlines an overview of the performance of Development Assessment for the period 1 July 2023 to 30 September 2023.

***ENCLOSURES***

There are no enclosures for this report

Corporate and Community

Report No. CC80/2023

Corporate and Community Services



**SUBJECT:** *COUNCIL RECESS PERIOD - DELEGATION TO MAYOR AND GENERAL MANAGER*

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

### **SUMMARY**

This report seeks Council's approval for recess arrangements and to provide the Mayor and the General Manager with delegations over the proposed recess period.

### **RECOMMENDATION**

1. That Council be in recess from 14 December 2023 to 31 January 2024.
2. That Council pursuant to Section 377 of the *Local Government Act 1993*, delegate authority to the Mayor and the General Manager jointly to exercise any function of Council during the recess period.
3. That a list of matters considered, if any, under such delegated authority be submitted for Council's information to the February 2024 meeting.

### **BACKGROUND**

There are no meetings proposed to be held in January 2024 so Council should adopt a recess period and to determine what delegated authorities will be granted to the Mayor and the General Manager specific to the recess period to deal with any urgent matters during that time.

### **REPORT/PROPOSAL**

The date for the first ordinary meeting of Council in 2024 is scheduled for 21 February 2024 and it proposed that the recess period of Council be from the day after the December 2023 meeting until the end of January 2024.

There may be urgent matters that arise, such as development applications under the standard process which would require Council to determine between the last Ordinary Meeting in 2023 and the first Ordinary Meeting in 2024. In this regard, it is considered prudent to delegate authority to the Mayor and the General Manager to determine those matters that cannot wait until the first Ordinary Meeting scheduled in February 2024.

In addition, any other function of Council should be delegated to ensure the effective and efficient operations of the Council continue during the recess period, if required. This recess period has been in effect in previous years, and did not eventuate in any undue impact on operations, or unintended use of the delegations.

This practice recognises that many Councillors and Council officers take leave over this period, but still enables Council to function effectively, whilst also satisfying the requirements of the *Local Government Act 1993*.

**OPTIONS**

N/A

**CONSULTATION**

General Manager

**STRATEGIC LINKS**

**a. Delivery Program**

This report is linked to the Community Strategic Plan, specifically, the key objective of *Civic Leadership and Effective Governance*.

**b. Other Plans**

N/A

**IMPLICATIONS**

**a. Policy and Procedural Implications**

N/A

**b. Financial Implications**

N/A

**c. Legislative Implications**

Section 377 of the *Local Government Act 1993* provides for delegations from Council.

**d. Risk Implications**

N/A

**e. Environmental Implications**

N/A

**f. Other Implications**

N/A

Corporate and Community

Report No. CC80/2023

Corporate and Community Services

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***CONCLUSION***

To ensure effective and efficient processing of development applications and other functions of Council during the recess period, delegated authority should be granted to the Mayor and the General Manager for the recess period.

***ENCLOSURES***

There are no enclosures for this report.

Corporate and Community

Report No. CC81/2023

Corporate and Community Services



**SUBJECT:** *ANNUAL CODE OF CONDUCT COMPLAINTS REPORT*

**RESPONSIBLE OFFICER:** *Chief Finance Officer - Matthew Plumridge*

## **SUMMARY**

The purpose of this report is to report Council's annual Code of Conduct complaints statistics for the period 1 September 2022 to 31 August 2023 in accordance with Office of Local Government (OLG) requirements.

## **RECOMMENDATION**

**That Council notes the Annual Code of Conduct Complaints Report for the period 1 September 2022 to 31 August 2023.**

## **BACKGROUND**

Part 11 of the Procedures for the Administration of the Code of Conduct (Procedures) requires the Complaints Coordinator to provide a report to Council on Code of Conduct complaints and statistics for the period 1 September 2022 to 31 August 2023.

## **REPORT/PROPOSAL**

The attached annual Code of Conduct statistics report is provided in the format required by the OLG.

## **OPTIONS**

N/A

## **CONSULTATION**

General Manager

## **STRATEGIC LINKS**

### **a. Delivery Program**

This report links to the Delivery Program; *Action 5.3.5 - Carry out governance functions, provide advice and conduct education programs to comply with legislation and best practice.*

### **b. Other Plans**

Part 11 of the Procedures requires an Annual Code of Conduct Complaint Report to the Council and to the OLG.

Corporate and Community

Report No. CC81/2023

Corporate and Community Services



## **IMPLICATIONS**

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

The Code of Conduct complaints statistics are submitted to the OLG and made publicly available on its 'Your Council' website.

### **b. Financial Implications**

The total cost of dealing with Code of Conduct complaints, including staff costs, for the period was \$49,716.

### **c. Legislative Implications**

Noting and submitting Code of Conduct complaints statistics to the OLG ensures compliance with legislative requirements.

### **d. Risk Implications**

Following the reporting requirements reduces the risk of damage to public confidence in local government associated with complaints and breaches of the Code of Conduct.

### **e. Environmental Implications**

N/A

### **f. Other Implications**

N/A

## **CONCLUSION**

The report is provided for Council's information in accordance with the Procedures.

## **ENCLOSURES**

[1](#) Annual Code of Conduct Statistics Report



Corporate and Community

Report No. CC82/2023

Corporate and Community Services



**SUBJECT:** *MINUTES OF THE STRATEGIC PROPERTY & COMMUNITY FACILITIES COMMITTEE MEETING HELD ON 29 NOVEMBER 2023*

**RESPONSIBLE OFFICER:** *Chief Finance Officer - Matthew Plumridge*

**RECOMMENDATION**

That the Minutes of the Strategic Property & Community Facilities Committee meeting held on 29 November 2023 be adopted as a resolution of the Ordinary Council.

**MINUTES OF STRATEGIC PROPERTY & COMMUNITY FACILITIES COMMITTEE OF THE CESSNOCK CITY COUNCIL HELD IN ANTE ROOM ON WEDNESDAY, 29 NOVEMBER 2023, COMMENCING AT 2.00PM**

**PRESENT:** His Worship the Mayor, Councillor J Suvaal (in the Chair) and Councillors Dunn, Sander and Moores (alternate) and the General Manager Delegate (Director Corporate & Community Services).

**IN ATTENDANCE:** Councillor Grine  
Councillor Hill  
Chief Financial Officer  
Principal Property Specialist  
Senior Property Officer  
Open Spaces & Community Facilities Manager  
Executive Assistant Corporate & Community Services

**ABSENT:** Councillor Olsen

**APOLOGY** *Moved:* Councillor Moores **Seconded:** Councillor Sander

That the committee accept the apology from Councillor Paynter.

**MINUTES:** **MOTION** *Moved:* Councillor Sander  
**Seconded:** General Managers Delegate

**RECOMMENDED** that the Minutes of the Strategic Property & Community Facilities Committee held on 9 August 2023, as circulated, be taken as read and confirmed as a correct record.

**CARRIED**

## **DISCLOSURES OF INTEREST**

Nil

## **OFFICER'S REPORTS**

### **OFFICER'S REPORTS NO. SPOR8/2023**

**SUBJECT: CESSNOCK CIVIC PARK**

**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Moores

### **RECOMMENDATION**

That the Committee recommends Council

1. Note the information provided in the report in regards to concept and preliminary construction plans for Cessnock Civic Park.
2. Undertake the required flood and contamination studies and prepare an updated concept plan for the site for report back to the Committee.
3. Investigations are to be funded from the Property Investment Fund.

**CARRIED**

Open Spaces & Community Facilities Manager left the meeting at 2.22pm.

### **OFFICER'S REPORTS NO. SPOR9/2023**

**SUBJECT: STRATEGIC PROPERTY REVIEW UPDATE - NOVEMBER 2023**

**MOTION**      **Moved:** Councillor Sander      **Seconded:** Councillor Dunn

### **RECOMMENDATION**

That the Committee recommends Council note progress with implementing strategy recommendations of the Strategic Property Review project and notes information provided regarding Council's Property Investment Fund.

**CARRIED**

Corporate and Community

Report No. CC82/2023

Corporate and Community Services



**OFFICER'S REPORTS NO. SPOR7/2023**

**SUBJECT: CONFIDENTIAL COMMERCIAL PROPERTY ENQUIRIES**

*This matter is considered to be confidential under Section 10A(2) (c) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. (The report provides details of preliminary investigations into acquisition of private property for Council operational purposes )*

**MOTION**      **Moved:** Councillor Sander      **Seconded:** Councillor Moores

**RECOMMENDATION**

**That the Committee recommends Council**

- 1. Note the information of recent discussion for property purchases.**
- 2. Endorse further discussions for the potential purchase of 69 and 73 Vincent Street Cessnock prior to Council approval.**

**CARRIED**

*The Meeting Was Declared Closed at 3.00pm*

**ENCLOSURES**

There are no enclosures for this report

**SUBJECT:** *ANNUAL UNREASONABLE CUSTOMER CONDUCT REPORT*

**RESPONSIBLE OFFICER:** *Chief Finance Officer - Matthew Plumridge*

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**SUMMARY**

The purpose of this report is to present the Annual Unreasonable Customer Conduct Report for the period 1 October 2022 to 30 September 2023 (Reporting Period) in accordance with the Unreasonable Customer Conduct (UCC) Policy.

**RECOMMENDATION**

**That Council notes the Annual Unreasonable Customer Conduct report for the period 1 October 2022 to 30 September 2023.**

**BACKGROUND**

The UCC Policy was adopted by Council on 22 May 2023. This report is provided in accordance with clause 24.3 of the associated Guideline which provides for an annual information report to the elected Council.

**REPORT/PROPOSAL**

For the Reporting Period the UCC Register showed that one individual was deemed to have displayed unreasonable behaviour as defined in the Policy.

There were eight people who had previously been deemed unreasonable prior to the adoption of the UCC Policy and this Reporting Period, two of which have since had their restrictions lifted and six which have no expiry date for various reasons.

**Corporate and Community**

**Report No. CC83/2023**

**Corporate and Community Services**



Due to the ongoing and serious nature of the unreasonable persistence and unreasonable arguments of these six UCCs, Council has imposed restrictions to the effect that correspondence/enquiries in relation to that specific matter will be noted with no action to be taken and this has no expiry date at this stage. This is to ensure Council can manage the UCC in a manner that is safe for staff and other customers. Those affected by ongoing restrictions have the ability to request a review of the restriction; however it would need to be supported by an extended period of exemplary behaviour in accordance with the UCC Policy.

The UCC Policy outlines the restrictions that Council may impose when Unreasonable Conduct has been established. As per the UCC Policy the following are the behaviour categories:

- Unreasonable persistence;
- Unreasonable demands outside the scope of Council’s scope and capacity for provision of services;
- Unreasonable lack of cooperation;
- Unreasonable arguments; and
- Unreasonable behaviours.

Table 1 shows the number of UCCs dealt with in the current and previous reporting periods.

**Table 1 – UCC Comparative**

<b>Behaviour Category</b>	<b>Current Period (1 Oct 22 – 30 Sep 2023)</b>	<b>Previous Period (1 Oct 21 – 30 Sep 2022)</b>	<b>Previous Period (1 Oct 20 – 30 Sep 2021)</b>	<b>Previous Period (19 Sep 19 – 30 Sep 2020)</b>
Unreasonable arguments	0	0	0	1
Unreasonable behaviours	2	2	5	7
<b>Total</b>	<b>2</b>	<b>2</b>	<b>5</b>	<b>8</b>

Most restrictions have a 12-month review date at which time the customer is invited to outline any reasons to support their restriction being lifted.

In the Reporting Period, the Public Officer imposed two restrictions both of which were restricted to contact in writing only to the Public Officer. They were given a 12-month restriction with a review to remove or extend after 12-months.

Table 2 shows restrictions imposed in the current and previous reporting periods.

**Table 2 – Restriction Summary**

Restriction Imposed	Current Period (1 Oct 2022 – 30 Sep 2023)	Previous Period (1 Oct 21 – 30 Sep 2022)	Previous Period (1 Oct 20 – 30 Sep 2021)	Previous Period (19 Sep 19 – 30 Sep 2020)
Warning Issued only	0	0	1	3
In writing to the Public Officer	2	1	2	1
Noted / No Action	0	0	0	1
Restricted from using Council Facility	0	1	2	2
Restricted contact at all Council facilities	0	0	0	1
<b>Total</b>	<b>2</b>	<b>2</b>	<b>5</b>	<b>8</b>

When the Public Officer reviews any restrictions imposed the customer is invited to provide reasons to support their restriction being lifted. Table 3 below shows the number of restrictions reviewed in the reporting period. No restrictions required review in the reporting period.

**Table 3 – Restrictions Reviewed**

Review Date	Type of Behaviour	Type of Restriction	Review Outcome
04/04/2023	Unreasonable behaviours	In writing to Public Officer	Restriction Removed
11/10/2022	Unreasonable behaviours	Waste Depot Expulsion	Restriction Removed

**OPTIONS**

N/A

**CONSULTATION**

Executive Leadership Team  
Governance Team

**STRATEGIC LINKS**

**a. Delivery Program**

Council's UCC Policy and Guidelines are consistent with the community's desired outcome of *Civic Leadership and Effective Governance* and in particular Objective 5.3 *Making Council more responsive to the community*.

**b. Other Plans**

N/A

## ***IMPLICATIONS***

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

This report is provided in accordance with clause 21.1 of the Guidelines of the Unreasonable Customer Conduct Policy, which requires an annual report to Council on customers deemed to have exhibited unreasonable conduct in accordance with the Policy.

### **b. Financial Implications**

N/A

### **c. Legislative Implications**

N/A

### **d. Risk Implications**

The appropriate management of UCC assists to ensure the safety of Council employees and users of Councils facilities, and outlines the expected standards of behaviour for both Council officials and customers.

### **e. Environmental Implications**

N/A

### **f. Other Implications**

N/A

## ***CONCLUSION***

This report is provided to Council on customers deemed to have exhibited unreasonable conduct in accordance with the Policy.

## ***ENCLOSURES***

There are no enclosures for this report.

Corporate and Community

Report No. CC84/2023

Corporate and Community Services



**SUBJECT:** *INVESTMENT REPORT - NOVEMBER 2023*

**RESPONSIBLE OFFICER:** *Chief Finance Officer - Matthew Plumridge*

### **SUMMARY**

Section 625 of the *Local Government Act 1993* (the Act), Clause 212 of the *Local Government (General) Regulation 2021* (the Regulation) and Council's Investment Policy (the Policy) requires a monthly report to Council detailing all money invested.

### **RECOMMENDATION**

**That Council receives the Investment Report for November 2023 and notes that:**

- **Investments are held in accordance with Council's Investment Policy, which is in accordance with the Ministerial Investment Order.**
- **Council's month end cash and investments balance was \$91,309,937.**

### **BACKGROUND**

A monthly report to Council detailing money invested as per the Act, Regulation and Policy.

### **REPORT**

#### **Statement by the Responsible Accounting Officer**

The Responsible Accounting Officer has certified that this report is produced in accordance with Clause 212 of the Regulation and that all investments have been made in accordance with the Act, Regulation and Policy.

#### **General Investment Commentary**

Council officers monitors and manages the cash and investment portfolio by taking into consideration credit ratings of financial institutions, interest rates offered for periods of investment, counterparty exposures and cash flow requirements.

Following assessment of projected cash flow requirements, surplus funds are invested in accordance with Council's Investment Policy. Investment returns of the portfolio to the end of November 2023 are exceeding the budgets. As older term deposits mature and new term deposits are invested, yields are increasing compared to the last few years as demonstrated on Table 1 below.

Council has engaged Prudential Investment Services Corp for investment advice and the November 2023 Economic and Investment Portfolio Commentary, regarding interest rates notes:



Corporate and Community

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Corporate and Community Services



- *Inflation data is trending lower across the US, Canada, UK and Europe leading economists to predict that central banks there have reached the end of their tightening cycle. Further rate hikes in Australia and Japan remain possibilities with both countries having reached peak inflation later than most.*
- *Global (and domestic) shares and bonds had a good rally in November. In the short-term, financial markets could lift further on positive seasonality into the end of the year.*

Domestic issues noted within Prudential's report include:

- *The jobs market is still tight but it is gradually easing with unemployment (at 3.7%) and underemployment (at 6.3%) both up from their lows in October 2022. Various leading indicators point to softer jobs growth ahead including a rising trend in applicants.*
- *The monthly inflation release showed annual inflation fell to 4.90% in October from 5.60% in September, as price pressures for consumer goods moderated due to falling demand.*
- *The monthly consumer price indicator was lower than economists' expectations of a 5.20% outcome and cements the market's view that the RBA board will likely keep the cash rate on hold at 4.35% at its final meeting of the year.*

At its November meeting, the RBA raised the official cash rate by 25 basis points to 4.35%. Despite the recent run of good news on the international front, with inflation continuing to ease in North America and Europe, the RBA remains very cautious when it comes to the domestic inflation, emphasising that 'the remaining inflation challenge...is increasingly homegrown and demand driven'.

In summarising Council's portfolio Prudential advises, "*Council's investment portfolio posted a marked-to-market return of 6.36%pa for the month versus the bank bill index benchmark return of 4.34%pa. Over the past 12 months, Council's portfolio has returned 3.87% versus the benchmark's 3.76%.*

*Long dated market rates dropped in November in reaction to sentiment that most major countries' central banks may be at the end of their rate hike cycles. Domestically, a lower than expected monthly inflation release also helped give a boost to Australian bond valuations resulting in strong performance for Council's NSW TCorpIM Medium Term Fund holding, which gained 2.40% (actual) for the month.*

*Without marked-to-market influences, Council's investment portfolio yielded 5.14%pa for the month, up from 5.03%pa in October. This is based on the actual interest rates being received on existing investments and excludes the underlying changes to the market value of the TCorp growth fund.*

*There were no maturities or new deposits made during the month of November.*

*Council has a well-diversified portfolio invested predominantly among a range of term deposits from highly rated Australian banks. Council also has exposure to a wide range of asset classes, including international and domestic shares via the NSW TCorp Medium Term Growth Fund. It is expected that Council's portfolio will achieve above benchmark returns over the medium/long term with prudent investment selection."*

**Investment Portfolio Information**

**Table 1** Total cash and investments held by Council as at 30 November 2023

Invest No	Financial Institution Investment Held With	Invest Type	Interest Coupon Term	Maturity	Current Coupon Rate	Par Value \$'000
	Commonwealth Bank	CASH			4.00%	12,810
	Commonwealth Bank	At Call			4.10%	41
1243	AMP Bank	At Call			2.10%	510
1490	Westpac Bank	TD	729	25-Sep-24	4.91%	4,000
1493	Suncorp Bank	TD	532	18-Apr-24	4.61%	2,000
1495	Westpac Bank	TD	365	24-Jan-24	4.46%	5,000
1496	National Australia Bank	TD	363	29-Jan-24	4.62%	5,000
1475a	Westpac Bank	TD	306	12-Dec-23	4.70%	4,000
1497	Westpac Bank	TD	356	19-Mar-24	4.99%	3,000
1498	National Australia Bank	TD	370	15-May-24	4.74%	3,000
1499	National Australia Bank	TD	201	22-Jan-24	5.49%	5,000
1500	National Australia Bank	TD	232	22-Feb-24	5.51%	5,000
1501	National Australia Bank	TD	371	06-Aug-24	5.40%	5,000
1502	Commonwealth Bank	TD	364	06-Aug-24	5.55%	5,000
1503	Commonwealth Bank	TD	363	28-Aug-24	5.27%	4,000
1504	Suncorp Bank	TD	369	24-Sep-24	5.30%	4,000
1505	National Bank	TD	364	25-Sep-24	5.33%	5,000
1506	Suncorp Bank	TD	176	23-Apr-24	5.25%	5,000
1507	Suncorp Bank	TD	274	30-Jun-24	5.35%	5,000
1508	Commonwealth Bank	TD	365	29-Oct-24	5.39%	5,000
1463	Treasury Corporation	Growth Fund				3,949
<b>TOTAL</b>						<b>91,309</b>

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

Financial Institution	Credit Rating	Institution Maximum	Amount \$'000	% of Portfolio
Commonwealth Bank	AA-	40%	14,000	17.95%
Westpac Bank	AA-	40%	16,000	20.53%
National Australia Bank	AA-	40%	28,000	35.92%
Suncorp Bank	A+	40%	16,000	20.53%
Treasury Corporation	Unrated	10%	3,949	5.07%
<b>TOTAL</b>			<b>77,949</b>	<b>100.00%</b>

In accordance with the Policy, figures in Table 2 above exclude cash and at call balances in Council's main operating account held with the Commonwealth and AMP banks.

**Investment in NSW Treasury Corporation (TCorp)**

TCorpIM Funds are unit trusts. Distributions are made annually and are automatically reinvested into the fund to buy additional units. As this investment is held for medium to long-term capital appreciation, gains or losses will only be realised on redemption of the investment. However due to accounting requirements any unrealised gains or losses will be processed between investments and the operating statement.

Corporate and Community

Report No. CC84/2023

Corporate and Community Services



The preliminary November 2023 unrealised return was a gain of \$90,769.90 or 2.35% (1.51% annualised). Rates of return fluctuate each month and possibly be negative from time to time with the medium-term investment horizon. The fund performance summary for November 2023 is not yet available at the time of this report. The fund performance summary as at 31 October 2023 is shown below. The TCorp benchmark is CPI + 2.00% p.a. (over rolling 5 years).

**Table 3** NSW Treasury Corporation Performance Summary

	10 year (% pa)	7 year (% pa)	3 year (% pa)	1 year %	FYTD %	1 month %
IM Medium Term Growth Fund	3.77	3.35	1.85	3.06	(0.84)	(0.80)
Benchmark: CPI + 2.0% p.a. (over rolling 5 years)	4.63	4.88	6.61	7.08	2.21	0.55
Return above benchmark p.a.	(0.86)	(1.53)	(4.76)	(4.02)	(3.05)	(1.35)

**Table 4** Investment types, risk, amount and percentage invested compared to total

Investment Type	Risk Assessment		Amount	% of
	Capital	Interest	\$'000	Portfolio
Term Deposits	Low	Low	74,000	81.04%
Cash/At Call Deposits	Low	Low	13,361	14.64%
Capital Growth Fund	Medium	Medium	3,949	4.32%
<b>TOTAL</b>			<b>91,309</b>	<b>100.00%</b>

**Table 5** Comparison of interest rates, earnings and balances this year to last year

Performance Measures	This Year	Last Year
Investment Portfolio Average Interest Rate (year to date)	6.36%	2.15%
BBSW Average Interest Rate (year to date) *	4.28%	2.20%
Actual Investment Interest Earned (for the current month)	\$331,857	\$147,047
Actual Investment Interest Earned (year to date) ^	\$1,407,966	\$570,239
Revised Budget Investment Interest (year to date)	\$729,217	\$358,385
Original Budget Investment Interest (annual)	\$1,380,122	\$1,680,122
Revised Budget Investment Interest (annual)	\$1,750,122	\$1,680,122
TCorp unrealised movement (year to date)	1.51%	3.79%

Investment and Cash Balances (Par Value) #	This Year	Last Year
Opening Balance as at 1 July	\$73,085,190	\$73,415,666
Closing Balance as at 30 November	\$91,309,938	\$80,627,679

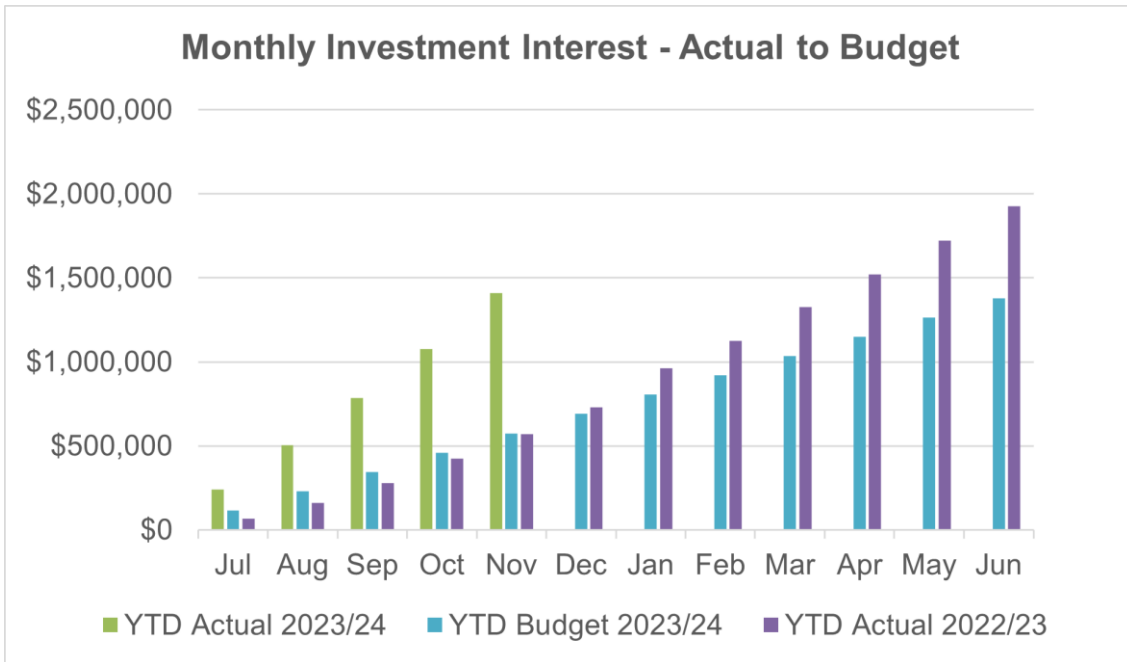
\* BBSW 90 day Bank Bill Reference Rate (performance measure as per Council's Investment Policy)

^ Excludes TCorp unrealised returns

# Excludes Section 355 Committee cash held



**Graph 1** Actual interest earned compared to revised budget and actual interest last year



Corporate and Community

Report No. CC84/2023

Corporate and Community Services



**Table 6** Internal and external restrictions over cash and investments held

Month End Totals \$'000	Nov 2023*	Oct 2023*	Sep 2023*	Aug 2023*	July 2023*	June 2023*
Developer contributions	30,299	29,924	29,824	28,432	28,432	28,432
Committed developer contributions	3,460	3,460	3,459	3,370	3,370	3,370
RMS contributions	182	182	182	182	182	182
Specific purpose unexpended grants	25,415	21,166	6,906	5,647	5,647	5,647
	430	430	430	430	430	430
Domestic waste management						
Stormwater management	1,038	1,052	1,103	1,504	926	926
<b>External Restrictions</b>	<b>60,824</b>	<b>56,214</b>	<b>41,904</b>	<b>39,565</b>	<b>38,987</b>	<b>38,987</b>
Plant and vehicle replacement	2,400	2,400	2,400	2,400	2,794	2,794
	2,418	2,418	2,519	2,519	2,519	2,519
Employees leave entitlement						
Carry over works	582	583	586	385	385	385
Bridge replacement	282	287	295	314	346	346
Insurance provisions	761	761	761	761	761	761
Miscellaneous and property	809	809	809	809	734	734
Grant Fund Leverage	82	82	82	82	82	82
Energy efficiency	95	95	95	95	95	95
Operations and programs	472	472	472	473	473	473
Property investment fund	3,095	3,095	3,095	3,227	3,112	3,112
Civil Works	0	0	0	20	95	95
	13,883	13,883	13,626	12,448	12,448	12,448
Waste depot and rehabilitation						
Committed projects (SRV)	300	660	690	717	214	214
	3,720	3,948	3,948	4,155	4,144	4,144
Security deposits and bonds						
Unexpended Loan Funds	967	967	2,125	2,125	2,129	2,129
<b>Internal Restrictions</b>	<b>29,866</b>	<b>30,460</b>	<b>31,503</b>	<b>30,529</b>	<b>30,331</b>	<b>30,331</b>
<b>Unrestricted</b>	<b>619</b>	<b>790</b>	<b>647</b>	<b>10,088</b>	<b>4,118</b>	<b>3,767</b>
<b>Total Cash &amp; Investments</b>	<b>91,309</b>	<b>87,464</b>	<b>74,054</b>	<b>80,182</b>	<b>73,436</b>	<b>73,085</b>

Unrestricted cash figure is low due to the restriction of funds over the year end period.

\*The restricted funds shown above (for June to November) are provisional and are subject to change through the financial statement process. This will only be final once audited and published in the annual financial statements. Material changes will be advised to Council. 4.7m grant received from Transport NSW during the month for Regional & Local Roads Repair Program, Bridge Renewal R5(ROM), and Fixing Country Bridges is included in the Specific Purpose Unexpended Grants.

**CONSULTATION**

Director Corporate and Community Services  
 Chief Financial Officer  
 Finance staff

Corporate and Community

Report No. CC84/2023

Corporate and Community Services



## **STRATEGIC LINKS**

### **a. Delivery Program**

Investment returns are an integral part of funding sources for future services and community expectations within the Delivery Program and Operational Plan. This report is a part of the organisation's governance framework – providing feedback on the progress against the investment policy and budget adopted by Council. This is in line with the community's desired outcome of: "*Civic Leadership and Effective Governance*" and more specifically links to strategic direction:

- 5.3.2: Our Council's processes are efficient and transparent;
- 5.3.3: Our Council is financially sustainable.

## **IMPLICATIONS**

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

Investments are held in accordance with Council's Investment Policy.

### **b. Financial Implications**

Investment returns are included in Council's Delivery Program and Operational Plan. Amendments are affected 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 from developer contributions, payments in advance for grant projects, Domestic Waste Management, and stormwater management income to be applied to specific purposes and not available for general operational projects.

### **c. Legislative Implications**

This report meets Council's statutory obligations under the Act and Regulation.

### **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 at month end and meets Council's reporting obligations.

## **ENCLOSURES**

There are no enclosures for this report.

Corporate and Community

Report No. CC85/2023

Corporate and Community Services



**SUBJECT:** *RESOLUTIONS TRACKING REPORT*

**RESPONSIBLE OFFICER:** *Chief Finance Officer - Matthew Plumridge*

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## SUMMARY

The enclosure contains pending actions from previous meetings as well as completed actions for period 7 November 2023 to 5 December 2023.

## RECOMMENDATION

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

## ENCLOSURES

- [1](#) ⇨ Completed Actions
- [2](#) ⇨ Outstanding Actions

Works and Infrastructure

Report No. WI44/2023

Works and Infrastructure



**SUBJECT:** *TENDER T2024-11 CESSNOCK REGIONAL SKATEPARK*

**RESPONSIBLE OFFICER:** *Open Space and Community Facilities Manager - Kate Harris*

## SUMMARY

Evaluation and selection of tender for Tender No. T2024-11 – Cessnock Regional Skatepark.

### **RECOMMENDATION**

**That Council accepts the tender (T2024-11) from Trinity Skateparks Pty Ltd for the lump sum of \$2,021,037 (including GST) for the Cessnock Regional Skatepark.**

## BACKGROUND

The construction of Cessnock Regional Skatepark will deliver the first regional level skate facility in the Cessnock LGA, providing a youth friendly space to meet the growing needs of young people across the City.

The quality facility will provide a unique rider experience with features that can be used by a variety of riders with differing skill levels. The project aims to deliver community infrastructure that significantly improves amenity and access, increasing local opportunities for wheeled sports participants to develop their skills and take part in physical activity that will result in broader positive social and health outcomes.

The purpose of the tender is to engage a suitably experienced and qualified Contractor to complete the works.

## 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 Minor Works MW 21 (NSW Government). The RFT called for a lump sum tender for the Cessnock Regional Skatepark.

### **Invitation**

Tenders were invited on Thursday 31 August 2023 on Council's VendorPanel and advertised in the following publications:

Publication	Day	Date
Newcastle Herald	Saturday	02 September 2023
Sydney Morning Herald	Tuesday	05 September 2023

### **Addenda**

No addenda was issued for this tender.

All questions were answered.



**Works and Infrastructure**

**Report No. WI44/2023**

**Works and Infrastructure**

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**Closure**

Tenders closed 2pm Tuesday 10 October 2023

**TIME FRAME**

The submission of a program to undertake the works formed part of the tender process with site establishment due to commence in May/June 2024.

The project is identified in the 2023/24 Open Space & Community Facilities Capital Works Program.

**LOCAL CONTENT**

Local content scoring was not applicable to this tender.

**OPTIONS**

**Option 1:** Accept the tender from Trinity Skateparks Pty Ltd in the amount of \$2,021,037 (including GST). This is the preferred option.

**Option 2:** 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.

**CONSULTATION**

The following officers were consulted during the tender process:

- Open Space & Community Facilities Manager, Works & Infrastructure
- Acting Parks & Reserves Coordinator, Works & Infrastructure
- Recreation & Community Facilities Project Officer, Works & Infrastructure
- Recreation & Community Facilities Coordinator, Works & Infrastructure
- South Area Maintenance Coordinator, Works & Infrastructure
- Principal Recreation Planner, Works & Infrastructure
- Procurement Coordinator, Corporate & Community Services
- Acting Procurement Administration Officer, Corporate & Community Services

A communications plan will be developed for the project and communication about progress of the works will be ongoing. Regular information regarding the project will be provided to the key user groups on site. For residents and businesses generally, Council's website will provide information and access to a *Community Newsletter*, and Council's Facebook Page offers opportunity for feedback.

**Works and Infrastructure**

**Report No. WI44/2023**

**Works and Infrastructure**



**STRATEGIC LINKS**

**a. Delivery Program**

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

*2022-26 Delivery Program:*

- Objective 3.2 Better utilisation of existing open space
  - Objective 3.2.4 Provide and maintain recreation facilities, streetscapes and public open space

**b. Other Plans**

Cessnock Operation Plan 2023-24  
Concept Plan – Cessnock Regional Skatepark  
Skate and BMX Strategy 2020

**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 Guidelines,*
- *Tendering Guidelines for NSW Local Government 2009, and*
- *NSW Government – Code of Practice for Procurement 2005.*

**b. Financial Implications**

The tender from Trinity Skateparks Pty Ltd in the amount of \$2,021,037 (including GST) is within the anticipated budget and the project is included in the 2023-24 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 2021*

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

**d. Risk Implications**

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

- Satisfactory financial capacity,
- Adequate levels of insurances,
- Demonstrated capacity to manage the works.

**Works and Infrastructure**

**Report No. WI44/2023**

**Works and Infrastructure**



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

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

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

- AS/NZS ISO 45001:2018 Occupational Health and Safety Management Systems
- AS/NZS ISO 14001:2015 - Environment Management Systems
- AS/NZS ISO 9001:2008 - Quality Management Systems

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

- Traffic Management Plan to manage broader traffic implications such as heavy vehicles and delays,
- Traffic Control Plans to manage interactions between public and construction traffic and a staging plan to maintain access to the weighbridge and landfill,
- 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.

**e. Other Implications**

Nil

**CONCLUSION**

The tender from Trinity Skateparks Pty Ltd, in the lump sum amount of \$2,021,037 (including GST) offers the best value for money for the Cessnock Regional Skatepark. The contract sum and contingency are fully funded from the available project budget identified in this report.

**ENCLOSURES**

- [1](#) T2024-11 Tender Evaluation Report
- 2** T2024-11 Cessnock Regional Skatepark - 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.*

Works and Infrastructure

Report No. WI45/2023

Works and Infrastructure



**SUBJECT:** *TENDER T2024-10 - DESIGN AND CONSTRUCT WATAGAN CREEK ROAD BRIDGE #3, LAGUNA*

**RESPONSIBLE OFFICER:** *Infrastructure Manager - Cameron Clark*

### **SUMMARY**

Evaluation and selection of tender for Tender No. T2024-10 – Design and Construct Watagan Creek Road Bridge # 3, Laguna.

### **RECOMMENDATION**

**That Council Accept the tender from Fortec Australia Pty Ltd in the amount of \$1,013,851.30 (including GST).**

### **BACKGROUND**

Council proposes to install a new structure on top of the existing timber structure with a suitable concrete/ steel structure on Watagan Road Bridge # 3, 4.8km east of Great North Road at Laguna.

The bridge is on Council's priority list for replacement due to:

- The existing timber structure had a level 3 inspection in May 2022 which indicated a 7.5 T load limit and 50km/hr speed limit imposed on the bridge due to the current condition of the bridge.
- No alternative routes available for access to properties.
- Fire trucks, garbage trucks and water carts cannot access the area.
- Restricted/ no access for emergency vehicles if the bridge collapses.

### **REPORT**

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

- Project Manager, Infrastructure
- Principal Stormwater & Flooding, Infrastructure
- Procurement Coordinator, Financial Services

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

**Works and Infrastructure**

**Report No. WI45/2023**

**Works and Infrastructure**



The evaluation criteria and their weightings were documented in the Contract Initiation Plan and Tender Evaluation Plan, prior to tenders being invited.

For details of Evaluation, Tender Evaluation Report refer to Tender Evaluation Matrix attached as Enclosure

**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 *MW21 General of Conditions of Contract*. The RFT called for a Lump sum tender for the Design and Construct Watagan Creek Road Bridge # 3, Laguna.

**Invitation**

Tenders were invited on 14 September 2023 on Council's VendorPanel and advertised in the following publications:

Publication	Day	Date
Newcastle Herald	Wednesday	20 September 2023
Sydney Morning Herald	Tuesday	19 September 2023
Cessnock Advertiser	Wednesday	20 September 2023

**Addenda**

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

No.	Date	Description
1	12 October 2023	Extension of closing date from 17 October 2023 to 24 October 2023

**Closure**

Tenders closed 2pm Tuesday 24 October 2023.

**TIME FRAME**

Construction works will commence in January 2024 for completion in July

**LOCAL CONTENT**

Local preference not considered in Evaluation Criteria

**OPTIONS**

**Option 1:** Accept the tender from Fortec Australia Pty Ltd in the amount of \$1,013,851.30 (including GST). This is the preferred option.

**Option 2:** 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.

**Works and Infrastructure**

**Report No. WI45/2023**

**Works and Infrastructure**



**CONSULTATION**

The following officers were consulted during the tender process:

- Procurement Coordinator,
- Senior Administration Officer,
- Principal Engineer, Design and Project Management
- Manager, Infrastructure

Communication about progress of the works will be ongoing. For residents and businesses generally, 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**

Acceptance of the tender will contribute to achieving the following objectives of:  
*FY 2023-24 Delivery Program:*

- Watagan Creek Road Bridge#3 is included in council delivery program under CBS 2018-006 and the tender execution will fulfil the council commitment and schedule for the current FY.
- The existing Bridge is an old and delapidated bridge with Traffic Load limit imposed on it. The purpose is to provide a safe access to residents of the area and emergency services across the bridge.
- The Bridge will provide unrestricted access to the residents of the area, emergency services, besides smooth commuting of farming goods and services across the bridge.

**b. Other Plans**

N/A

**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 Guidelines,*
- *Tendering Guidelines for NSW Local Government 2009, and*
- *NSW Government – Code of Practice for Procurement 2005.*

**b. Financial Implications**

The total quote from the lowest tender is \$1,013,851.30 (including GST). The amount has been allocated for the project in the Council Operational Plan 2023-24.

**Works and Infrastructure**

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**Works and Infrastructure**



**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 2021*

In particular, reference is made to Part 7, Division 4, Clause 178 of the *Local Government (General) Regulation 2021 (Acceptance of tenders)*:

**d. Risk Implications**

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

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

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

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

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

- *AS/NZS ISO 45001:2018 Occupational Health and Safety Management Systems*
- *AS/NZS ISO 14001:2015 - Environment Management Systems*
- *AS/NZS ISO 9001:2008 - Quality Management Systems*

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

- Traffic Management Plan to manage broader traffic implications such as heavy vehicles and delays,
- Traffic Control Plans to manage interactions between public and construction traffic and a staging plan to maintain access to the weighbridge and landfill,
- 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.

**e. Other Implications**

**Safety:** The new bridge will provide a safe passage to the residents of the area, businesses and emergency services without any load limitation.

**Works and Infrastructure**

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**Works and Infrastructure**

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**Business:** The unrestricted load limit will improve the farming related business in the area without any restrictions.

**Modern Slavery:** Compliance to Modern Slavery Legislation

**CONCLUSION**

The tender from Fortec Australia Pty Ltd, in the lump sum amount of \$1,013,851.30 (including GST) offers the best value for money for the Design and Construct Watagan Creek Road Bridge # 3, Laguna. The contract sum and contingency are fully funded from the available project budget identified in this report.

**ENCLOSURES**

- 1  T2024-10 - Tender Evaluation Report
- 2  T2024-10 Tender Evaluation Matrix - *This matter is considered to be confidential under Section 10A(2) (di) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.*



Works and Infrastructure

Report No. WI46/2023

Works and Infrastructure



**SUBJECT:** *QUOTATION: Q2023-209 LANDSLIDE & REMEDIATION WORKS PACKAGE 2*

**RESPONSIBLE OFFICER:** *Works & Operations Manager - John Latter*

**SUMMARY**

Evaluation of Quotation Q2023-209 – Landslide Remediation Works – Package 2 – Minor Civil Works.

**RECOMMENDATION**

**That Council accepts the quotation (Q2023-209) from Alliance Construction Group Pty Ltd for the lump sum of \$1,836,771 (including GST) for the Landslide Remedial Works – Package 2 – Minor Civil Works, subject to the formal confirmation of grant funding by Transport for NSW on behalf of the NSW Reconstruction Authority.**

**BACKGROUND**

Council proposes to engage a professionally qualified and experienced Design and Construction Contractor to carry out the remedial construction of embankment stabilization mass block and gabion retaining walls works in six locations within the Cessnock LGA.

This package of slope stabilization works will undertake remedial repairs of landslides at six (6) locations on the Cessnock LGA road networks. Five of these sites were impacted by multiple major flood events including February and June 2022. The last site, Murray’s Run, has been on Council’s Operational Plan for some time.

In summary the sites and type of remedial works are as listed below:

<b>Job Code</b>	<b>Site Name</b>	<b>Type of Works</b>
DM249	Finchley Track – Ch8340	Gabion Wall and Earthworks Construction
DM455-1	Stockyard Creek Road – Site 1	Downslope Rockfill Construction
DM455-2	Stockyard Creek Road – Site 2	Mass Block Retaining Wall Construction
DM447	Boree Valley Road	Mass Block Retaining Wall Construction
DM443	Wollombi Road Sweetmans Creek	Mass Block Retaining Wall Construction
RRR-2020-001	Murrays Run Road	Mass Block Retaining Wall Construction

These works are required to restore the road network in these locations to an acceptable level of engineering risk.

**The first 5 sites are 100% grant funded by NSW Reconstruction Authority and administered by Transport of NSW. The last site is to be internally funded by Council.**

**Works and Infrastructure**

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**Works and Infrastructure**



**REPORT**

**Request for Quotation**

The Request for Quotation (RFQ) documents were prepared by Council officers, and reviewed by the Tender Audit Panel (TAP) before tenders were called. The form of contract selected was NSW Government, MW21 (Edition 2), General Conditions of Contract. The RFQ called for a lump sum quotation for the Landslide Remedial Works – Package 2 – Minor Civil Works.

**Invitation**

Quotations were invited on 30 October 2023 on Council's VendorPanel, via the Local Government Procurement, approved Contractor's list for, Minor and Major Civil Works including Construction Materials (LGP420).

**Addenda**

No formal addenda were issue with this quotation.

**Closure**

Request for Quotations closed 9am Monday 19 November 2023.

**TIME FRAME**

Construction works will commence in January 2024 for completion in June 2024.

**LOCAL CONTENT**

Local content scoring was not applicable to this tender.

**OPTIONS**

**Option 1:** Accept the quotation from Alliance Construction Group Pty Ltd in the amount of \$1,836,771 (including GST). This is the preferred option.

**Option 2:** 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.

**CONSULTATION**

The following officers were consulted during the quotation process:

- Infrastructure Manager, Infrastructure
- Works and Operations Manager, Works and Operations
- Procurement Coordinator, Financial Services
- Project Manager (Lead), Flood Recovery Works Landslides
- Project Manager (Support), Flood Recovery Works Landslides

Transport for NSW is updated on the project on a monthly basis. All scopes, detailed designs and the quotation evaluation associated with these works have been approved by the TfNSW Representative.

A communications plan has been developed for the project and communication about progress of the works will be ongoing. Regular information regarding the project will be provided to the key user groups on site as required. 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

Acceptance of the quotation will contribute to achieving the following objectives of:  
*2022-26 Delivery Program:*

*Objective 1.3 – Improve the safety of the road network*      1.3.5.a - Provide designs and documentation for traffic facilities and road works listed in the adopted Capital Works Program to improve the safety of the road environment

*Objective 4.2 – Improving the Road Network*      We have an acceptable, safe and affordable road network

## IMPLICATIONS

### a. Policy and Procedural Implications

The quotation process has been carried out in accordance with:

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

### b. Financial Implications

This project contains 5 sites which are grant funded by NSW Reconstruction Authority and administered by Transport of NSW, as detailed in;

- Natural Disaster Relief Program \_ AGRN 1012 Proposed EPAR Landslip Package\_ Confirmation \_ Transport for NSW dated 16th March 2023, and
- Natural Disaster Relief Program \_ AGRN 1025 Proposed EPAR Landslip Package Confirmation \_ Transport for NSW, dated 16th March 2023.

The above grant approval was subject to “market responses” subsequently being approved by TfNSW. TfNSW has been informed of the quotation results, and has submitted two revised EPARs applications as requested by TfNSW for the final approval of a “Total Upper Limit Grant” on Thursday 23 November 2023.

At the time of writing this quotation report the TfNSW final market response approval had not yet been granted. Subject to Council approval, award to the preferred Contractor will only be made once the “Total Upper Limit Grant” has been confirmed by TfNSW.

The remaining 6<sup>th</sup> site, Murray’s Run, is budgeted in the 2023/24 Operational Plan, for \$216,000. The quoted price for Murray’s Run alone was \$292,000, plus \$15,000 internal costs. Thus, this approval will require an additional \$91,000 budget to be managed under the overall Operational Plan budget review in Q2 FY23/24.

**Works and Infrastructure**

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**Works and Infrastructure**



**c. Legislative Implications**

The quotation 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 2021*

In particular, reference is made to Part 7, Division 4, Clause 178 of the *Local Government (General) Regulation 2021 (Acceptance of tenders)*:

**d. Risk Implications**

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

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

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
- Insurance of the Works.

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

- *AS/NZS ISO 45001:2018 Occupational Health and Safety Management Systems*
- *AS/NZS ISO 14001:2015 - Environment Management Systems*
- *AS/NZS ISO 9001:2008 - Quality Management Systems*

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

- Traffic Management Plan to manage broader traffic implications such as heavy vehicles and delays,
- Traffic Control Plans to manage interactions between public and construction traffic and a staging plan to maintain access to the weighbridge and landfill,
- 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.

**e. Other Implications**

**Community Safety:** The completion of the works at these six sites will restore the road network in these locations to full access at all sites, and provide an increased level of "engineering risk assurance" to enhance slope stability.

**Works and Infrastructure**

**Report No. WI46/2023**

**Works and Infrastructure**

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**CONCLUSION**

The quotations from Alliance Construction Group Pty Ltd in the amount of \$1,836,771 (including GST), offers the best value for money for embankment stabilisation mass block and gabion retaining walls for the remedial repair of landslides at six (6) locations on the Cessnock LGA road networks. The contract sum and contingency are fully funded from the available project budget and grant funded as identified in this report.

**ENCLOSURES**

- [1](#) ⇨ Quotation Evaluation Report
- 2** Quotation Evaluation Matrix Q2023-209 - *This matter is considered to be confidential under Section 10A(2) (d) 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.*

Works and Infrastructure

Report No. WI47/2023

Works and Infrastructure



**SUBJECT:** *RENAMING OF APEX PARK CESSNOCK*

**RESPONSIBLE OFFICER:** *Open Space and Community Facilities Manager - Kate Harris*

### **SUMMARY**

The purpose of this report is to outline a submission received to formally name the parcel of land, currently known as Apex Park in Cessnock to “Cessnock Rotary Park”. The report also seeks Council’s endorsement to publicly exhibit the proposed naming.

### **RECOMMENDATION**

1. That Council supports the proposal to rename “Apex Park” to “Cessnock Rotary Park”.
2. That Council place the naming proposal “Cessnock Rotary Park” on public exhibition for 28 days commencing 29 January 2024.
3. In line with the Geographic Names Board Place Naming Policy, the Board be notified of the outcome of the exhibition period, and a Place Naming Proposal be forwarded to the NSW Geographical Names Board for consideration and gazettal.
4. That signage be updated following the gazettal of the Place Naming Proposal by the NSW Geographical Names Board (subject to approval).

### **BACKGROUND**

A submission has been received to formally name the park on the corner of Allandale and Wollombi Road currently known locally as Apex Park, to Cessnock Rotary Park.

In line with Council’s Naming of Asset’s Policy (section 4.5) where the proposal is to name a Council owned reserve, a report including a staff recommendation is to be submitted to the elected Council for approval and referral to the NSW Geographical Names Board (GNB) following an exhibition period.

The GNB has the role of assigning names to places and natural features. The GNB’s guidelines and procedures are aimed at ensuring community input, giving all interested parties a say in a naming decision and minimising the duplication of names.

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**REPORT/PROPOSAL**

Apex Park is located on the corner of Wollombi Road and Allandale Road, Cessnock, has a total site area of 0.84 hectares (ha) and is made up of the following lots (refer enclosure 1 for site map):

- Lot: A DP: 369757, Size 0.640ha
- Lot: 1 DP: 359456, Size 0.078ha
- Lot: 1 DP: 657198, Size 0.079ha
- Lot: 1 DP: 339020, Size 0.044ha

A masterplan for Apex Park was adopted on 19 October 2022 with the intent of the park becoming an iconic gateway site that attracts visitors and connects residents.

The Rotary Club of Cessnock have expressed an interest in assisting Council in maintaining and developing the park in-line with the adopted Masterplan.

**Apex Club History**

During 1956 in the spirit of comradeship the Cessnock Apex Club was formed by members of Rotary Club of Cessnock. The Apex Club of Cessnock served the local community for approximately 50 years and was disbanded approximately 20 years ago.

Apex Park was named by the local service club in approximately 1964. Additional points of history of Apex Park include:

- it was a large garden for the Cessnock Hotel for many years, providing fresh fruit and vegetables for the hotel's restaurant;
- it was a site for travelling entertainment i.e. tents were erected there and outdoor performances were given; and
- it was the site of the first school in Cessnock.

**Rotary Club of Cessnock History**

The Rotary Club of Cessnock is in its 86<sup>th</sup> year of operation and continues to serve the local community.

Cessnock previously had a Rotary Park which existed on the site of the current Coles shopping complex in North Avenue.

In 1966 it was reported that the first stage of the Rotary Park Project was completed thanks to a very enthusiastic and active band of workers, under the watchful eye of Community Service Chairman Bob Armstrong.

In June 1968, after three years, the park project was completed and handed over to the Lord Mayor Bob Brown, who was also a Rotarian. The Cessnock Eagle newspaper covered this on its front page of the 28 June, 1968 edition. It describes the park having a rock pool with a fountain lit with internal lights. The fountain had a brick wall behind it, which was intended to be a memorial to servicemen and women.

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With the redevelopment of the former Rotary Park into commercial space in the late 1990's, the Rotary Club of Cessnock have not had a park named after it since this time and are seeking to have a prominent park named after their organisation. Cessnock Rotary feel it is fitting that given Apex was originally established by members of the Rotary Club of Cessnock, that this park be renamed Cessnock Rotary Park.

As per the Place Naming Policy, the GNB has classified a number of reserve names as "generic", and when one of these names is proposed it shall also include the name of the locality within which the reserve is located. "Rotary Park" has been classified as "generic" by the GNB and as such the recommended naming proposal will be "Cessnock Rotary Park".

**OPTIONS**

Nil

**CONSULTATION**

Internal Engagement

- Open Space & Community Facilities Manager
- Principal Recreation Planner
- Local Studies Librarian
- Economic Development Team

External Engagement

- Rotary Club of Cessnock
- Apex Club of Australia

**STRATEGIC LINKS**

**a. Delivery Program**

The proposal aligns with objective 5.1 'Fostering and Supporting Community Leadership'.

**b. Other Plans**

Apex Park Masterplan (2022)

**IMPLICATIONS**

**a. Policy and Procedural Implications**

The proposal is in line with Council's Naming of Council Assets Policy (2023).

**b. Financial Implications**

Public Exhibition advertising and the replacement of park signage (subject to gazettal by the NSW Geographical Names Board) can be covered from existing operational budgets.



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**c. Legislative Implications**

The proposed naming is in line with the *Geographical Names Act 1966*

**d. Risk Implications**

Nil

**e. Other Implications**

***CONCLUSION***

The proposed site has been known locally as Apex Park since approximately 1964. The Apex Club has been disbanded for approximately 20 years, and the local Rotary Club of Cessnock would like to have the park formally dedicated and assist in its ongoing maintenance and development in-line with the adopted Masterplan.

***ENCLOSURES***

[1](#) Apex Park - Site Map

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**SUBJECT:** *KURRI KURRI NOSTALGIA FESTIVAL - MARCH 2024*  
**RESPONSIBLE OFFICER:** *Open Space and Community Facilities Manager - Kate Harris*

### **SUMMARY**

Council has been approached by Towns With Heart (TWH) seeking in-kind support for the 20-year anniversary of the Kurri Kurri Nostalgia Festival, which is to be held on the weekend of 22, 23 and 24 March 2024.

This report details the extent and estimated cost of the assistance being requested by TWH and to seek Council's approval to provide in-kind support to the event.

### **RECOMMENDATION**

**That Council endorse the in-kind support valued at \$11,424, for the following services: waste management, park management and amenity management Kurri Kurri Nostalgia Festival on 22, 23 and 24 March 2024.**

### **BACKGROUND**

The 2024 Kurri Kurri Nostalgia Festival (the Festival) will be held over the weekend of 22, 23 and 24 March 2024. Council has in previous years provided in-kind support for the Festival and TWH openly acknowledges that this support has been critical to the event's success.

TWH has approached Council seeking various forms of in-kind support for the delivery of the Festival. This report details the extent of the support being requested by TWH and seeks Council's endorsement to provide the in-kind support.

### **REPORT/PROPOSAL**

The following in-kind support for the Festival has been requested by TWH:

#### Waste Management

- Provision of bins for the weekend (up to 50 bins);
- Provision of bin liners;
- Delivery and pick up of bins pre and post event;
- Emptying of bins on Saturday and Sunday night;

#### Park Preparation & Traffic Management Equipment

- Preparation of Col Brown Rotary Park and Booth Park prior to the Festival weekend;
- Waiver of all fees and charges for the use of Col Brown Rotary Park and Booth Park, including market stalls, food vendors and park hire for the event;
- 40 waterfilled barriers delivered to site on Friday morning;
- Delivery to Kurri Kurri Visitor Centre carpark on Friday morning of:

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- 20 bollards and bases
- 10 star pickets
- 20 traffic cones
- Bunting/ safety line
- 10 barrier boards and 20 stands.

Amenity Management

- Provision and delivery of supplies to public amenities in Col Brown Rotary Park and Booth Park (paper towels and toilet paper);
- Servicing and cleaning of the public amenities block in Col Brown Rotary Park on a regular basis during the Saturday and Sunday of the Festival;
- Access to power and water in Col Brown Rotary Park;
- Access to the public amenities block at Booth Park;
- Access to power at the front of the Kurri Kurri Library on Sunday 24 March 2024.

The estimated cost to waive applicable fees (excl. GST) and supply the above is as follows:

• Waste Management	\$3,700
• Park Management	\$4,324
• Amenity Management	\$3,400
<b>TOTAL REQUESTED IN-KIND SUPPORT</b>	<b>\$11,424</b>
<b>TOTAL RECOMMENDED IN-KIND SUPPORT</b>	<b>\$11,424</b>

In reviewing the requests, Council officers have determined that in-kind support for the above can be provided within existing recurrent operating budgets.

**OPTIONS**

N/A

**CONSULTATION**

In writing this report the following stakeholders have been consulted:

- Environmental & Waste Services staff
- Open Space and Community Facilities staff
- Financial Services staff
- Towns With Heart

**STRATEGIC LINKS**

**a. Delivery Program**

The proposed in-kind sponsorship for this event supports:

- Objective 2.3 – Increasing Tourism Opportunities and Visitation in the Area.

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**b. Other Plans**

Nil

**IMPLICATIONS**

**a. Policy and Procedural Implications**

The objectives of the Community Sponsorship and Fee Waiver Policy are:

- To establish a governing framework for the consideration of requests for financial and/or in-kind assistance, by way of sponsorship and/or fee waiving;
- To ensure that the administration of such requests is conducted in a consistent, equitable, transparent and financially sustainable manner to provide maximum benefit to the community of the Cessnock Local Government Area (LGA).

An assessment has been undertaken and the request from TWH is consistent with the criteria set out in the Community Sponsorship and Fee Waiver Policy.

**b. Financial Implications**

The estimated cost of providing the in-kind support for the requests being made by TWH is \$11,424. This estimate is primarily based on staffing cost, Council's adopted fees and charges for waste management, cleaning, park preparation and park usage. The recommended in-kind support for the above can be provided within existing recurrent operating budgets.

**c. Legislative Implications**

Nil

**d. Risk Implications**

Nil

**e. Other Implications**

Nil

**CONCLUSION**

On the basis of supporting events that promote visitation across the Cessnock LGA, it is recommended that Council provides in-kind support to the 2024 Kurri Kurri Nostalgia Festival as detailed in the report.

**ENCLOSURES**

There are no enclosures for this report.

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**SUBJECT:** *MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD 20 NOVEMBER 2023*

**RESPONSIBLE OFFICER:** *infrastructure Manager – Cameron Clark*

#### **RECOMMENDATION**

That the Minutes of the Cessnock Local Traffic Committee Meeting of 20 November 2023 be adopted as a resolution of the Ordinary Council.

- **TC52/2023** - That Council authorises the temporary regulation of traffic on Paynes Crossing Road, Wollombi for the Wollombi Public Holiday Markets events in accordance with the Various Roads Wollombi \_ Wollombi Markets Traffic Control Plan.
- **TC53/2023** - That Council authorises the temporary regulation of traffic for the Red Hot Summer Tour on Broke Road, McDonalds Road and Wine Country Drive, Pokolbin in accordance with Various Roads Pokolbin \_ Red Hot Summer Tour Traffic Guidance Schemes with the following conditions:
  - Install temporary NO STOPPING zone on McDonalds Road Pokolbin, north of Broke Road for a minimum of 500m to prohibit parking both sides.
  - Relocate 40km/h temporary speed limit signage on McDonalds Road, north of Broke Road to correspond with the NO STOPPING zone and install repeater 40km/h signage at appropriate intervals.
- **TC54/2023** - That Council authorises installation of intersection controls, signage and line marking on Old Buttai Road, Buttai, in accordance with the Old Buttai Road Buttai \_ Signage & Line Marking Diagram with the following amendments:
  - Replace W2-9 (R/L) on approach to the unnamed road with W2-211-13-1n (R) 15km/h & W2-211-13n(L) 15km/h both to be amended to show side road intersection at top of curve, and duplicate both sides of the road.
  - Install W3-2 Give Way Ahead (Symbolic) on eastern leg of Old Buttai Road approximately 150m from intersecting road.
- **TC55/2023** - That Council resolves that, in accordance with the Cessnock Local Traffic Committee Terms of Reference, the 2024 meeting dates for the Cessnock Local Traffic Committee are:
  - 19 February 2024
  - 18 March 2024
  - 15 April 2024
  - 20 May 2024
  - 17 June 2024
  - 15 July 2024
  - 19 August 2024
  - 16 September 2024
  - 21 October 2024
  - 18 November 2024
  - 16 December 2024

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**MINUTES OF LOCAL TRAFFIC COMMITTEE MEETING OF CESSNOCK CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ANTE ROOM ON MONDAY, 20 NOVEMBER 2023**

**OPENING:** The meeting was opened 9:30am

**PRESENT:** Councillor James Hawkins (Chairperson)  
Sergeant Jon Cassidy – NSW Police  
Mr Mark Morrison – Transport for NSW

**IN ATTENDANCE:** Councillor Rosa Grine  
Ms Jules Bosco – Principal Engineer Development Services  
Mr Warren Jeffery – Principal Engineer, Traffic & Transport  
Ms Alison Shelton – Road Safety Officer  
Ms Felicity Pankhurst – Senior Business Support Officer,  
Infrastructure

**APOLOGIES**

Nil

**CONFIRMATION OF MINUTES**

**NOTED** that the Minutes of the Cessnock Local Traffic Committee held on 16 October 2023, as circulated, were previously confirmed as a true and correct record.

**DISCLOSURES OF INTEREST**

Nil

**BUSINESS ARISING FROM PREVIOUS MINUTES**

Nil

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## **LISTED MATTERS**

**SUBJECT:** **PAYNES CROSSING ROAD, WOLLOMBI  
TEMPORARY REGULATION OF TRAFFIC  
WOLLOMBI MARKETS**

**REPORT NO.:** **TC52/2023**

**REFERENCE:** **45/2023/3/1**

**MATTER:** Council has received an application for the temporary regulation of traffic in connection with an existing development consent for the Wollombi Public Holiday Markets, and has assessed the application together with the associated Traffic Management Plan (TMP) and Traffic Control Plans (TCPs).

Approval is sought under Section 116 of the *Roads Act 1993*, to regulate traffic on various roads in Wollombi in connection with this application.

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

- It was confirmed the TCP is similar to that of previous safe and successful events, with some minor improvements where required.
- Councilor Hawkins enquired as to whether the NSW Police had any complaints or concerns about the conduct of the event in previous years.
- The NSW Police and TfNSW representatives confirmed that neither organisation received complaints or reported issues with the prior running of the event.

### **RECOMMENDATION**

**That Council authorises the temporary regulation of traffic on Paynes Crossing Road, Wollombi for the Wollombi Public Holiday Markets events in accordance with the Various Roads Wollombi \_ Wollombi Markets Traffic Control Plan.**

**SUPPORT:** Unanimous

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**SUBJECT:**            **VARIOUS ROADS, POKOLBIN  
TEMPORARY REGULATION OF TRAFFIC  
RED HOT SUMMER TOUR**

**REPORT NO.:**        **TC53/2023**

**REFERENCE:**        **46/2023/10/1**

**MATTER:**            Council has received an application for the temporary regulation of traffic in connection with an existing development consent for the Red Hot Summer Tour, and has assessed the application along with the associated Traffic Management Plan (TMP) and Traffic Control Plans (TCPs).

Approval is sought from Transport for NSW (TfNSW) under Section 116 of the *Roads Act 1993*, to regulate traffic on various roads in Pokolbin, in connection with this event.

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

- It was noted there had been incidents prior where the temporary 40km/h event speed limit signage had not been reverted to the substantive posted speed limit at conclusion of event in accordance with the relevant TCP.
- NSW Police representative advised no reported issues around the last Red Hot Summer Concert, however Rod Stewart Concert at the same venue experienced extensive parking on road reserve and in median strip which created unsafe walkway and narrow driving lanes. It was also noted no lighting was extended down McDonald's Road.
- Councillor Hawkins enquired as to the method used to communicate issues and feedback arising from the conduct of previous events. It was noted that generally event debriefs are required to be held and written reports prepared following all events with DA approvals.
- NSW Police confirm they have not received invitations for such debriefs.
- Recommendation supported with the following imposed conditions of consent:
  - Install NO STOPPING on McDonalds Road, north of Broke Road for a minimum of 500m towards the rear entrance of Hope Estate.
  - Relocate temporary 40km/h speed limit signs on McDonalds Road, North of Broke Road to correspond with the NO STOPPING zone and install temporary repeater 40km/h signage at appropriate intervals.
  - Noting lighting not required once parking restrictions in place.

### **RECOMMENDATION**

**That Council authorises the temporary regulation of traffic for the Red Hot Summer Tour on Broke Road, McDonalds Road and Wine Country Drive, Pokolbin in accordance with Various Roads Pokolbin \_ Red Hot Summer Tour Traffic Guidance Schemes with the following conditions:**



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- **Install temporary NO STOPPING zone on McDonalds Road Pokolbin, north of Broke Road for a minimum of 500m to prohibit parking both sides.**
- **Relocate 40km/h temporary speed limit signage on McDonalds Road, north of Broke Road to correspond with the NO STOPPING zone and install repeater 40km/h signage at appropriate intervals.**

***SUPPORT: Unanimous***

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**SUBJECT:** OLD BUTTAI ROAD, BUTTAI INTERSECTION UPGRADE

**REPORT NO.:** TC54/2023

**REFERENCE:** 110/2022/15/1

**MATTER:** Development consent (8/2019/432/1) has been granted for a Resource Recovery Facility within the existing Buttai Quarry. As a condition of development consent the developer is required to:

- Construct 7m wide sealed pavement on the unsealed sections of Old Buttai Road and the unnamed road for a total distance of approximately 1.95km (1150m of Buttai Road and 800m of the unnamed road), with chainages 1130 to CH1200 becoming 9m wide.
- Construct and gravel road shoulders.
- Place two (2) coat hot bitumen seal on road shoulders.

At its Ordinary Meeting of 20 September 2023, Council considered a Notice of Motion and resolved *“That Council requests the traffic committee review the prioritisation of Old Buttai Road to focus on the primary route of travel to and from the Buttai Quarry, taking on board the feedback from the recent Buttai Quarry Community Consultative Committee meeting.”*

The proposed intersection treatment was previously rejected, when considered by the Local Traffic Committee at its meeting of 18 July 2022 (TC28/2022), due to significant safety concerns.

An alternate intersection treatment proposed by Council was considered by the Local Traffic Committee at its meeting of 15 May 2023 (TC31/2023), however the proposal was not supported by the Developer.

Approval is now sought under Section 116 of the *Roads Act 1993*, for the original proposal to regulate traffic on Old Buttai Road Buttai.

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

- It was noted that the intersection curve alignment is sharper than the curve warning signage W2-9 (R/L) proposed in the technical drawings provided by the developer.
- Accordingly it was recommended that the signage plan be amended with substitute: W2-211-13-1n (R) 15 km per hour and W2-211-13n (L) 15km/h hairpin bend warning/reduce speed signs - amended to show side road intersection at top of the curve.
- Signs to be duplicated (posted on both sides) of Old Buttai Road and intersecting access road.
- Given the rural location and bushland background the TfNSW representative strongly supported the proposed black background treatment on the warning signs.
- The TfNSW representative also confirmed that the proposed intersection warning signage is an appropriate treatment for the substandard intersection and that due to the major costs involved in road realignment, the intersection will likely remain substandard for the foreseeable future, unless there is major development in the area.
- It was determined that given sight distances do not warrant STOP signs, GIVE WAY signs are the most appropriate intersection control.

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- It was noted that Local Traffic Committee approval is not required for the installation of warning signage.
- The installation of W3-2 GIVE WAY AHEAD (symbolic) signage on eastern leg of Old Buttai Road, on approach to the intersection was recommended.
- Council's Principal Engineer for Development Services, will note additions and amendments on the plans, for feedback to the developer.
- Vehicle activated warning signage was considered, however the heavily treed environment would preclude effective solar charging and the quiet rural location, lacking passive surveillance, would likely increase the risk of theft and vandalism.

**RECOMMENDATION**

**That Council authorises installation of intersection controls, signage and line marking on Old Buttai Road, Buttai, in accordance with the Old Buttai Road Buttai \_ Signage & Line Marking Diagram with the following amendments:**

- **Replace W2-9 (R/L) on approach to the unnamed road with W2-211-13-1n (R) 15km/h & W2-211-13n(L) 15km/h both to be amended to show side road intersection at top of curve, and duplicate both sides of the road.**
- **Install W3-2 Give Way Ahead (Symbolic) on eastern leg of Old Buttai Road approximately 150m from intersecting road.**

**SUPPORT: Unanimous**

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**SUBJECT:** CESSNOCK LOCAL TRAFFIC COMMITTEE MEETING SCHEDULE FOR YEAR 2024

**REPORT NO.:** TC55/2023

**REFERENCE:** DOC2017/036065

**MATTER:** In accordance with the Cessnock Local Traffic Committee Terms of Reference, meetings will be conducted as required on the third Monday of the month, subject to preparation of technical reports and recommendations.

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

- Regarding the potential unavailability of a Councillor at the proposed September meeting, (due to the LG election being scheduled for the preceding Saturday), it was noted that the *Guide to the Delegation to Council for the Regulation of Traffic* provides that the Council representative may be a Councillor, or a Council Officer.

**RECOMMENDATION**

That Council resolves that, in accordance with the Cessnock Local Traffic Committee Terms of Reference, the 2024 meeting dates for the Cessnock Local Traffic Committee are:

- 19 February 2024
- 18 March 2024
- 15 April 2024
- 20 May 2024
- 17 June 2024
- 15 July 2024
- 19 August 2024
- 16 September 2024
- 21 October 2024
- 18 November 2024
- 16 December 2024

**SUPPORT:** Unanimous

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**SUBJECT:** JOHN ROSE AVENUE, BRANXTON  
REGULATORY SIGNAGE AND LINE MARKING

**REPORT NO.:** TC56/2023

**REFERENCE:** CRM 18734/2023, CRM 20569/2023 & CRM 22781/2023

**MATTER:** At its meeting of 21 June 2021, the Local Traffic Committee considered the installation of regulatory parking controls as part of upgrade works for the John Rose Avenue, Branxton Oval car park, as part of Council's Branxton Town Centre Program.

The ongoing operation of the bus interchange at the location has identified the need for a number of minor amendments to line marking and regulatory parking to enhance safety at the entry/exit to the park.

**DISCUSSION:** Matter withdrawn pending further investigations.

## **CLOSURE**

*The Meeting Was Declared Closed at 10:18am*

## **ENCLOSURES**

[1](#) Old Buttai Road, Buttai - Signage & Line Marking Diagram