



7 November 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, 15 November 2023 at 6:30pm, for the purposes of transacting the undermentioned business.

**AGENDA:**

PAGE NO.

|             |  |    |
|-------------|--|----|
| <b>(1)</b>  | <b>ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS</b>  |    |
| <b>(2)</b>  | <b>OPENING PRAYER</b>  |    |
| <b>(3)</b>  | <b>RECEIPT OF APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE</b>  |    |
|             | Request for leave of absence for:<br>Councillor Ian Olsen - 11 November 2023 to 27 November 2023 Inclusive   |    |
| <b>(4)</b>  | <b>CONFIRMATION OF MINUTES OF PREVIOUS MEETING</b>   |    |
|             | Minutes of the Ordinary Meeting of Council held on 18 October 2023 .....   | 6  |
| <b>(5)</b>  | <b>DISCLOSURES OF INTEREST</b>   |    |
|             | DI10/2023 Disclosures Of Interest .....  | 31 |
| <b>(6)</b>  | <b>PETITIONS</b>   |    |
| <b>(7)</b>  | <b>PUBLIC ADDRESS</b>  |    |
| <b>(8)</b>  | <b>CONSIDERATION AND ADOPTION OF ALL REPORTS BY ENGLOBO</b>  |    |
| <b>(9)</b>  | <b>NOTICE OF INTENTION TO DEAL WITH MATTERS IN CONFIDENTIAL SESSION</b>  |    |
|             | NI7/2023 Notice of Intention to Deal with Matters in Confidential Session -<br>Report CC71/2023 - Sale of Land for Unpaid Rates and Charges<br>Report GMU9/2023 - Code of Conduct: Consideration of Final<br>Investigation Report and Recommendation of formal Censure -<br>Councillor Olsen ..... | 32 |
| <b>(10)</b> | <b>MAYORAL MINUTES</b>   |    |
|             | MM8/2023 Wine Country 500 - Supercars Bid .....  | 33 |

|             |   |   |     |
|-------------|---|---|-----|
| <b>(11)</b> | <b>MOTIONS OF URGENCY</b>   |   |     |
|             |   | MOU10/2023 Motions of Urgency.....  | 34  |
| <b>(12)</b> | <b>PLANNING AND ENVIRONMENT</b>   |   |     |
|             |   | PE39/2023 DA 8/2021/22318/1 - Alterations and Additions to Existing<br>Cafe comprising an Amenities Building, Pop-up Coffee<br>Stand, Juice Bar, Additional Carparking, Outdoor Lighting<br>and Extended Cafe Trading Hours |     |
|             |   | 701 Lovedale Road, Lovedale .....   | 35  |
|             |   | PE40/2023 Voluntary Planning Agreement - 174 - 178 Lang Street,<br>Kurri Kurri .....  | 38  |
|             | ‡   | PE41/2023 Strategic Planning 2022 - 2023 Annual Monitoring Report.....  | 43  |
| <b>(13)</b> | <b>CORPORATE AND COMMUNITY</b>  |   |     |
|             |   | CC72/2023 Doyle Street Park - Proposed Drainage Easment.....  | 46  |
|             |   | CC73/2023 2024 Ordinary Council Meeting Schedule.....   | 49  |
|             |   | CC74/2023 September 2023 Review of the 2022-26 Delivery Program .....   | 52  |
|             |   | CC75/2023 Quarterly Budget Review Statement - September 2023 .....  | 56  |
|             | ‡   | 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  |
| <b>(14)</b> | <b>WORKS AND INFRASTRUCTURE</b>   |   |     |
|             |   | WI35/2023 Tender T2024-09 Landslide & Remediation Works Package 1<br>– Soil Nails/Rock Bolts .....  | 79  |
|             |   | WI36/2023 Tender Q2024-53 Diversion Channel - South Cessnock<br>Bundwall Tender Evaluation Report .....   | 86  |
|             |   | WI37/2023 Cessnock Waste Management Centre - Landfill Extension.....  | 93  |
|             |   | WI38/2023 Cessnock LGA Traffic and Transport Strategy 2023 - Public<br>Exhibition Approval.....   | 105 |
|             |   | WI39/2023 Minutes of the Community Engagement Awards and Grants<br>Committee held on 18 October 2023 .....  | 113 |
|             |   | WI40/2023 Minutes of the Roads Review Committee Meeting held on 4<br>October 2023.....  | 119 |
|             |   | WI41/2023 Minutes of the Floodplain Risk Management Committee<br>meeting held 13 July 2023.....   | 121 |
| <b>(15)</b> | <b>CORRESPONDENCE</b>   |   |     |
|             | ‡   | CO5/2023 Housing Supply .....   | 125 |
| <b>(16)</b> | <b>COUNCILLORS' REPORTS</b>   |   |     |
| <b>(17)</b> | <b>REPORT OF THE CONFIDENTIAL SESSION OF THE ORDINARY COUNCIL<br/>MEETING ON 15 NOVEMBER 2023</b> |   |     |

‡ - 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***

*In accordance with Council's Code of Meeting Practice, Council Meetings are webcast.*

*The entire chamber including the public gallery is included in the audio recordings and visitors in the gallery who attend Council meetings may have their voice captured and webcast.*

*By attending a Council meeting you consent to your speech or other personal information being captured, recorded and webcast.*

*All those in attendance are advised that any opinions expressed or statements made by individual persons during the course of this meeting are the opinions or statements of those individual persons and are not opinions or statements of Council. Council accepts no liability for any defamatory remarks made during the course of the Council meeting.*

*The recordings of Council Meetings and the official minutes are protected by copyright owned by Council and no part thereof may be copied or recorded or made available to others without the prior written consent of Council.*

*These recordings are not, and shall not, be taken to be an official record of Council or of any meeting or discussion depicted therein. Only the official minutes constitute an official record of the meeting.*

*Confidential Meetings will not be webcast. Audio/visual recordings will be archived by Council for no less than 12 months.*

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 18 OCTOBER 2023, COMMENCING  
AT 6:30PM**

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

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

**LEAVE OF ABSENCE:** Leave of Absence granted to Councillor Jackson from 18 August 2023 to 14 November 2023 inclusive noted.

Leave of Absence granted to Councillor Dunn for the 18 October 2023 meeting noted.

**MINUTES:**

**MOTION**            **Moved:** Councillor Hill  
**Seconded:**        Councillor Sander  
596

**RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 20 September 2023, as circulated, be taken as read and confirmed as a correct record.

| <b>FOR</b>         | <b>AGAINST</b>   |
|--------------------|------------------|
| Councillor Moores  |                  |
| Councillor Burke   |                  |
| Councillor Grine   |                  |
| Councillor Sander  |                  |
| Councillor Hill    |                  |
| Councillor Hawkins |                  |
| Councillor Paynter |                  |
| Councillor Watton  |                  |
| Councillor Olsen   |                  |
| Councillor Jurd    |                  |
| Councillor Suvaal  |                  |
| <b>Total (11)</b>  | <b>Total (0)</b> |

**CARRIED UNANIMOUSLY**

## **DISCLOSURES OF INTEREST**

### **DISCLOSURES OF INTEREST NO. DI9/2023**

**SUBJECT: DISCLOSURES OF INTEREST**

---

#### **RECOMMENDATION**

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

**WI34/2023 – Minutes of the Local Traffic Committee Meeting held 18 September 2023**  
– Councillor Burke declared a Pecuniary Interest for the reason that he is the organiser of the Cessnock Stomp Festival. Councillor Burke advised that he would leave the Chamber and not take part in discussion and voting.



***PETITIONS***

NIL

***ADDRESS BY INVITED SPEAKERS***

NIL

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

**MOTION**                      **Moved:**    Councillor Burke                      **Seconded:**    Councillor Sander  
597

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

|             |   |     |
|-------------|---|-----|
| NI6/2023    | Notice of Intention to Deal with Matters in Confidential Session -<br><br>Report PE38/2023 - Class 1 appeal (2023/00286474) in the NSW Land and Environment Court against the refusal of Development Application No. 8/2021/21939/1 proposing a 327 lot subdivision and residue lot to occur in three (3) phases<br><br>35, 0 and 31 Government Road (Lot 35 DP 1288491, Lot 34 DP 1004648 and Lot 2 DP 1067096), Cessnock..... | 61  |
| GMU8/2023   | Minutes of the Audit and Risk Committee Meeting held 6 September 2023 .....   | 63  |
| PE34/2023   | Reclassification of Lot at Harle Street Post Exhibition Report .....  | 71  |
| PE36/2023   | Visitor Economy Grants and Sponsorship Program 2023/2024 Round 1 Applications .....   | 83  |
| ‡ PE37/2023 | Development Application Performance Monitoring Report - June 2023 .....   | 89  |
| CC64/2023   | Ward Boundaries - Adjustment to Enrolments .....  | 99  |
| CC65/2023   | Adoption of Public Interest Disclosures Policy .....  | 104 |
| CC66/2023   | Privacy Management Plan 2023.....   | 107 |
| ‡ CC67/2023 | Disclosure of Interest in Written Returns .....   | 111 |
| ‡ CC69/2023 | Resolutions Tracking Report .....   | 120 |
| ‡ CC70/2023 | Investment Report - September 2023.....   | 121 |

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

| <b>FOR</b>         | <b>AGAINST</b>   |
|--------------------|------------------|
| Councillor Moores  |                  |
| Councillor Burke   |                  |
| Councillor Grine   |                  |
| Councillor Sander  |                  |
| Councillor Hill    |                  |
| Councillor Hawkins |                  |
| Councillor Paynter |                  |
| Councillor Watton  |                  |
| Councillor Olsen   |                  |
| Councillor Jurd    |                  |
| Councillor Suvaal  |                  |
| <b>Total (11)</b>  | <b>Total (0)</b> |

**CARRIED UNANIMOUSLY**

6.36PM

**Confidential reports (closed session)**

**MOTION**            **Moved:**    Councillor Hill            **Seconded:**    Councillor Grine  
598  
**RESOLVED**

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

| <b>FOR</b>         | <b>AGAINST</b>   |
|--------------------|------------------|
| Councillor Moores  |                  |
| Councillor Burke   |                  |
| Councillor Grine   |                  |
| Councillor Sander  |                  |
| Councillor Hill    |                  |
| Councillor Hawkins |                  |
| Councillor Paynter |                  |
| Councillor Watton  |                  |
| Councillor Olsen   |                  |
| Councillor Jurd    |                  |
| Councillor Suvaal  |                  |
| <b>Total (11)</b>  | <b>Total (0)</b> |

**CARRIED UNANIMOUSLY**

6.58PM

**Open Session**

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

**PLANNING AND ENVIRONMENT NO. PE38/2023**

**SUBJECT: CLASS 1 APPEAL (2023/00286474) IN THE NSW LAND AND ENVIRONMENT COURT AGAINST THE REFUSAL OF DEVELOPMENT APPLICATION NO. 8/2021/21939/1 PROPOSING A 327 LOT SUBDIVISION AND RESIDUE LOT TO OCCUR IN THREE (3) PHASES**

**35, 0 AND 31 GOVERNMENT ROAD (LOT 35 DP 1288491, LOT 34 DP 1004648 AND LOT 2 DP 1067096), CESSNOCK**

*This matter is considered to be confidential under Section 10A(2) (g) of the Local Government Act, as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

**MOTION**            **Moved:**    Councillor Burke            **Seconded:**    Councillor Sander  
599

**RESOLVED**

1.     **That Council notes:**
  - a.    **Receipt of an appeal (Reference No. 2021/00286474), in the NSW Land and Environment Court against the refusal of Development Application No. 8/2021/21939/1.**
  - b.    **The attached prospects of success prepared by Council's solicitors in respect of the appeal (Reference No. 2021/00286474), relating to Development Application No. 8/2021/21939/1.**
2.     **That Council delegates the management of the appeal (Reference No. 2021/00286474), relating to Development Application No. 8/2021/21939/1, to the General Manager, including to defend the appeal and if appropriate, enter into Consent Orders or a Section 34 agreement.**

| <b>FOR</b>         | <b>AGAINST</b>   |
|--------------------|------------------|
| Councillor Moores  |                  |
| Councillor Burke   |                  |
| Councillor Grine   |                  |
| Councillor Sander  |                  |
| Councillor Hill    |                  |
| Councillor Hawkins |                  |
| Councillor Paynter |                  |
| Councillor Watton  |                  |
| Councillor Olsen   |                  |
| Councillor Jurd    |                  |
| Councillor Suvaal  |                  |
| <b>Total (11)</b>  | <b>Total (0)</b> |

**CARRIED UNANIMOUSLY**

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

**NOTICE OF INTENTION NO. NI6/2023**

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

**REPORT PE38/2023 - CLASS 1 APPEAL (2023/00286474) IN THE  
NSW LAND AND ENVIRONMENT COURT AGAINST THE REFUSAL  
OF DEVELOPMENT APPLICATION NO. 8/2021/21939/1 PROPOSING  
A 327 LOT SUBDIVISION AND RESIDUE LOT TO OCCUR IN THREE  
(3) PHASES**

**35, 0 AND 31 GOVERNMENT ROAD (LOT 35 DP 1288491, LOT 34 DP  
1004648 AND LOT 2 DP 1067096), CESSNOCK**

---

**MOTION**            **Moved:**    Councillor Burke            **Seconded:**    Councillor Sander  
600  
**RESOLVED**

1. That Council considers in Confidential Session the following matters in accordance with Sections 10A (2) (g) of the *Local Government Act 1993*:
  - Report PE38/2023 – Class 1 appeal (2023/00286474) in the NSW Land and Environment Court against the refusal of Development Application No. 8/2021/21939/1 proposing a 327 lot subdivision and residue lot to occur in three (3) phases, 35, 0 and 31 Government Road (Lot 35 DP 1288491, Lot 34 DP 1004648 and Lot 2 DP 1067096), Cessnock as the report deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
2. That Council requests the Mayor in accordance with Clause 14.21 of Councils Code of Meeting Practice to report on these matters to the meeting in Open Session following completion of the Confidential Session.

| <b>FOR</b>         | <b>AGAINST</b>   |
|--------------------|------------------|
| Councillor Moores  |                  |
| Councillor Burke   |                  |
| Councillor Grine   |                  |
| Councillor Sander  |                  |
| Councillor Hill    |                  |
| Councillor Hawkins |                  |
| Councillor Paynter |                  |
| Councillor Watton  |                  |
| Councillor Olsen   |                  |
| Councillor Jurd    |                  |
| Councillor Suvaal  |                  |
| <b>Total (11)</b>  | <b>Total (0)</b> |

**CARRIED UNANIMOUSLY**

## **MAYORAL MINUTES**

NIL

### **MOTIONS OF URGENCY**

#### **MOTIONS OF URGENCY NO. MOU9/2023**

**SUBJECT: MOTIONS OF URGENCY**

---

NIL

## **GENERAL MANAGER'S UNIT**

### **GENERAL MANAGER'S UNIT NO. GMU8/2023**

**SUBJECT: MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD 6 SEPTEMBER 2023**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander  
601  
**RESOLVED**

**That the Minutes of the Audit and Risk Committee Meeting held 6 September 2023 be adopted as a resolution of the Ordinary Council.**

| <b>FOR</b>         | <b>AGAINST</b>   |
|--------------------|------------------|
| Councillor Moores  |                  |
| Councillor Burke   |                  |
| Councillor Grine   |                  |
| Councillor Sander  |                  |
| Councillor Hill    |                  |
| Councillor Hawkins |                  |
| Councillor Paynter |                  |
| Councillor Watton  |                  |
| Councillor Olsen   |                  |
| Councillor Jurd    |                  |
| Councillor Suvaal  |                  |
| <b>Total (11)</b>  | <b>Total (0)</b> |

**CARRIED UNANIMOUSLY**

## **PLANNING AND ENVIRONMENT**

### **PLANNING AND ENVIRONMENT NO. PE34/2023**

**SUBJECT: RECLASSIFICATION OF LOT AT HARLE STREET POST EXHIBITION REPORT**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander  
602  
**RESOLVED**

**That Council reclassify Lot 11 Section B DP 4748 (94 Harle Street, Abermain) from Operational Land to Community Land pursuant to Section 33 of the *Local Government Act, 1993*.**

| <b>FOR</b>         | <b>AGAINST</b>   |
|--------------------|------------------|
| Councillor Moores  |                  |
| Councillor Burke   |                  |
| Councillor Grine   |                  |
| Councillor Sander  |                  |
| Councillor Hill    |                  |
| Councillor Hawkins |                  |
| Councillor Paynter |                  |
| Councillor Watton  |                  |
| Councillor Olsen   |                  |
| Councillor Jurd    |                  |
| Councillor Suvaal  |                  |
| <b>Total (11)</b>  | <b>Total (0)</b> |

**CARRIED UNANIMOUSLY**



**PLANNING AND ENVIRONMENT NO. PE35/2023**

**SUBJECT: LOCAL INFRASTRUCTURE CONTRIBUTIONS UPDATE**

---

**MOTION**      **Moved:** Councillor Hill      **Seconded:** Councillor Burke  
603  
**RESOLVED**

**That Council notes the information contained within this report.**

*Councillor Moores left the meeting, the time being 7.13pm*

*Councillor Moores returned to the meeting, the time being 7.19pm*

| <b>FOR</b>         | <b>AGAINST</b>   |
|--------------------|------------------|
| Councillor Moores  |                  |
| Councillor Burke   |                  |
| Councillor Grine   |                  |
| Councillor Sander  |                  |
| Councillor Hill    |                  |
| Councillor Hawkins |                  |
| Councillor Paynter |                  |
| Councillor Watton  |                  |
| Councillor Olsen   |                  |
| Councillor Jurd    |                  |
| Councillor Suvaal  |                  |
| <b>Total (11)</b>  | <b>Total (0)</b> |

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE36/2023**

**SUBJECT: VISITOR ECONOMY GRANTS AND SPONSORSHIP PROGRAM  
2023/2024 ROUND 1 APPLICATIONS**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander  
604  
**RESOLVED**

**That Council endorses the following funding bids to attract events under Round 1 of the 2023/2024 Visitor Economy Grants and Sponsorship Program:**

- 1. 2023 Postie Bike Grand Prix Documentary Sponsorship of \$5,000,**
- 2. 2023 Wine Country Talent Quest Sponsorship of \$1,500,**
- 3. 2024 Wildlife Park Community Day Sponsorship of \$10,000, and**
- 4. 2024 Wavemaker National Conference Sponsorship of \$7,500.**

| <b>FOR</b>         | <b>AGAINST</b>   |
|--------------------|------------------|
| Councillor Moores  |                  |
| Councillor Burke   |                  |
| Councillor Grine   |                  |
| Councillor Sander  |                  |
| Councillor Hill    |                  |
| Councillor Hawkins |                  |
| Councillor Paynter |                  |
| Councillor Watton  |                  |
| Councillor Olsen   |                  |
| Councillor Jurd    |                  |
| Councillor Suvaal  |                  |
| <b>Total (11)</b>  | <b>Total (0)</b> |

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE37/2023**

**SUBJECT: DEVELOPMENT APPLICATION PERFORMANCE MONITORING  
REPORT - JUNE 2023**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander  
605  
**RESOLVED**

**That Council receives and notes the Development Performance Monitoring Report for the financial year to date June quarter 2022/23.**

| <b>FOR</b>         | <b>AGAINST</b>   |
|--------------------|------------------|
| Councillor Moores  |                  |
| Councillor Burke   |                  |
| Councillor Grine   |                  |
| Councillor Sander  |                  |
| Councillor Hill    |                  |
| Councillor Hawkins |                  |
| Councillor Paynter |                  |
| Councillor Watton  |                  |
| Councillor Olsen   |                  |
| Councillor Jurd    |                  |
| Councillor Suvaal  |                  |
| <b>Total (11)</b>  | <b>Total (0)</b> |

**CARRIED UNANIMOUSLY**

## CORPORATE AND COMMUNITY

### CORPORATE AND COMMUNITY NO. CC63/2023

**SUBJECT: PROPOSED DRAINAGE EASEMENT - 16 CRUICKSHANK STREET,  
BELLBIRD HEIGHTS**

---

**MOTION**      **Moved:** Councillor Hill      **Seconded:** Councillor Burke  
606

**RESOLVED**

1. That Council authorises the General Manager to acquire by private agreement an easement in gross to drain water burdening lot 5 in DP 7684. Compensation payable to the affected landowner to be negotiated with reference to an independent market valuation and in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.
2. That in the event the negotiations with the property owner cannot be satisfactorily finalised, Council make application to the Office of Local Government for the approval of the Minister and the Governor to proceed to compulsory acquisition.
3. That Council authorise the General Manager to execute all documents relating to the acquisition and/or documents relating to any application to the Office of Local Government for the approval of the Minister and the Governor for compulsory acquisition if required.

| FOR                | AGAINST          |
|--------------------|------------------|
| Councillor Moores  |                  |
| Councillor Burke   |                  |
| Councillor Grine   |                  |
| Councillor Sander  |                  |
| Councillor Hill    |                  |
| Councillor Hawkins |                  |
| Councillor Paynter |                  |
| Councillor Watton  |                  |
| Councillor Olsen   |                  |
| Councillor Jurd    |                  |
| Councillor Suvaal  |                  |
| <b>Total (11)</b>  | <b>Total (0)</b> |

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC64/2023**

**SUBJECT: WARD BOUNDARIES - ADJUSTMENT TO ENROLMENTS**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander  
607  
**RESOLVED**

1. That Council determines the ward boundary adjustments, as set out at Table 2.
2. That Council notes that the NSW Electoral Commission will be advised of the ward boundary adjustments for implementation for the 2024 election.

| <b>FOR</b>         | <b>AGAINST</b>   |
|--------------------|------------------|
| Councillor Moores  |                  |
| Councillor Burke   |                  |
| Councillor Grine   |                  |
| Councillor Sander  |                  |
| Councillor Hill    |                  |
| Councillor Hawkins |                  |
| Councillor Paynter |                  |
| Councillor Watton  |                  |
| Councillor Olsen   |                  |
| Councillor Jurd    |                  |
| Councillor Suvaal  |                  |
| <b>Total (11)</b>  | <b>Total (0)</b> |

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC65/2023**

**SUBJECT: ADOPTION OF PUBLIC INTEREST DISCLOSURES POLICY**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander  
608  
**RESOLVED**

**That Council adopt the Public Interest Disclosures Policy 2023, and rescinds the Internal Reporting – Public Interest Disclosures Policy 2019.**

| <b>FOR</b>         | <b>AGAINST</b>   |
|--------------------|------------------|
| Councillor Moores  |                  |
| Councillor Burke   |                  |
| Councillor Grine   |                  |
| Councillor Sander  |                  |
| Councillor Hill    |                  |
| Councillor Hawkins |                  |
| Councillor Paynter |                  |
| Councillor Watton  |                  |
| Councillor Olsen   |                  |
| Councillor Jurd    |                  |
| Councillor Suvaal  |                  |
| <b>Total (11)</b>  | <b>Total (0)</b> |

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC66/2023**

**SUBJECT: PRIVACY MANAGEMENT PLAN 2023**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander  
609  
**RESOLVED**

1. That Council places the revised Privacy Management Plan 2023 on public exhibition for a period of 28 calendar days.
2. That Council adopts the revised Privacy Management Plan 2023 the day after the public exhibition period concludes, if no unresolved submissions are received.
3. That Council rescinds the version adopted on 18 January 2023 from the date the revised Privacy Management Plan 2023 is adopted.

| <b>FOR</b>         | <b>AGAINST</b>   |
|--------------------|------------------|
| Councillor Moores  |                  |
| Councillor Burke   |                  |
| Councillor Grine   |                  |
| Councillor Sander  |                  |
| Councillor Hill    |                  |
| Councillor Hawkins |                  |
| Councillor Paynter |                  |
| Councillor Watton  |                  |
| Councillor Olsen   |                  |
| Councillor Jurd    |                  |
| Councillor Suvaal  |                  |
| <b>Total (11)</b>  | <b>Total (0)</b> |

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC67/2023**

**SUBJECT: DISCLOSURE OF INTEREST IN WRITTEN RETURNS**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander  
610  
**RESOLVED**

**That Council notes the tabling of the annual disclosures of interests in written returns the period of 1 July 2022 – 30 June 2023 by the General Manager, in accordance with Council's Code of Conduct.**

| <b>FOR</b>         | <b>AGAINST</b>   |
|--------------------|------------------|
| Councillor Moores  |                  |
| Councillor Burke   |                  |
| Councillor Grine   |                  |
| Councillor Sander  |                  |
| Councillor Hill    |                  |
| Councillor Hawkins |                  |
| Councillor Paynter |                  |
| Councillor Watton  |                  |
| Councillor Olsen   |                  |
| Councillor Jurd    |                  |
| Councillor Suvaal  |                  |
| <b>Total (11)</b>  | <b>Total (0)</b> |

**CARRIED UNANIMOUSLY**



**CORPORATE AND COMMUNITY NO. CC68/2023**

**SUBJECT: TENDER - T372324HUN SUPPLY AND DELIVERY ROAD BASE MATERIALS**

---

**MOTION**      **Moved:** Councillor Hill      **Seconded:** Councillor Sander  
611  
**RESOLVED**

1. That Council reject the Regional Procurement Tender T372324HUN Road Base Material as the two suppliers nominated by the Regional Procurement tender will not support the operational requirements of Council.
2. That Council delegate the General Manager, as per section 7 clause 178(e) of the *Local Government (General) Regulations 2021*, to negotiate with any person, whether or not the person was a tenderer, with a view to entering into a contract for the required materials.

| <b>FOR</b>         | <b>AGAINST</b>   |
|--------------------|------------------|
| Councillor Moores  | Councillor Olsen |
| Councillor Burke   | Councillor Jurd  |
| Councillor Grine   |                  |
| Councillor Sander  |                  |
| Councillor Hill    |                  |
| Councillor Hawkins |                  |
| Councillor Paynter |                  |
| Councillor Watton  |                  |
| Councillor Suvaal  |                  |
| <b>Total (9)</b>   | <b>Total (2)</b> |

**CARRIED**

**CORPORATE AND COMMUNITY NO. CC69/2023**

**SUBJECT: RESOLUTIONS TRACKING REPORT**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander  
612  
**RESOLVED**

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

| <b>FOR</b>         | <b>AGAINST</b>   |
|--------------------|------------------|
| Councillor Moores  |                  |
| Councillor Burke   |                  |
| Councillor Grine   |                  |
| Councillor Sander  |                  |
| Councillor Hill    |                  |
| Councillor Hawkins |                  |
| Councillor Paynter |                  |
| Councillor Watton  |                  |
| Councillor Olsen   |                  |
| Councillor Jurd    |                  |
| Councillor Suvaal  |                  |
| <b>Total (11)</b>  | <b>Total (0)</b> |

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC70/2023**

**SUBJECT: INVESTMENT REPORT - SEPTEMBER 2023**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander  
613  
**RESOLVED**

**That Council receives the Investment Report for September 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 \$74,054,683.**

| <b>FOR</b>         | <b>AGAINST</b>   |
|--------------------|------------------|
| Councillor Moores  |                  |
| Councillor Burke   |                  |
| Councillor Grine   |                  |
| Councillor Sander  |                  |
| Councillor Hill    |                  |
| Councillor Hawkins |                  |
| Councillor Paynter |                  |
| Councillor Watton  |                  |
| Councillor Olsen   |                  |
| Councillor Jurd    |                  |
| Councillor Suvaal  |                  |
| <b>Total (11)</b>  | <b>Total (0)</b> |

**CARRIED UNANIMOUSLY**

## **WORKS AND INFRASTRUCTURE**

### **WORKS AND INFRASTRUCTURE NO. WI33/2023**

**SUBJECT: LGA WIDE COAL MINING HERITAGE STUDY**

---

**MOTION**      **Moved:** Councillor Hill      **Seconded:** Councillor Grine  
614  
**RESOLVED**

That Council endorse the completion of a study into the Coal Mining Heritage of the LGA with the purpose of completing due diligence around opportunities to recognise locally significant coal mining heritage in and around infrastructure and open space projects and allocate the recommended budget from existing works Operational Budget and that in the absence of existing funding sources, the project be considered for inclusion in the 24/25 Operational Plan.

| <b>FOR</b>         | <b>AGAINST</b>   |
|--------------------|------------------|
| Councillor Moores  |                  |
| Councillor Burke   |                  |
| Councillor Grine   |                  |
| Councillor Sander  |                  |
| Councillor Hill    |                  |
| Councillor Hawkins |                  |
| Councillor Paynter |                  |
| Councillor Watton  |                  |
| Councillor Olsen   |                  |
| Councillor Jurd    |                  |
| Councillor Suvaal  |                  |
| <b>Total (11)</b>  | <b>Total (0)</b> |

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI34/2023**

**SUBJECT: MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD 18 SEPTEMBER 2023**

---

*Councillor Burke declared a Pecuniary Interest for the reason that he is the organiser of the Cessnock Stomp Festival. Councillor Burke left the Chamber and took no part in discussion and voting.*

*Councillor Burke left the meeting, the time being 7.33pm*

**MOTION**            **Moved:**    Councillor Hawkins            **Seconded:**    Councillor Sander  
615  
**RESOLVED**

**That the Minutes of the Cessnock Local Traffic Committee Meeting of 18 September 2023 be adopted as a resolution of the Ordinary Council.**

- **TC47/2023 - That Council authorises the temporary regulation of traffic on Wollombi Road, Vincent Street, Edward Street, Cooper Street and Charlton Street, Cessnock for the Stomp Festival in accordance with Various Roads Cessnock CBD \_ Stomp Festival TCP's.**
- **TC48/2023 - That Council authorises the temporary regulation of traffic on Broke Road, McDonalds Road, Gillards Road, Halls Road and Wine Country Drive, Pokolbin for the Grapevine Gathering in accordance with Various Roads Pokolbin \_ Grapevine Gathering TGS.**
- **TC49/2023 - That Council notes that the General Manager, under sub-delegation from Council, authorises the installation of regulatory signage and line marking on Vintage Drive Pokolbin, in accordance with the Vintage Drive Pokolbin \_ Signage & Line Marking Diagram.**

| <b>FOR</b>         | <b>AGAINST</b>   |
|--------------------|------------------|
| Councillor Moores  |                  |
| Councillor Grine   |                  |
| Councillor Sander  |                  |
| Councillor Hill    |                  |
| Councillor Hawkins |                  |
| Councillor Paynter |                  |
| Councillor Watton  |                  |
| Councillor Olsen   |                  |
| Councillor Jurd    |                  |
| Councillor Suvaal  |                  |
| <b>Total (10)</b>  | <b>Total (0)</b> |

**CARRIED UNANIMOUSLY**

*Councillor Burke returned to the meeting, the time being 7.33pm*

# COUNCILLORS REPORTS

Mayor Suvaal

## Director Planning and Environment

The Mayor advised that this was the last meeting for the Director of Environment and Planning, Mr Peter Mickleson and thanked him on behalf of Council and residents for his commitment to the area and his support and wished him all the best for his future endeavours.

*The Meeting Was Declared Closed at 7.34pm*

**CONFIRMED AND SIGNED** at the meeting held on 15 November 2023

.....CHAIRPERSON

.....GENERAL MANAGER

Disclosures Of Interest

Report No. DI10/2023

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. NI7/2023

Corporate and Community Services



**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***

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

**RECOMMENDATION**

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.

**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. MM8/2023

General Manager's Unit



**MAYORAL MINUTE No. MM8/2023**

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

**RECOMMENDATION**

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

**REPORT/PROPOSAL**

It was very disappointing that the Newcastle 500 might be lost to the Hunter region when the City of Newcastle Council announced that the contract could not be renewed for the Newcastle street race, Supercars 500.

Despite the 2024 Newcastle 500 being cancelled, the regions motorsport community seem keen to keep the Supercars in the Hunter and are looking for an alternative option.

The New South Wales Government secured this event, emphasising their commitment to major motorsport events and the visitor economy of regional New South Wales. The Hunter region has somewhat of a Supercars heartland demographic with many community members travelling to the Newcastle 500 and Bathurst 1000 events.

Hunter Valley Wine Country is a world class tourism destination with accommodation available to service the event, and additionally with Cessnock being the home of the 1986 and 1990 Bathurst 1000 winner and touring cars legend Allan Grice "Gricey" it seems a valid option that our LGA should put forward its interest in having discussions about hosting a Supercars 500 event.

Currently the Bathurst 500 is replacing the Newcastle 500 in 2024, with ongoing discussions about future events underway now, and with community momentum building and the City of Newcastle Council voting to support Cessnock City Council's effort to retain Supercars in the Hunter with a proposed *Wine Country 500*, Cessnock City Council should take advantage of this momentum and seek to formally start discussions with the Minister for Jobs and Tourism, Destinations NSW and Supercars for a Supercars 500 event in Cessnock LGA.

**ENCLOSURES**

There are no enclosures for this report

Motions of Urgency

Report No. MOU10/2023

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.



**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*

**RESPONSIBLE OFFICER:** *Acting Development Services Manager - Sue Page*

|                              |  |
|------------------------------|--|
| <b>APPLICATION NUMBER:</b>   | 8/2021/22318/1   |
| <b>PROPOSAL:</b>             | 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 |
| <b>PROPERTY DESCRIPTION:</b> | Lot 81, DP 831654  |
| <b>PROPERTY ADDRESS:</b>     | 701 Lovedale Road, Lovedale  |
| <b>ZONE:</b>                 | RU4 Primary Production Small Lots  |
| <b>OWNER:</b>                | Greemanns Pty Ltd  |
| <b>APPLICANT:</b>            | Gartlemann Wines C/- Complete Planning Solutions   |

**RECOMMENDATION**

1. That:
  - (i) 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 refused pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, for the reasons contained in this report.
  - (ii) The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:
    - a. The proposal fails to satisfy the following provisions of the *Cessnock Local Environmental Plan 2011* (pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*):
      - I. The objectives of the RU4 Primary Production Small Lots Zone, in that the development will not be compatible with surrounding land uses, nor consistent with the character

of the locality and will result in land use conflict with adjoining rural-residential land uses.

b. The proposal fails to satisfy the following provisions of the Cessnock Development Control Plan 2010 (pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*):

I. Chapter C.4 (Land Use Conflict and Buffer Zones) in that the proposal is likely to result in land use conflict with surrounding rural and residential land uses as a result of noise and lighting impacts.

II. Chapter E.3 (Vineyards District) in that the proposal does not comply with side boundary setbacks, will generate an unacceptable level of noise and lighting impacts on adjoining properties and result in land use conflict.

c. Insufficient information has been provided to determine the likely impacts of the development on surrounding properties in relation to noise and lighting (pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*).

d. The subject site is not considered suitable for the development in relation to the likely amenity impacts on adjoining properties (pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*).

e. The proposal is not considered to be in the public interest (pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*).

(iii) In considering community views, the following is relevant:

- The development, as proposed, is not suitable for the site.
- The development, as proposed, is not compatible with the character of the surrounding rural environment.
- Insufficient information has been provided in relation to amenity impacts in relation to noise and lighting, therefore it is not possible to determine the likely impacts of the development on the amenity of the surrounding neighbourhood.

(iv) The details contained above be publicly notified pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*.

2. That Council notify in writing the persons who made a submission with regard to the proposed development, of Council's decision.

## REASON FOR REPORT

Development Application No. 8/2021/22318/1 is being referred to Council for determination because:

- it has been called-up by three (3) Councillors,
- it proposes a significant variation to numerical standards contained in the Cessnock Development Control Plan 2010.

## EXECUTIVE SUMMARY

Council is in receipt of Development Application No. 8/2022/22318/1 seeking approval for 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 701 Lovedale Road, Lovedale.

The Development Application has been assessed against the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulations 2021*, relevant Environmental Planning Instruments and Council policies.

The Development Application was publicly exhibited and three (3) submissions were received from three (3) households, representing 42.8% of the notified properties. The issues and concerns raised in these submissions are addressed in the enclosed assessment report.

The applicant has not provided sufficient and adequate information to properly assess the likely impacts of the development in relation to amenity impacts associated with noise and lighting on adjoining properties; as such, it is considered that the site is unsuitable for the development and is not in keeping with the rural character of the locality.

A detailed assessment of the Development Application has been undertaken and is attached to this report as Enclosure 2.

Based on the assessment, it is recommended that the Development Application be refused, subject to the reasons included in this report.

## ENCLOSURES

- 1 ⇨ Development Plans
- 2 ⇨ Planning Assessment Report
- 3 Public Submissions - *This matter is considered to be confidential under Section 10A(2) (j) of the Local Government Act, as it deals with Council Policy. (as it contains personal information of those who made a submission )*

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

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

### **SUMMARY**

Council has received a Voluntary Planning Agreement Offer ('VPA Offer') from the owner of Lot 136 DP 869710, known as 178 Lang Street Kurri Kurri ('the Land'). The land contains *Kingsway Plaza*. The VPA Offer sets out general terms, which are proposed to be incorporated in a Draft VPA. The "Terms" relate to the proposed realignment and reconstruction of the public laneway adjoining the land and connecting Barton Street to Victoria Street in Kurri Kurri. The realignment and reconstruction of the public laneway will enable the redevelopment of the land.

The purpose of this report is to seek Council's 'In Principal' agreement to the land owner's VPA Offer, dated 29 September 2023, (see **Enclosure 1**).

### **RECOMMENDATION**

**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).**

### **BACKGROUND**

On 19 October 2022, Council considered Report WI65/2022. The Report relates to an application from the owner of the land to realign the public laneway. Council resolved to enter into negotiations to sell part of the public laneway to the owner of the land, close that part of the road and realign the laneway, if necessary. The laneway sale, closure and realignment was to enable redevelopment of the land. "On 19 October 2022, Council resolved:

1. That Council authorise the Common Seal of Cessnock City Council to be affixed to the Land Owners Consent letter;
2. That Council authorise the Mayor and the General Manager to execute the Plan of Road re-alignment if required;
3. That following the determination of the proposed DA and associated consent conditions relating to the proposed closed road and the land vesting in Council, Council grant to the General Manager delegated authority to negotiate the sale (based on an independent valuation) by private treaty with the adjoining landowner."

On 21 February 2023, the land owner lodged a Development Application with Council (DA/8/2023/64) in respect of the Land. The development application is currently being assessed by Council staff. The relevant Consent Authority for the development application is the Hunter and Central Coast Regional Planning Panel.

Planning and Environment

Report No. PE40/2023

Planning and Environment



On 6 September 2023, Council received a VPA Offer from the owner of the land relating to the realignment, part closure, construction and dedication of a new public laneway. The Terms of this VPA Offer were not accepted by Council staff. This was primarily due to the land owner's request for the works to be considered in lieu of Section 7.12 Development Contributions, and for a portion of the cost of the road works to be borne by Council.

**REPORT/PROPOSAL**

A new VPA Offer was received by Council staff on 3 October 2023 and is dated 29 September 2023 (see **Enclosure 1**). The new VPA Offer rescinds the landowner's original request for certain works to be carried out in lieu of Section 7.12 Development Contributions. The new VPA Offer also acknowledges that the land owner is responsible for the cost to upgrade the full length of the public laneway, between Barton Street and Victoria Street.

Under the terms of the VPA Offer dated 29 September 2023, Council is to transfer to the owner of the land part of the existing public laneway bisecting Lot 136 at no cost, in exchange for a new public laneway to be constructed by the developer between Barton Street and Victoria Street. The existing public laneway will not be closed until such time as the new laneway has been built and dedicated to Council.

The Terms of the VPA Offer dated 29 September 2023 are summarised as follows and are supported by Council staff.

- The Land Owner proposes to construct and dedicate a new public laneway (647m<sup>2</sup>) within Lot 136 at the developer's cost, as set out in white in the map below and subject to Council approval.
- The Land Owner proposes to upgrade the existing public laneway to Victoria Street in accordance with plans approved by Council at the developer's cost, as set out in light grey in the map below.
- The Land Owner proposes to acquire part of the existing public laneway from Council for no consideration and apply to Council to close this section of road, as set out in dark grey in the map below.
- The Land Owner proposes to pay Council's reasonable legal fees in relation to Council's costs associated with the road closure.
- On completion of the new public laneway, the Land Owner will transfer and dedicate the new laneway to Council.
- The closure of the existing public laneway will not take place until the dedication and completion of the new public laneway occurs.
- The Land Owner will consolidate the existing public laneway to their current land once transferred to the Land Owner at no cost to Council.
- The Land Owner proposes to carry out public domain works on Barton Street in accordance with plans approved by Council and aligns with Council's Kurri Kurri Commercial Centre Masterplan.
- The Land Owner also acknowledges that s7.12 Development Contributions will be levied on any future development approval relating to the land.

To initiate the public laneway realignment and land swap, the land owner is required to lodge a Road Closure Application with Council to close that part of the public laneway that bisects 178 Lang Street Kurri Kurri, noting that the Road Closure Application cannot be finalised until such time as the laneway realignment and construction is complete.

The land owner lodged a Road Closure Application with Council on 9 October 2023. The Application is anticipated to progress concurrently with the Development Application and VPA, and will be reported to Council separately and in accordance with the *Roads Act 1993*.

It is recommended that Council provide it's 'In Principal agreement' to the land owner's VPA Offer, dated 29 September 2023, as provided at **Enclosure 1**.



The proposed VPA will not preclude Council levying Section 7.12 Development Contributions in relation to the proposed redevelopment of the land. Development contributions levied under Council's Section 7.12 Levy Contribution Plan will be utilised in accordance with the Works Schedule appended to the Plan.

It is anticipated that the VPA will be prepared by the land owner's legal representatives and reviewed by Council staff and their legal representatives. When this occurs, a further Council report will be required, in conjunction with the DA assessment report, to commence public exhibition.

### OPTIONS

1. Council resolve to support the recommendations of this report and prepare a Draft Voluntary Planning Agreement in accordance with the terms of the land owner's Offer dated 29 September 2023 in consultation with Council appointed Solicitors. **This is the recommended option.**
2. Negotiate further amendments to the terms of the land owner's offer dated 29 September 2023. This option is not recommended.



**Planning and Environment**

**Report No. PE40/2023**

**Planning and Environment**



3. Not adopt the recommendation and take no further action. This will likely result in Development Application 8/2023/64 not being approved.

**CONSULTATION**

Internal consultation has occurred with Development Services, Works and Infrastructure, Property and Local Infrastructure Contributions Steering Group Committee.

**STRATEGIC LINKS**

**a. Delivery Program**

The proposed Voluntary Planning Agreement will contribute toward desired outcomes of the Community Strategic Plan and Delivery Programs aligning with the following objectives of the Cessnock 2036 Community Strategic Plan:

- 1.1 Promoting social connections and wellbeing;
- 1.2 Strengthening community culture;
- 2.1 Diversifying and growing our economy
- 2.2 Achieving more sustainable employment opportunities;
- 4.2 Improving the road network;
- 5.2 Encouraging more community participation in decision making; and
- 5.3 Ensuring Council is accountable and responsive to the community

**b. Other Plans**

The proposed Voluntary Planning Agreement will help Council realise some of the objectives of the Kurri Kurri Commercial Centre Masterplan.

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Council and the land owner will need to ensure that Council's Planning Agreement Policy and NSW Department of Planning, Industry and Environment Practice Note published in February 2021 are followed. Council is aware of their obligations under these policies.

**b. Financial Implications**

There will be no financial implications to Council as the developer has undertaken to complete all works and Council's costs will be borne by the developer.

**c. Legislative Implications**

The Voluntary Planning Agreement will be prepared with regard to the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulations 2000*.



**d. Risk Implications**

If the works proposed under the VPA, such as the roadway opening, closing and dedication are not supported, it may prevent the site from being developed in accordance with the adopted Kurri Kurri Commercial Centre Masterplan.

**e. Environmental Implications**

The outcomes of agreeing to the proposed letter of offer will have minimal environmental impacts. The community, and owners adjoining the laneway, will have the opportunity to comment on the VPA if it is supported and progresses to public exhibition. Any physical closure of the road, required during the construction works for development application 8/2023/64/1, will be managed in consultation with the adjoining owners.

**f. Other Implications**

If an agreement for the VPA is not reached, it may prevent the subject site being developed for the supermarket proposed under development application 8/2023/64/1. The proposed development will provide an additional supermarket in the locality, improvements to the existing site which is in disrepair, connectivity to Lang Street, and employment opportunities, all of which will benefit the community.


**CONCLUSION**

The land owner's offer provides for the land owner and Council to enter into a Voluntary Planning Agreement in accordance with the terms set out in the offer.

The land owner has agreed to provide a new laneway and upgrade an existing laneway in exchange for 459 m<sup>2</sup> laneway. All costs associated will be borne by the land owner. The land owner will also contribute \$7.12 costs which will be subsequently be able to be utilised in accordance with the Kurri Kurri Commercial Centre Masterplan.

Council staff have assessed the offer and after extensive negotiations believe it will result in a greater public benefit to the community. The proposed land swap and upgrade of the existing public laneway, at the developer's expense, results in a new public laneway which will provide greater connectivity for the community. There will also be non financial benefits which results from the draft Planning Agreement and that will be the economic benefit of the proposed development, employment opportunities for the community, improvement of the existing road network, upgrades to Barton Street and a \$7.12 contribution which can contribute the upgrade of Kurri Kurri Commercial Centre Masterplan.

**ENCLOSURES**

- 1  VPA - Letter of Offer

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

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

### **SUMMARY**

This report presents the Strategic Planning Annual Monitoring Report (AMR) to Council. The AMR provides an overview of residential development activity, employment development activity, land supply and progress of key planning strategies for the 2022-2023 financial year.

### **RECOMMENDATION**

**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.**

### **BACKGROUND**

The Cessnock Local Strategic Planning Statement 2036, the Cessnock Urban Growth Management Plan (UGMP) and Housing Strategy contain an action for Council to prepare an annual monitoring report. It is anticipated that these plans will be reviewed every 5 years. Within that 5 year period, the AMR provides a means to track progress on actions and report on any significant changes on an annual basis. This allows Council to respond in a timely manner to any significant change within the 5 year review period.

### **REPORT/PROPOSAL**

The purpose of the AMR is to:

- Outline the progress of actions in key planning strategies
- Report on land supply and demand
- Report on residential development approval figures
- Report on employment development approval figures
- Inform when the 15-year supply threshold for each lifestyle category in the UGMP is reached
- Provide an update for the development industry.

The AMR (**Enclosure 1**) contains an update on:

1. Population growth
2. Supply of Commercial and Industrial Land
3. Residential Development Application approvals
4. Where growth is occurring
5. Progress of the Urban Release Areas
6. Progress of actions in the Local Strategic Planning Statement
7. Progress of Centers Public Domain Plans
8. Progress of actions in the Housing Strategy
9. Progress of the UGMP, including the supply for the 3 lifestyle categories.
10. Progress of actions in other adopted Council strategies and plans.

**Planning and Environment**

**Report No. PE41/2023**

**Planning and Environment**



The data in the AMR is for the 2022-2023 financial year. The AMR is updated and reported to Council annually following the end of each financial year.

***OPTIONS***

Nil

***CONSULTATION***

The purpose of the AMR is to report to Council, the development industry and the community on the status of key strategic planning items and data. It is not intended to publicly exhibit the AMR and seek feedback. However, once considered by Council the AMR will be placed on Councils Website for interested parties to access. The population growth and land supply data will be use to forward plan future urban and employment areas.

***STRATEGIC LINKS***

**a. Delivery Program**

Preparing an AMR is consistent with the Cessnock Community Strategic Plan 2036, particularly the following objectives:

- 2.1.3 We have adequate industrial and employment lands and thriving commercial precincts
- 5.2.1 We are informed about our community

**b. Other Plans**

The AMR reports on the status of actions in the Local Strategic Planning Statement, Centres Masterplans, UGMP, Housing Strategy and other adopted Council strategies and plans.

***IMPLICATIONS***

**a. Policy and Procedural Implications**

Nil

**b. Financial Implications**

Nil

**c. Legislative Implications**

Nil

**d. Risk Implications**

It is important for Council to regularly monitor the uptake of land and development trends to ensure that land supply and planning controls reflect the needs to the community and the development industry. The AMR will allow Council to ensure planning controls and land supply are responsive to changes in our community.

Planning and Environment

Report No. PE41/2023

Planning and Environment

---



**e. Environmental Implications**

Nil

**f. Other Implications**

Nil

**CONCLUSION**

The AMR provides an update for Council, the development industry and the community on land supply and uptake, development activity and progress of actions contained in key strategic planning documents.

**ENCLOSURES**

[1](#) 2022 - 2023 Annual Monitoring Report

Corporate and Community

Report No. CC72/2023

Corporate and Community Services



**SUBJECT:** *DOYLE STREET PARK - PROPOSED DRAINAGE EASEMENT*  
**RESPONSIBLE OFFICER:** *Chief Finance Officer - Matthew Plumridge*

### **SUMMARY**

The purpose of this report is to obtain the authority of Council to grant an easement for drainage purposes benefiting Lot 14 DP4966 - 272 Maitland Road Cessnock and burdening Council owned land Lot 1 DP397021 and Lot 6 DP116107 - Doyle Street Park 2 - 4 Doyle Street Cessnock.

### **RECOMMENDATION**

- 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.**

### **BACKGROUND**

An easement request has been received from surveyors Parker Scanlon Pty Ltd on behalf of a client seeking approval for a dual occupancy development at 272 Maitland Road Cessnock. Development Services have determined the DA under delegation with a deferred commencement condition pending creation of an easement to drain storm water servicing the rear portion of the proposed development. The applicant proposes to acquire an easement to drain water burdening Council-owned Doyle Street Park.

Doyle Street Park is Council owned community land and strategic management of the park is outlined in the Generic Parks Plan of Management. Lot 139 DP 755231 is part of reserve 35257 for drainage purposes. A storm water channel is constructed on the land.

### **REPORT/PROPOSAL**

The land to benefit from the drainage easement is 272 Maitland Road Cessnock which adjoins Doyle Street Park at the rear and it has been determined an easement to drain storm water is required following development approval. Council's Development Engineer has determined there are no alternative options for draining storm water from the rear dwelling other than into the park due to the slope of the development site.

Corporate and Community

Report No. CC72/2023

Corporate and Community Services



The Development Control Plan (DCP) does not support charged, infiltration or pump systems and each lot must gravity drain storm water to a legal point of discharge to comply with engineering guidelines. The DCP would not permit charging (pumping) storm water to discharge points located in the roadway fronting the site. A plan of the proposed pipeline provided by the applicant is enclosed for Council's information (**Enclosure 1**).

In accordance with s46 of the *Local Government Act 1993* (the Act), Council may grant an estate in respect of community land for the purposes of providing pipes under the surface of the ground for the connection of premises adjoining the community land to a facility of the Council or other public utility providers. As the stormwater is required to be piped underground from the benefiting property to the storm water channel, there will be minimal impact on the land. Payment of compensation for granted property rights, construction and restoration of disturbed land will be regulated by the terms and conditions of a binding Deed of Agreement (**confidential Enclosure 2**).

All costs associated with the creation of the easement, construction and ongoing maintenance of the pipeline shall be the responsibility of the benefiting property owner/s.

### **CONSULTATION**

Chief Financial Officer  
Principal Recreation Planner  
Senior Development Engineer

### **STRATEGIC LINKS**

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

This report is linked to Council's Operational Plan "Accessible Infrastructure Services and Facilities, specifically flooding and drainage" and "Civic Leadership and Effective Governance in respect to compliance with legislation"

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

Nil

### **IMPLICATIONS**

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

Nil

#### **b. Financial Implications**

The recommendation in this report has a positive impact on Council's budget with the benefiting property owner paying compensation for granted property rights and responsibility for all costs associated with the easement and pipeline.

#### **c. Legislative Implications**

Section 377 (1) (h) of the Act stipulates that sale of public land, including an interest or estate in land, cannot be delegated requiring a resolution of Council to authorise the transaction.

Corporate and Community

Report No. CC72/2023

Corporate and Community Services



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

**d. Risk Implications**

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

**e. Environmental Implications**

Nil

**f. Other Implications**

Nil

**CONCLUSION**

Council has the power to grant an easement over Council community land to connect to the stormwater channel in accordance with s46 of the Act. A current market valuation was obtained by the benefiting owner and reviewed by Council Officers for the purpose of negotiating compensation payable. Granting the easement will have minimal impact on the land and provides a financial benefit to the Council.

**ENCLOSURES**

- 1 ⇨ Enclosure 1 - Doyle Street Park Easement Plan
- 2 ⇨ Enclosure 2 - Doyle Street Park Deed of Agreement - *This matter is considered to be confidential under Section 10A(2) (j) of the Local Government Act, as it deals with Council Policy. (as the Deed contains personal information of the property owner. )*



**SUBJECT:** *2024 ORDINARY COUNCIL MEETING SCHEDULE*  
**AUTHOR:** *Chief Finance Officer - Matthew Plumridge*

### **SUMMARY**

This report outlines the proposed 2024 schedule of Ordinary Meetings of Council, in accordance with Council's Code of Meeting Practice.

### **RECOMMENDATION**

1. That Council adopts the schedule of Ordinary Meetings of Council for 2024:

|                         |                        |                         |
|-------------------------|------------------------|-------------------------|
| <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> |                        |                         |

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.

### **BACKGROUND**

Council needs to adopt a meeting cycle before the first Council meeting of each calendar year. Council is statutorily required to meet a minimum of 10 times per year, each time in a different month.

In accordance with Council's Code of Meeting Practice (COMP) meetings are normally scheduled on the third Wednesday of each month commencing at 6:30pm, with the exception that there is no scheduled meeting in January.

### **REPORT**

This report recommends continuing the current monthly meeting schedule in 2024. Should there be urgent business arising outside of any scheduled meetings, and the business is outside the delegations of the Mayor and General Manager, an Extraordinary Council Meeting may be called.

To assist Councillors in management of the monthly meeting cycle the agenda will normally be distributed to Councillors and the public on the Wednesday the week prior to the meeting. However, in exceptional circumstances this may revert to the Friday which is the minimum prescribed period for notification. Additionally, a Councillor agenda review with the Executive is held on the Wednesday prior to scheduled Ordinary meetings.

**Corporate and Community**

**Report No. CC73/2023**

**Corporate and Community Services**



Local government elections are scheduled to be held on 14 September 2024. Council will enter a caretaker period prior to the election and the Councillor term (excluding the Mayor) concludes on 13 September 2024, being the day before the elections. A number of procedural reports must also be adopted at the first meeting of the new Council and an Extraordinary meeting of Council is proposed to be held the start of October 2024 to consider these reports. The timing of this meeting is such so some preliminary induction processes can be undertaken with the newly elected Council and should allow for declaration of the elections which usually occurs 2-3 weeks after the election date.

**OPTIONS**

An alternate meeting schedule proposal for 2024 may be put forward by Councillors, provided that it allows for at least 10 Council meetings, with each meeting being in a different month. Any increase in the number of meetings or significant change to the proposed meeting cycle will need to be considered in regards to the Code of Meeting Practice, resourcing and budget requirements. This is not a recommended option.

The 2024 LGNSW Annual Conference has been scheduled for 17-19 November 2024 and is being hosted by Tamworth Regional Council. Currently it is proposed that the November meeting be held on Wednesday 20 November 2024, the day after the conference concludes. Council may wish to consider this meeting date, and determine its preference in regards to the timing of the Council meeting, with options to retain the date or move the meeting by one week to the following Wednesday 27 November 2024 to facilitate Councillor attendance.

**CONSULTATION**

Director Corporate and Community Services  
Council Services Team Leader

**STRATEGIC LINKS**

**a. Delivery Program**

This report is linked to the objectives of *Encouraging More Community Participation in Decision Making* and *Civic Leadership and Effective Governance*.

**b. Other Plans**

N/A

**STATUTORY IMPLICATIONS**

**a. Policy and Procedural Implications**

Clause 3.1 of the Code of Meeting Practice deals with the number and timing of meetings. Any change to the meeting days and time requires a change to the Code of Meeting Practice which requires a public exhibition process. The Code of Meeting Practice is scheduled for review following the September 2024 Council elections.

Corporate and Community

Report No. CC73/2023

Corporate and Community Services

---



**b. Financial Implications**

N/A

**c. Legislative Implications**

The schedule ensures that Council meets the requirements of section 365 of the *Local Government Act 1993* (NSW) which provides that Council must meet at least ten times per year, with each meeting being in a different month.

**d. Risk Implications**

Appropriately scheduled meetings ensure Council complies with legislative requirements.

**e. Other Implications**

N/A

**CONCLUSION**

This report seeks Council's consideration of the meeting schedule for 2024 and meets legislative requirements for the number and timing of meetings.

**ENCLOSURES**

There are no enclosures for this report.

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

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

### **SUMMARY**

The purpose of this report is for Council to note the Quarterly update on the progress against Council's 2022-26 Delivery Program and the Operational Plan 2023-24.

### **RECOMMENDATION**

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.

### **BACKGROUND**

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

The Quarterly Budget Review Statement required under clause 203 of the *Local Government (General) Regulation 2021*, provides financial information in regards to estimates of income and expenditure and is separately reported to Council.

Council adopted the 2022-26 Delivery Program and Operational Plan 2023-24 in June 2023. The Delivery Program outlines the activities that Council will undertake to implement the strategies identified in the Community Strategic Plan and is the single point of reference for all principal activities undertaken by an elected Council during its term in office.

At the end of each quarter a report is prepared to assess Council's progress against 2022-26 Delivery Program actions and the Capital Works Program.

### **REPORT/PROPOSAL**

The 2023-24 Operational Plan is a one-year plan and was developed to implement the adopted actions from the 2022-26 Delivery Program.

Some of the highlights for the September quarter are provided below:

- The Citizenship Ceremony on the 13 September was successful with 40 conferees becoming citizens, this being one of the largest ceremonies held by Council. Cessnock West Public School choir gave a great performance and was the first choir to perform at a Cessnock Citizenship Ceremony.
- Council funded the creation of 40 business videos using grant funding and created All Abilities Hot Air Balloon video and still images to promote the all abilities tourism product.

Corporate and Community

Report No. CC74/2023

Corporate and Community Services



- The Bushland Festival was held on the weekend of 9-10 September at the Poppet Head Park. Approximately 800-1200 people attended the event participating in activities focused on promoting and increasing education and awareness of biodiversity such as Tasmanian Devil's from Aussie Ark, flora and fauna education and guided bushwalks.
- Construction of the Kline Street Bridge is underway. The bridge deck has been poured and the contractor is preparing road approaches on either side and following completion of pavement all necessary safety treatments will be installed prior to project completion.
- A review has been undertaken of DA related templates in accordance with the revised Community Participation Plan and Portal Conditions Review. A review was also conducted of Critical Stage Inspection process and procedures in accordance with Department of Fair Trading requirements under the Building and Development Certifiers Regulation 2020.
- Performance, Arts, Culture Cessnock redevelopment works finalised with official opening scheduled for October 2023.

**2022-26 Delivery Program**

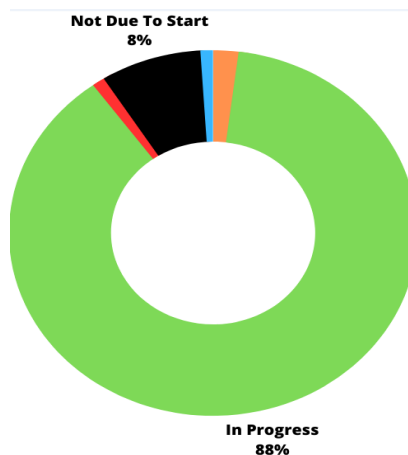
At the conclusion of the 1<sup>st</sup> Quarter 4 (2%) of 167 Actions from the 2023-24 Operational Plan) were Completed with 147 (88%) currently In Progress. The 'In Progress' Actions will continue to be monitored and reported as part of the quarterly review process. There was 1 Action at Risk, 2 (1%) Not Progressing and 13 (8%) which are Not Due to Start at the time of reporting.

Table 1 shows the overall status of actions at 30 September 2023.

**Table 1**

|                  | A connected, safe, and creative community | A sustainable and prosperous economy | A sustainable and healthy environment | Accessible infrastructure, services and facilities | Civic leadership and effective governance | Total      |
|------------------|---|--------------------------------------|---------------------------------------|--|---|------------|
| Not Due to Start | 4   | 0                                    | 2                                     | 0  | 7   | 13         |
| In Progress      | 39  | 20                                   | 42                                    | 15   | 31  | 147        |
| Not Progressing  | 0   | 1                                    | 1                                     | 0  | 0   | 2          |
| Complete         | 2   | 0                                    | 2                                     | 0  | 0   | 4          |
| At Risk          | 0   | 1                                    | 0                                     | 0  | 0   | 1          |
|                  | <b>45</b>                                 | <b>22</b>                            | <b>47</b>                             | <b>15</b>  | <b>38</b>                                 | <b>167</b> |

**2022-26 Delivery Program**



Corporate and Community

Report No. CC74/2023

Corporate and Community Services



Details of the projects have been included in **Enclosure 1**.

**2023-24 Capital Works Program**

At 30 September 2023, 15 of the 159 projects from the 2023-24 Capital Works Program were Completed, 13 were Not Progressing, 109 were On Track and 22 projects are Not Due to Start.

Table 2 shows a summary the overall status of projects at 30 September 2023.

**Table 2**

| Program   | Complete  | On track   | Deferred/Not Progressing | Not due to Start | Total      |
|---|-----------|------------|--------------------------|------------------|------------|
| Community Buildings Construction (CBC/WDC)      | -         | 1          | 1                        | -                | 2          |
| Recreation Buildings Construction Program (CBR) | -         | 1          | -                        | -                | 1          |
| Bridge Construction Program (CBS)               | 1         | 4          | -                        | 1                | 6          |
| Branxton Town Centre Program (CTB)              | 1         | 4          | 1                        | -                | 6          |
| Drainage Construction Program (CDR)             | -         | 14         | -                        | -                | 14         |
| Recreation Facilities Construction (CFR)        | 2         | 6          | -                        | 3                | 11         |
| Traffic Facilities Program (CFT)                | -         | 4          | 2                        | -                | 6          |
| Waste Facilities Construction (CFW)             | -         | 4          | -                        | 3                | 7          |
| Library Books (CL)                              | -         | 1          | -                        | -                | 1          |
| Pathway Construction (CPW)                      | 4         | 5          | 2                        | -                | 11         |
| Local Road Construction (CRL)                   | -         | -          | 1                        | 1                | 2          |
| Safer Roads (CRR/CLS)                           | -         | 4          | -                        | -                | 4          |
| Kurri Kurri Town Centre (CTK)                   | -         | 1          | 1                        | -                | 2          |
| Pre-Construction Design (DCP)                   | -         | 1          | -                        | -                | 1          |
| Natural Disaster Rehabilitation (NDR)           | -         | 3          | -                        | -                | 3          |
| Other Fixed Assets (OFA)                        | -         | 1          | -                        | -                | 1          |
| Plant and Fleet Acquisition (PFA)               | -         | 2          | -                        | -                | 2          |
| Floodplain Management (PMF)                     | 2         | 7          | -                        | -                | 9          |
| Airport Renewal (PRA)                           | -         | -          | -                        | 1                | 1          |
| Cultural and Community Buildings (RBC)          | 1         | 9          | -                        | 2                | 12         |
| Recreation Buildings Renewal (RBR)              | -         | 2          | -                        | 2                | 4          |
| Cessnock Civic Revitalisation (RCC)             | -         | 1          | -                        | -                | 1          |
| Pools Facilities Renewal (RFP)                  | -         | 1          | -                        | -                | 1          |
| Recreation Facilities Renewal (RFR)             | -         | 6          | -                        | 5                | 11         |
| Recreation Pre-Construction Design (RPC)        | -         | 1          | -                        | -                | 1          |
| Local Road Renewal (RRL)                        | 1         | 21         | 3                        | 4                | 29         |
| Regional Road Renewal (RRR)                     | 3         | 4          | -                        | -                | 7          |
| Waste Plant Management (WPM)                    | -         | -          | 2                        | -                | 2          |
| Visitors information Centre (VIC)               | -         | 1          | -                        | -                | 1          |
| <b>Total</b>                                    | <b>15</b> | <b>109</b> | <b>13</b>                | <b>22</b>        | <b>159</b> |

Detailed information on the Capital Works Program is included in **Enclosure 1**.

**OPTIONS**

N/A

**CONSULTATION**

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

Corporate and Community

Report No. CC74/2023

Corporate and Community Services



## **STRATEGIC LINKS**

### **a. Delivery Program**

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

### **b. Other Plans**

N/A

## **IMPLICATIONS**

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

N/A

### **b. Financial Implications**

The quarterly budget review forecasts are reported separately to Council.

### **c. Legislative Implications**

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

### **d. Risk Implications**

N/A

### **e. Other Implications**

N/A

## **CONCLUSION**

The review of the 2022-26 Delivery Program against the Operational Plan 2023-24, for the Quarter ended 30 September, is submitted for Council's consideration.

## **ENCLOSURES**

[1](#) ⇨ Quarter 1 Review\_2023-24 Operational Plan\_18102023

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

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

### **SUMMARY**

The purpose of this report is to present the Quarterly Business Report September 2023 containing the Quarterly Budget Review Statements (QBRS) for Council's consideration and approval.

### **RECOMMENDATION**

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.

### **BACKGROUND**

Clause 203 of the *Local Government (General) Regulation 2021* requires the QBRS to be prepared and submitted to Council. A separate report to Council contains information in regard to Council's Delivery Program and reporting under Integrated Planning and Reporting requirements.

The Quarterly Business Report for September 2023 is presented to Council for consideration and contains all necessary Quarterly Budget Review Statements.

### **REPORT/PROPOSAL**

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



Corporate and Community

Report No. CC75/2023

Corporate and Community Services



### **General Budget Commentary**

The QBRS is provided to the Council at **Enclosure 1** and shows a projected operating surplus of \$30.8m for the year ending 30 June 2024 with a deficit of \$9.5m excluding capital grants and contributions income.

The QBRS also shows a revised capital works program forecasting changes that decreased the original program, including carry forwards, from \$83.0m to \$81.3m.

For details on all proposed budget changes please refer to the notes in the QBRS enclosure.

### **Key Performance Indicators**

Council's QBRS forecasts that five out of six key performance indicators will exceed OLG benchmarks. A listing of the key performance indicators (ratios) is included in the QBRS suite of reports.

### **Responsible Accounting Officer Statement**

Section 203 (2) of the *Local Government (General) Regulation 2021* requires that the budget review statement include, or be accompanied by, a report from the Responsible Accounting Officer. This report is required to indicate whether the Responsible Accounting Officer believes that the statement indicates that the financial position of the Council is satisfactory, having regard to the original estimate of income and expenditure, and, if that position is unsatisfactory, recommendations for remedial action.

The following statement is made in accordance with Clause 203(2) of the *Local Government (General) Regulations 2021*:

*It is my opinion that the Quarterly Budget Review Statement for Cessnock City Council for the quarter ended 30 September 2023 indicates that Council's projected financial position at 30 June 2024 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure. As noted previously the ongoing increase in capital works will continue to place a pressure on the bottom line particularly through loss on disposal of assets. This can be sustained in the short to medium period but will require adjustments to budgets in the future through sourcing additional income or a reduction in expenditure or services.*

### **CONSULTATION**

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

- Directors
- Managers
- Senior finance staff
- Audit and Risk Committee

## **STRATEGIC LINKS**

### **a. Delivery Program**

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

### **b. Other Plans**

N/A

## **IMPLICATIONS**

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

N/A

### **b. Financial Implications**

The QBRS are presented in accordance with the adopted budget strategy. The detailed review of all operational and capital budgets is a continuous process. The objective is to improve Council's current and future financial position while continuing to deliver programs and infrastructure to community needs.

### **c. Legislative Implications**

Clause 203 of the *Local Government (General) Regulation 2021* requires the Responsible Accounting Officer to prepare and submit to Council a QBRS that shows revised estimates of income and expenditure for the year within two months of the end of each quarter.

### **d. Risk Implications**

The following are some of the risks that may impact achievement of the projected full year operating statement surplus:

- Losses on disposal of asset values as a result of assets being upgraded or renewed prior to the end of their effective lives;
- Unrealised losses associated with the managed fund held with TCorp;
- Changes in estimates for future remediation of landfill sites;
- Increased operational employee costs due to lower capitalisation of labour; and
- Any changes in the prepayment of the Financial Assistance Grant.

### **e. Environmental Implications**

N/A

### **f. Other Implications**

N/A

Corporate and Community

Report No. CC75/2023

Corporate and Community Services

---



**CONCLUSION**

The Quarterly Budget Review Statement for September 2023 is submitted for council's approval.

**ENCLOSURES**

[1](#) September 2023 - Quarterly Budget Review Statements

**SUBJECT:** *ANNUAL REPORT 2022-23*  
**RESPONSIBLE OFFICER:** *Chief Finance Officer - Matthew Plumridge*

### **SUMMARY**

The purpose of this report is to present the *Cessnock City Council Annual Report 2022-23* in accordance with Section 428(1) of the *Local Government Act 1993* which requires Council to prepare an Annual Report within five months of the end of the financial year.

### **RECOMMENDATION**

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*.

### **BACKGROUND**

The contents of the Annual Report are specified in Sections 428 and 428A of the *Local Government Act 1993* and in clauses 132 and 217(1) of the *Local Government (General) Regulation 2021*.

In addition, there are a number of other requirements in associated legislation that are required to be incorporated in the Annual Report, including *Privacy and Personal Information Protection Act 1998*, *Government Information (Public Access) Act 2009* and matters relating to planning agreements.

### **REPORT/PROPOSAL**

It is a requirement of the *Local Government Act 1993* that within five months after the end of each financial year, a council must prepare a report (its annual report) for that year.

Council's Annual Report has been prepared in accordance with the statutory requirements.

A copy of the Annual Report will be posted on Council's website and the link forwarded to the Minister prior to the 30 November deadline, as required by the *Local Government Act 1993*.

### **OPTIONS**

N/A

Corporate and Community

Report No. CC76/2023

Corporate and Community Services



## **CONSULTATION**

Information in the report is sourced from the quarterly reports on the Delivery Program and staff from across the organisation provided information for inclusion in the Annual Report. The Executive, managers and staff provided feedback and reviewed on the draft the Annual Report.

## **STRATEGIC LINKS**

### **a. Delivery Program**

The annual report is part of Council's governance framework contributing towards the community's desired outcome of: *Civic Leadership and Effective Governance*.

### **b. Other Plans**

N/A

## **IMPLICATIONS**

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

N/A

### **b. Financial Implications**

Under the provisions of Division 2 of Part 3 (Financial Management) of the *Local Government Act 1993*, Council's audited financial reports and the auditor's reports for the year 2022-23 will be presented to Council and the public after audit sign off.

### **c. Legislative Implications**

The preparation of the Annual Report is a statutory requirement under Section 428 of the *Local Government Act 1993*.

### **d. Risk Implications**

N/A

### **e. Other Implications**

N/A

## **CONCLUSION**

The Annual Report for the 2022-23 financial year will be submitted to the Minister for Local Government as required by the *Local Government Act 1993*.

## **ENCLOSURES**

- Annual Report 2023-2023 - Provided Under Separate Cover

Corporate and Community

Report No. CC77/2023

Corporate and Community Services



**SUBJECT:** *RESOLUTIONS TRACKING REPORT*

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

---

## **SUMMARY**

The enclosure contains pending actions from previous meetings as well as completed actions for period 10 October 2023 to 6 November 2023.

## **RECOMMENDATION**

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

## **ENCLOSURES**

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

Corporate and Community

Report No. CC78/2023

Corporate and Community Services



**SUBJECT:** *INVESTMENT REPORT - OCTOBER 2023*

**RESPONSIBLE OFFICER:** *Chief Financial 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 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.**

### **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 October 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 October 2023 Economic and Investment Portfolio Commentary, regarding interest rates notes:

- *The European Central Bank left rates on hold and look to have peaked, but do not appear close to cutting rates anytime soon. The bank sounded less hawkish on inflation pressures adding to the confidence it has peaked, but again referred to maintaining interest rates at high levels for a "sufficiently long duration".*

Corporate and Community

Report No. CC78/2023

Corporate and Community Services



Domestic issues noted within Prudential's report include:

- *Latest CPI data showed inflation came in higher than expected at 5.4%yoy. The good news is that inflation is falling, down from 6% in the June quarter and 7.8% in the December quarter, consistent with the global trend. Food, clothing, new dwelling purchase costs, household equipment & furnishings and holiday travel inflation are all slowing. The bad news is that inflation fell less than the RBA had been expecting. The trimmed mean underlying measure only slowed to 5.2%yoy which is significantly above the RBA's forecast in August that it would slow to around 4.8%yoy. And services inflation remains sticky. The breadth of price increases also increased slightly with 59% of components seeing a more than 3% annualised price rise.*
- *The smaller than expected fall in underlying inflation last quarter taken together with recent hawkish commentary from the RBA suggests another rate hike is now looking likely. The RBA is concerned that if inflation stays above its target band for longer than it is already forecasting then it will boost long term inflation expectations making it even harder to get inflation back to target.*

At its October meeting the RBA provided insight, through its new Governor, that the risk of another rate hike in Australia is high with the bank getting nervous about the upside risks to inflation.

In summarising Council's portfolio Prudential advises, *"Council's investment portfolio posted a marked-to-market return of 4.13%pa for the month versus the bank bill index benchmark return of 4.01%pa. Over the past 12 months, Council's portfolio has returned 3.59% versus the benchmark's 3.66%.*

*Bond and share markets had another poor month caused by concerns that inflation would stay higher for longer and central banks, including the RBA, may continue to raise rates to battle stubborn inflation. The NSW TCorpIM Medium Term Fund reflected the market results with a return of -0.85% (actual) for the month. The high yields on Council's term deposit holdings continue to help offset the fund's poor performance resulting in overall performance above benchmark for the month.*

*Without marked-to-market influences, Council's investment portfolio yielded 5.03%pa for the month, up from 4.76%pa in September. 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.*

*During October, Council had a \$4m 18-month term deposit mature which had been paying 2.81%pa. Council invested \$15m between three new TDs with maturities of 6, 9, and 12 months paying an average of 5.33%pa, providing a good boost to the portfolio's overall yield.*

*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 31 October 2023

| Invest No    | Financial Institution Investment Held With | Invest Type | Interest Coupon Term | Maturity  | Current Coupon Rate | Par Value \$'000 |
|--------------|--|-------------|----------------------|-----------|---------------------|------------------|
|              | Commonwealth Bank                          | CASH        |                      |           | 3.75%               | 9,057            |
|              | 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 |                      |           |                     | 3,856            |
| <b>TOTAL</b> |  |             |                      |           |                     | <b>87,464</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        | 17.99%         |
| Westpac Bank            | AA-           | 40%                 | 16,000        | 20.55%         |
| National Australia Bank | AA-           | 40%                 | 28,000        | 35.96%         |
| Suncorp Bank            | A+            | 40%                 | 16,000        | 20.55%         |
| Treasury Corporation    | Unrated       | 10%                 | 3,856         | 4.95%          |
| <b>TOTAL</b>            |               |                     | <b>77,856</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. CC78/2023

Corporate and Community Services



The preliminary October 2023 unrealised return was a loss of \$33,113.83 or -0.85% (-0.87% 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 October 2023 is not yet available at the time of this report. The fund performance summary as at 30 Sep 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<br>(% pa) | 7 year<br>(% pa) | 3 year<br>(% pa) | 1 year<br>% | FYTD<br>% | 1 month<br>% |
|---|-------------------|------------------|------------------|-------------|-----------|--------------|
| IM Medium Term Growth Fund                        | 3.97              | 3.38             | 2.12             | 6.07        | 0.04      | 1.26         |
| Benchmark: CPI + 2.0% p.a. (over rolling 5 years) | 4.59              | 4.80             | 6.42             | 6.90        | 1.39      | 0.46         |
| Return above benchmark p.a.                       | (0.62)            | (1.42)           | (4.30)           | (0.83)      | (1.43)    | (1.72)       |

**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        | 84.61%         |
| Cash/At Call Deposits | Low             | Low      | 9,608         | 10.98%         |
| Capital Growth Fund   | Medium          | Medium   | 3,856         | 4.41%          |
| <b>TOTAL</b>          |                 |          | <b>87,464</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) | 4.13%       | 1.39%     |
| BBSW Average Interest Rate (year to date) *               | 4.27%       | 0.76%     |
| Actual Investment Interest Earned (for the current month) | \$292,573   | \$144,281 |
| Actual Investment Interest Earned (year to date) ^        | \$1,076,100 | \$423,192 |
| Revised Budget Investment Interest (year to date)         | \$460,041   | \$193,374 |
| Original Budget Investment Interest (annual)              | \$1,380,122 | \$380,122 |
| Revised Budget Investment Interest (annual)               | \$1,380,122 | \$580,122 |
| TCorp unrealised movement (year to date)                  | -0.87%      | 2.11%     |

| 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 31 October           | \$87,463,766 | \$79,515,848 |

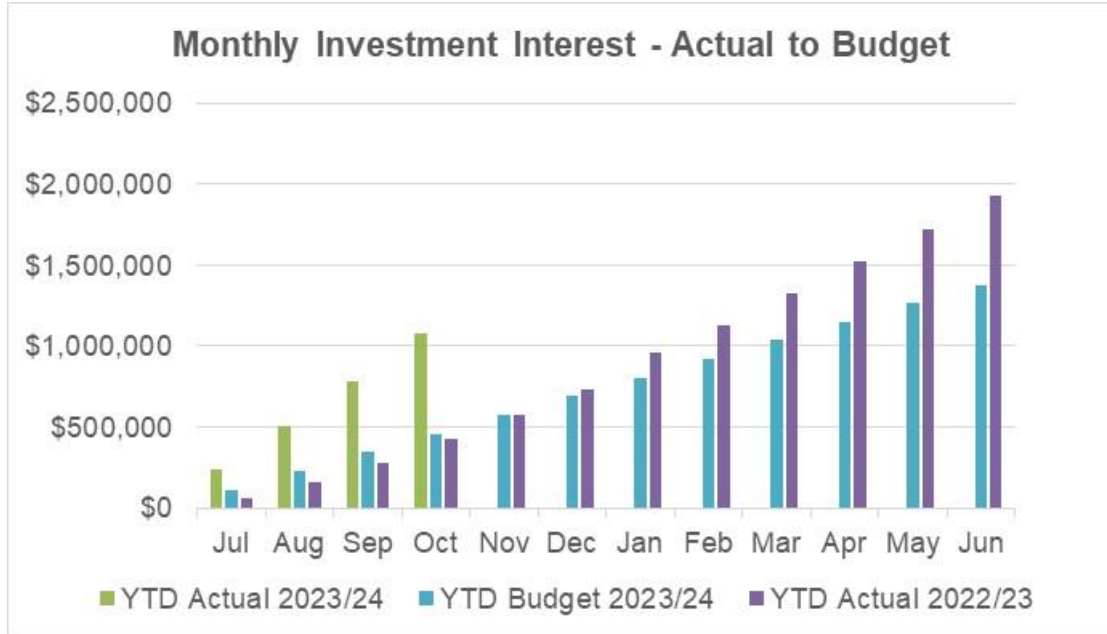
\* BBSW 90 day Bank Bill Reference Rate (performance measure as per Council's Investment Policy)

^ 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. CC78/2023

Corporate and Community Services



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

| Month End Totals \$'000             | Oct 2023*     | Sep 2023*     | Aug 2023*     | July 2023*    | June 2023*    | May 2023      | April 2023    |
|-------------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Developer contributions             | 29,924        | 29,824        | 28,432        | 28,432        | 28,432        | 29,473        | 28,479        |
| Committed developer contributions   | 3,460         | 3,459         | 3,370         | 3,370         | 3,370         | 2,412         | 2,711         |
| RMS contributions                   | 182           | 182           | 182           | 182           | 182           | 182           | 182           |
| Specific purpose unexpended grants  | 21,166        | 6,906         | 5,647         | 5,647         | 5,647         | 7,514         | 8,489         |
| Domestic waste management           | 430           | 430           | 430           | 430           | 430           | 430           | 430           |
| Stormwater management               | 1,052         | 1,103         | 1,504         | 926           | 926           | 1,038         | 922           |
| <b>External Restrictions</b>        | <b>56,214</b> | <b>41,904</b> | <b>39,565</b> | <b>38,987</b> | <b>38,987</b> | <b>41,049</b> | <b>41,213</b> |
| Plant and vehicle replacement       | 2,400         | 2,400         | 2,400         | 2,794         | 2,794         | 2,982         | 2,949         |
| Employees leave entitlement         | 2,418         | 2,519         | 2,519         | 2,519         | 2,519         | 2,446         | 2,446         |
| Carry over works                    | 583           | 586           | 385           | 385           | 385           | 548           | 783           |
| Bridge replacement                  | 287           | 295           | 314           | 346           | 346           | -             | 118           |
| Insurance provisions                | 761           | 761           | 761           | 761           | 761           | 896           | 896           |
| Miscellaneous and property          | 809           | 809           | 809           | 734           | 734           | 859           | 862           |
| Grant Fund Leverage                 | 82            | 82            | 82            | 82            | 82            | 90            | 90            |
| Energy efficiency                   | 95            | 95            | 95            | 95            | 95            | 98            | 94            |
| Operations and programs             | 472           | 472           | 473           | 473           | 473           | 444           | 429           |
| Property investment fund            | 3,095         | 3,095         | 3,227         | 3,112         | 3,112         | 3,256         | 3,041         |
| Civil Works                         | 0             | 0             | 20            | 95            | 95            | 730           | 748           |
| Waste depot and rehabilitation      | 13,883        | 13,626        | 12,448        | 12,448        | 12,448        | 9,454         | 9,454         |
| Committed projects (SRV)            | 660           | 690           | 717           | 214           | 214           | 642           | 747           |
| Security deposits and bonds         | 3,948         | 3,948         | 4,155         | 4,144         | 4,144         | 4,077         | 4,060         |
| Unexpended Loan Funds               | 967           | 2,125         | 2,125         | 2,129         | 2,129         |               |               |
| <b>Internal Restrictions</b>        | <b>30,460</b> | <b>31,503</b> | <b>30,529</b> | <b>30,331</b> | <b>30,331</b> | <b>26,522</b> | <b>26,717</b> |
|                                     |               |               |               |               |               |               |               |
| <b>Unrestricted</b>                 | <b>790</b>    | <b>647</b>    | <b>10,088</b> | <b>4,118</b>  | <b>3,767</b>  | <b>4,363</b>  | <b>3,390</b>  |
| <b>Total Cash &amp; Investments</b> | <b>87,464</b> | <b>74,054</b> | <b>80,182</b> | <b>73,436</b> | <b>73,085</b> | <b>71,934</b> | <b>71,320</b> |

Unrestricted cash figure is low due to the restriction of funds over the year end period. The first-rate instalments due in August will see this improve into August and September.

\*The restricted funds shown above (for June, July, August, September and October) 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. The change in the Stormwater Management reserve is after the quarterly rates receipts. \$16m Grant received during the month for Wollombi Road Project is included in the Specific Purpose Unexpended Grants.

**CONSULTATION**

Director Corporate and Community Services  
 Chief Financial Officer  
 Finance staff

## **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. CC79/2023

Corporate and Community Services



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

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

## **SUMMARY**

Evaluation and selection of tender for Tender No. T2024-12 – Engineering Project Managers.

### **RECOMMENDATION**

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.

### **BACKGROUND**

The tender is for a panel of suitably qualified consultants (Project Managers) to undertake a range of project management activities, including a combination of design management, contract management activities for approved civil and structural projects in accordance with the Councils Delivery and Operational plans. The Contract will run for three years (1 year, with an option for 2x12 month extension based on performance of the contract and panel suitability).

**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 HROC Engagement Consultants Contract. The RFT called for an hourly rate tender for the Engineering Project Managers.

**Invitation**

Tenders were invited on 20 September 2023 on Council's VendorPanel and advertised on Council's website and the following publications:

| Publication           | Day      | Date              |
|-----------------------|----------|-------------------|
| Newcastle Herald      | Saturday | 23 September 2023 |
| Sydney Morning Herald | Tuesday  | 26 September 2023 |

**Addenda**

No addendums.

**Closure**

Tenders closed 2pm Tuesday 17 October 2023.

**Evaluation of Tenders**

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

- Infrastructure Manager, Works and Infrastructure
- Asset Planning Manager, Works and Infrastructure
- Procurement Coordinator, Corporate & Community Services
- Acting Procurement Administration Officer, Corporate & Community Services

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

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

**1. Assessment of Receipt**

Tenders were received and assessed against the following criteria:

| Threshold Criteria |                    |
|--------------------|--------------------|
| Criterion 1        | Submission on time |

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

| Tender | Tenderer                                 | Business Address              | Criterion 1 |
|--------|--|-------------------------------|-------------|
| 1      | Abid Khan                                | Fletcher<br>NSW 2287          | On time     |
| 2      | Acorn Project Advisory Pty Ltd           | Curl Curl<br>NSW 2096         | On time     |
| 3      | ADW Johnson Pty Limited                  | Warners Bay<br>NSW 2282       | On time     |
| 4      | ALEF1 Pty Ltd                            | Culcaim<br>NSW 2660           | On time     |
| 5      | APP Corporation                          | Newcastle<br>West NSW<br>2302 | On time     |
| 6      | Ausling                                  | Port<br>Macquarie<br>NSW 2444 | On time     |
| 7      | BIDS Construction Pty Ltd                | Lloyd NSW<br>2650             | On time     |
| 8      | C2DA Developments Pty Ltd                | Chiswick<br>NSW 2046          | On time     |
| 9      | Civil Construction Solutions Pty Limited | Newcastle<br>NSW 2300         | On time     |
| 10     | Currie & Brown (Australia) Pty Ltd       | Melbourne<br>VIC 3000         | On time     |
| 11     | Damage Control Project Management        | Lockhart<br>NSW 2656          | On time     |
| 12     | Donald Cant Watts Corke (NSW) Pty Ltd    | Sydney NSW<br>2000            | On time     |
| 13     | EJC Projects                             | Redhead<br>NSW 2290           | On time     |
| 14     | Engenicom Pty Ltd                        | Newcastle<br>NSW 2300         | On time     |
| 15     | Engineering Risk Management              | Leonards<br>NSW 2065          | On time     |
| 16     | Focus Bridge Engineering                 | Ballina NSW<br>2478           | On time     |
| 17     | GHD                                      | Newcastle<br>NSW 2300         | On time     |
| 18     | H Civil Pty Ltd                          | Scone NSW<br>2337             | On time     |
| 19     | ICEN                                     | Bella Vista<br>NSW 2153       | On time     |
| 20     | Indus Engineering Pty Ltd                | Beaconsfield<br>NSW 2015      | On time     |
| 21     | JJ Ryan Consulting Pty Ltd               | Burwood VIC<br>3125           | On time     |
| 22     | K J Fitz Trading Pty Limited             | Shortland<br>NSW 2307         | On time     |
| 23     | KPMG – NSW Government                    | Sydney NSW<br>2000            | On time     |



Corporate and Community

Report No. CC79/2023

Corporate and Community Services



|    |  |                           |         |
|----|--|---------------------------|---------|
| 24 | Lackon Pty Ltd                                   | Paradise Point QLD 4216   | On time |
| 25 | Loyalty Management Solutions                     | Merewether NSW 2291       | On time |
| 26 | Lyons Project Management                         | Dubbo NSW 2830            | On time |
| 27 | Metzner Project Management Pty Ltd               | Merewether NSW 2291       | On time |
| 28 | Monteath and Powys                               | Newcastle West NSW 2302   | On time |
| 29 | NGNU   | Redfern NSW 2016          | On time |
| 30 | Orion Group                                      | Mayfield NSW 2304         | On time |
| 31 | OTAS Consulting Pty Ltd                          | Brisbane City QLD 4000    | On time |
| 32 | Planix Projects                                  | Barangaroo NSW 2000       | On time |
| 33 | Port Macquarie Consulting Pty Ltd                | Lake Cathie NSW 2445      | On time |
| 34 | Precision Consulting Management                  | North Ryde NSW 2113       | On time |
| 35 | Premier Engineering and Project Planning Pty Ltd | Cundletown NSW 2430       | On time |
| 36 | Projence Pty Ltd                                 | Broadmeadow NSW 2292      | On time |
| 37 | RHE Project Consulting Pty Ltd                   | Merewether NSW 2291       | On time |
| 38 | RPS AAP Consulting Pty Ltd                       | Fortitude Valley QLD 4006 | On time |
| 39 | S.B Lees & J Rissman                             | MacArthur VIC 2286        | On time |
| 40 | SABA Civil Management and Consultancy Pty Ltd    | Swan Bay NSW 2324         | On time |
| 41 | SJ McLean Consulting Pty Ltd                     | Georgetown NSW 2298       | On time |
| 42 | Stantec  | Bowen Hills QLD 4006      | On time |
| 43 | Sub Sahara Consulting                            | Chapman ACT 2611          | On time |
| 44 | Sylvester Otumbo Otieno t/a Oktus Engineers      | Boorooma NSW 2650         | On time |
| 45 | TA Project Services                              | Bega NSW 2550             | On time |
| 46 | Tag Project Partners Pty Ltd                     | Redhead NSW 2290          | On time |
| 47 | Talis Consultants                                | Leederville WA 6007       | On time |

|           |  |                             |             |
|-----------|--|-----------------------------|-------------|
| 48        | The Trustee for TCubed Consulting Unit Trust | Milsons Point NSW 2061      | On time     |
| 49        | The Trustee for TPM Unit Trust               | North Sydney NSW 2060       | On time     |
| 50        | TK Business Group Pty Ltd                    | Bungarribee NSW 2767        | On time     |
| 51        | TSA Management                               | Sydney NSW 2000             | On time     |
| 52        | Turner & Townsend Project Management Pty Ltd | Sydney NSW 2000             | On time     |
| 53        | Uminex                                       | Tenterfield NSW 2372        | On time     |
| 54        | Voraus Pty Ltd                               | Toronto NSW 2283            | On time     |
| 55        | W Project / PMLV                             | Pymont NSW 2009             | On time     |
| 56        | ZAMR Engineering Pty Ltd                     | Wentworthville NSW 2145     | On time     |
| <b>57</b> | <b>TechnoMars</b>                            | <b>Bella Vista NSW 2153</b> | <b>Late</b> |

56 out of 57 tenders were received on time and met threshold Criterion 1. The tender TechnoMars was considered late and did not proceed to the next stage.

## 2. Assessment of Conformance and Shortlisting

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

| Threshold Criteria |  |
|--------------------|--|
| Criterion 2        | Price, location and Minor Non-conformance to the Contract; |

Out of the 56 tenders, 35 submissions did not pass criterion 2 and did not progress.

## 3. Shortlisting

Twenty-one tenders were progressed to the next stage of evaluation.

## 4. Weighted Evaluation

Tenders were evaluated using the following weighted evaluation criteria:

|             |  |
|-------------|--|
| Criterion 5 | Hourly rate tendered amount;                 |
| Criterion 6 | Quality Assurance experience;                |
| Criterion 7 | Relevant industry experience and capability; |
| Criterion 8 | WHS, Relevant Experience.                    |

A further five were removed from the evaluation based on costings and criteria compliance. Sixteen Submissions were left in the completed evaluation.

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



All sixteen tenders scored consistent, as well as scoring competitively on all other weighted criteria. With the sixteen highest scoring tenders listed below.

| Tender | Tenderer                                      | Business Address        |
|--------|---|-------------------------|
| 1      | Abid Khan                                     | Fletcher NSW 2287       |
| 9      | Civil Construction Solutions Pty Limited      | Newcastle NSW 2300      |
| 13     | EJC Projects                                  | Redhead NSW 2290        |
| 14     | Engenicom Pty Ltd                             | Newcastle NSW 2300      |
| 22     | K J Fitz Trading Pty Limited                  | Shortland NSW 2307      |
| 25     | Loyalty Management Solutions                  | Merewether NSW 2291     |
| 27     | Metzner Project Management Pty Ltd            | Merewether NSW 2291     |
| 28     | Monteath and Powys                            | Newcastle West NSW 2302 |
| 33     | Port Macquarie Consulting Pty Ltd             | Lake Cathie NSW 2445    |
| 36     | Projence Pty Ltd                              | Broadmeadow NSW 2292    |
| 37     | RHE Project Consulting Pty Ltd                | Merewether NSW 2291     |
| 39     | S.B Lees & J Rissman                          | MacArthur VIC 2286      |
| 40     | SABA Civil Management and Consultancy Pty Ltd | Swan Bay NSW 2324       |
| 41     | SJ McLean Consulting Pty Ltd                  | Georgetown NSW 2298     |
| 46     | Tag Project Partners Pty Ltd                  | Redhead NSW 2290        |
| 54     | Voraus Pty Ltd                                | Toronto NSW 2283        |

**5. Evaluation Result**

Following steps 1 to 4 of the evaluation process, the TET found that the below tenderers met the requirements of the RFT and recommended acceptance for the tender panel.

| Tender | Tenderer                                      | Business Address        |
|--------|---|-------------------------|
| 1      | Abid Khan                                     | Fletcher NSW 2287       |
| 9      | Civil Construction Solutions Pty Limited      | Newcastle NSW 2300      |
| 13     | EJC Projects                                  | Redhead NSW 2290        |
| 14     | Engenicom Pty Ltd                             | Newcastle NSW 2300      |
| 22     | K J Fitz Trading Pty Limited                  | Shortland NSW 2307      |
| 25     | Loyalty Management Solutions                  | Merewether NSW 2291     |
| 27     | Metzner Project Management Pty Ltd            | Merewether NSW 2291     |
| 28     | Monteath and Powys                            | Newcastle West NSW 2302 |
| 33     | Port Macquarie Consulting Pty Ltd             | Lake Cathie NSW 2445    |
| 36     | Projence Pty Ltd                              | Broadmeadow NSW 2292    |
| 37     | RHE Project Consulting Pty Ltd                | Merewether NSW 2291     |
| 39     | S.B Lees & J Rissman                          | MacArthur VIC 2286      |
| 40     | SABA Civil Management and Consultancy Pty Ltd | Swan Bay NSW 2324       |
| 41     | SJ McLean Consulting Pty Ltd                  | Georgetown NSW 2298     |
| 46     | Tag Project Partners Pty Ltd                  | Redhead NSW 2290        |
| 54     | Voraus Pty Ltd                                | Toronto NSW 2283        |

## 6. Independent Review

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

- *Cessnock City Council Procurement Policy,*
- *Cessnock City Council Procurement Guidelines,*
- *Local Government Act 1993,* and
- *Local Government (General) Regulation 2021.*

### **TIME FRAME**

The contract term for T2024-12 is 1 February 2024 to 1 February 2025 with an option for 2 x 12 month extension based on performance of the contract and suitability of the panel.

### **LOCAL CONTENT**

Local preference was applied during the evaluation due to the amount of applications

### **OPTIONS**

**Option 1:** Accept the panel of suppliers as per attachment Tender Evaluation Report attachment in no order of preference for T2024-12 - Engineering Project Managers.

**Option 2:** That Council decline to accept any offers and negotiate with other service providers.

### **CONSULTATION**

The following officers were consulted during the tender process:

- Infrastructure Manager, Works and Infrastructure
- Asset Planning Manager, Works and Infrastructure
- Procurement Coordinator, Corporate & Community Services
- Acting Procurement Administration Officer, Corporate & Community Services

### **STRATEGIC LINKS**

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

Acceptance of the tender will contribute to the objectives of *2022-26 Delivery Program*:

- *Objective 4.1 Better transport links*
- *Objective 4.2 Improving the road network*

#### **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

Financial implications are as outlined in the report. Spending with the contractors will be as per budgeted capital and maintenance projects as approved via annual Operational Plans.

### 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

Authenticity of Contractor's certificates of currency for the following 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,

Corporate and Community

Report No. CC79/2023

Corporate and Community Services

---



- 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**

**Social:** Access to a modern WTS will benefit the community with increased opportunities for awareness about sustainability and participation in recycling.

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

**CONCLUSION**

That Council accept the Tender panel of suppliers for T2024-12 – Engineering Project Managers and notes the contract term is 1 February 2024 to 1 February 2025 (1 year) with an option for 2x 12month extensions based on satisfactory supplier performance.

**ENCLOSURES**

- 1 T2024-12 - 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. WI35/2023

Works and Infrastructure



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

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

**SUMMARY**

Evaluation of Tender T2024-09 – Landslide Remedial Works – Package 1 – Soil Nails/Rock Bolts.

**RECOMMENDATION**

**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).**

**BACKGROUND**

Council proposes to engage a professionally qualified and experienced Design and Construction Contractor to carry out the remedial construction of embankment stabilization works in six locations within the Cessnock Local Government Area (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 has been on Council’s Unstable Sites Slope Register” 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>                          |
|-----------------|---|---|
| DM00449         | Paynes Crossing Road (Ch 6100)              | Soil Nailing with Reinforced Shotcrete Facing |
| DM00446         | Paynes Crossing Road (Ch 5300)              | Soil Nailing with Reinforced Shotcrete Facing |
| DM00448         | Finchley Track (Ch 8240)                    | Soil Nailing with Reinforced Shotcrete Facing |
| DM00451         | Pokolbin Mount Road (Ch1800)                | Soil Nailing with Reinforced Shotcrete Facing |
| DM00415         | Paynes Crossing Road-3 (The Grange Ch 1954) | Soil Nailing with Mesh Facing                 |
| RRR-2022-002    | Great North Rd - Mulla Villa                | Minor scaling and rock bolting                |

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**

**Report No. WI35/2023**

**Works and Infrastructure**



**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 NSW Government, GC21 (Edition2), General Conditions of Contract. The RFT called for a lump sum tender for the Landslide Remedial Works – Package 1 - Soil Nails/Rock Bolts.

**Invitation**

Tenders were invited on 19 September 2023 on Council’s VendorPanel and advertised in the following publications:

| Publication           | Day      | Date              |
|-----------------------|----------|-------------------|
| Newcastle Herald      | Saturday | 23 September 2023 |
| Sydney Morning Herald | Tuesday  | 26 September 2023 |
| Pre-Tender Meeting    | Thursday | 28 September 2023 |

**Addenda**

No formal addenda were issue with this tender.

The following technical clarifications, by way of question and answer, were issued via the VendorPanel Portal to all prospective tenderers during the invitation period:

| No. | Date              | Description  |
|-----|-------------------|--|
| 1   | 29 September 2023 | Clarification re requirement to submit a tender schedule.                                      |
| 2   | 12 October 2023   | Various technical clarifications regarding particular sites.                                   |
| 3   | 12 October 2023   | Clarification of New Culvert Head Wall requirements for the Paynes Crossing Road, Ch5300 site. |

**Closure**

Tenders closed 2pm Tuesday 17 October 2023.

**Evaluation of Tenders**

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

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

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

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



Works and Infrastructure

Report No. WI35/2023

Works and Infrastructure



The evaluation criteria and their weightings were documented in the T2024-09-Landslide Remedial Works - Package 1 - Soil Nails and Rock Bolts - Contract Initiation and Development Plan, reviewed by the Procurement Coordinator prior to tenders being invited.

**1. Assessment of Receipt**

Tenders were received and assessed against the first threshold criteria:

| Threshold Criteria |                    |
|--------------------|--------------------|
| Criterion 1        | Submission on time |

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

| Tender | Tenderer                                 | Business Address           | Criterion 1 |
|--------|--|----------------------------|-------------|
| 1      | Civil & Civic Group Pty Ltd              | Canberra Airport, ACT 2600 | On time     |
| 2      | Ground Stabilisation Systems Pty Limited | Beresfield, NSW 2322       | On time     |
| 3      | McMahon Services                         | Alexandria, NSW 2015       | On time     |
| 4      | PCA Ground Engineering                   | Arundel, QLD 4214          | On time     |
| 5      | The Rix Group                            | Kurnell, NSW 2231          | On time     |

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

**2. Assessment of Conformance**

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

| Threshold Criteria |                           |
|--------------------|---------------------------|
| Criterion 2        | Conformance with the RFT; |

All five tenders included a number of qualifications that were subsequently clarified and all tenders were considered conforming in threshold Criteria 2 and were progressed to the next stage of evaluation.

**3. Shortlisting**

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

**4. Weighted Evaluation**

Tenders were evaluated using the following weighted evaluation criteria:

|             |  |
|-------------|--|
| Criterion 3 | Lump sum of Tendered amount                                    |
| Criterion 4 | Contract Program   |
| Criterion 5 | Experience, past performance, management and resources offered |
| Criterion 6 | Safety and Quality Management Performance and Systems          |
| Criterion 7 | Environmental management performance                           |

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

**Works and Infrastructure**

**Report No. WI35/2023**

**Works and Infrastructure**



Tender Two, Ground Stabilisation Systems Pty Limited, scored highest for the tendered amount, as well as scoring competitively on all other weighted criteria. With the highest score, Tender Two from Ground Stabilisation Systems Pty Limited was identified as the preferred tender.

**5. Due Diligence**

Equifax Australasia Credit Ratings Pty Ltd was engaged to independently assess the preferred tenderers' financial capacity. The assessment confirmed the tenderer has current financial capacity to satisfactorily complete the work.

**6. Evaluation Result**

Following steps 1 to 5 of the evaluation process, the TET found that Tender Two from Ground Stabilisation Systems Pty Limited met the requirements of the RFT and recommended acceptance of Tender T2024-09.

**7. Independent Review**

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

- *Cessnock City Council Procurement Policy,*
- *Cessnock City Council Procurement Guidelines,*
- *Local Government Act 1993,* and
- *Local Government (General) Regulation 2021.*

**TIME FRAME**

Design will commence in November 2023, with construction to be completed by July 2025.

**LOCAL CONTENT**

Local content scoring was not applicable to this tender.

**OPTIONS**

**Option 1:** Accept the tender from Ground Stabilisation Systems Pty Limited in the amount of \$3,731,908 (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:

- Works and Operations Manager, Works and Operations
- Principal Development Engineer, Development Services
- 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, concept designs and the tender evaluation associated with these works have been approved by the TfNSW Representative.

**Works and Infrastructure**

**Report No. WI35/2023**

**Works and Infrastructure**



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 tender will contribute to achieving the following objectives of the *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 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**

This is fully budgeted in the 2023/24 Operational Plan, and is grant funded by NSW Reconstruction Authority and administered by Transport of NSW (TfNSW), 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 tender results, and Council has submitted two revised EPARs applications as requested by TfNSW for the final approval of a “Total Upper Limit Grant” on Monday 23 October 2023.

At the time of writing this tender report the TfNSW 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.

**Works and Infrastructure**

**Report No. WI35/2023**

**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,
- Adequate levels of insurances, and
- 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**

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

**Works and Infrastructure**

**Report No. WI35/2023**

**Works and Infrastructure**

---



**CONCLUSION**

The tender from Ground Stabilisation Systems Pty Limited in the amount of \$3,731,908.00 (including GST), offers the best value for money for the slope stabilization remedial repairs of landslides/shaky slopes 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** 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. WI36/2023

Works and Infrastructure



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

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

### **SUMMARY**

Evaluation and selection of tender for Tender No. Q2024-53 (NSW Public Works RFT-10057751) - South Cessnock Bund Wall Scheme - Stage 1- Channel Widening.

### **RECOMMENDATION**

**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.**

### **BACKGROUND**

NSW Public Works have been engaged under *Public Works and Procurement Act 1912 No 45*, to perform procurement activities for the South Cessnock Bund Wall Scheme - Stage 1- Channel Widening.

The scope of work includes the proposed Channel Widening and Cycleway including the landscaping for the channel widening near Quarrybylong Street, Cessnock. The work includes:

- Widening of an existing stormwater channel and construction of a duplicate section of channel.
- Demolition of concrete works and the cycleway bridge.
- Cycleway/Shared-pathway
- Stormwater pipework.
- Landscaping
- Construction of Bridge abutments
- Disposal of excess excavated fill material and stockpiling of excavated virgin material.

### **REPORT**

#### ***Request for Tender***

The Request for Tender (RFT) documents were prepared by NSW Public Works (engaged under *Public Works and Procurement Act 1912 No 45*), and reviewed by the managing council officers before tenders were called. The form of contract MW21 was *Construct (Lump Sum)*. The tender for the South Cessnock Bund Wall Scheme - Stage 1 - Channel Widening.

**Works and Infrastructure**

**Report No. WI36/2023**

**Works and Infrastructure**



**Invitation**

Tenders were invited on 20 July 2023 on NSW eTendering and select (pre-qualified) tenderers were invited:

- Bolte Civil Pty Ltd
- Saunders Civilbuild Pty Ltd
- Gleeson Civil
- Gongues Constructions Pty Ltd
- Woodbury Civil Pty Ltd
- Robson Civil Projects Pty Ltd

**Addenda**

The following addenda was issued via NSW eTendering portal to all prospective tenderers during the invitation period:

| No. | Date       | Description   |
|-----|------------|---|
| 1   | 20/07/2023 | One addendum was issued during the tender period to provide .dwg files for tender drawings and responses to queries raised during the pre-tender meeting. There was no change to scope and the pre-tender estimate was not amended. |

**Closure**

Tenders closed at 9.30am on 17 August 2023.

**Evaluation of Tenders**

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

- Principal Stormwater Engineer
- Stormwater Engineer
- NSW Public Works, Senior Project Manager

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

1. Assessment of receipt
2. Assessment of conformance
3. Price
4. Due diligence checks on preferred tenderers (PWA Preferred Supplier list)
5. Determine evaluation result
6. Independent review of the tender selection process

The evaluation criteria and their weightings were documented in the agreement with Public Works Advisory reviewed by the Principal Stormwater Engineer prior to tenders being invited.

**1. Assessment of Receipt**

Tenders were received and assessed against the first threshold criteria:

| Threshold Criteria |                    |
|--------------------|--------------------|
| Criterion 1        | Submission on time |

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

Works and Infrastructure

Report No. WI36/2023

Works and Infrastructure



| Tender | Tenderer                    | Business Address | Criterion 1 |
|--------|-----------------------------|------------------|-------------|
| 1      | Bolte Civil Pty Ltd         | Tuggerah, NSW    | On time     |
| 2      | Saunders Civilbuild Pty Ltd | Redhead, NSW     | On time     |

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

**2. Assessment of Conformance**

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

| Threshold Criteria |  |
|--------------------|--|
| Criterion 2        | Acceptable legal entity                                |
| Criterion 3        | Conformance with the RFT (PWA preferred supplier list) |
| Criterion 4        | Satisfactory financial capacity                        |
| Criterion 5        | Contract program                                       |
| Criterion 6        | Safety management performance                          |
| Criterion 7        | Environmental management performance and               |
| Criterion 8        | Quality management performance.                        |

All two tenders included a number of qualifications that were subsequently clarified.

All two tenders were considered conforming in threshold Criteria 2 to 8 and were progressed to the next stage of evaluation.

**3. Shortlisting**

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

**4. Weighted Evaluation**

Tenders were evaluated using the following weighted evaluation criteria:

|             |                         |
|-------------|-------------------------|
| Criterion 5 | Lump sum tender amount; |
|-------------|-------------------------|

A Price Based Scoring Criteria was deemed suitable, as all tenderers were pre-qualified and had demonstrated experience with NSW Public Works.

The Assessment Matrix is provided as confidential **Enclosure 1**.

Tender Q2024-53 RFT-10057751 - Bolte Civil Pty Ltd scored highest for the tendered amount and was identified as the preferred tender.

**5. Due Diligence**

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



**Works and Infrastructure**

**Report No. WI36/2023**

**Works and Infrastructure**



PWA carried out their own Financial assessment as discussed with NSW Public Works Hunter New England (HNE) Finance Manager, advised the Financial assessment was based on 2022-23 Financials and Public Works should request management account details for the month of July & Aug 2023. These were requested from Bolte Civil Pty Ltd and provided to NSW Public Works HNE Finance Manager who confirmed that Bolte Civil Pty Ltd's current financial position shows strong results and that they have adequate financial capacity to carry out the project.

**6. Evaluation Result**

Following steps 1 to 5 of the evaluation process, the TET found that Tender RFT-10057751 from Bolte Civil Pty Ltd met the requirements of the RFT and recommended acceptance of Tender Q2024-53 RFT-10057751 - Bolte Civil Pty Ltd.

**7. Independent Review**

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

- *Cessnock City Council Procurement Policy,*
- *Cessnock City Council Procurement Guidelines,*
- *Local Government Act 1993, and*
- *Local Government (General) Regulation 2021.*
- *Procurement Act 1912.*

**TIME FRAME**

Tentative Start Date: Expected works to commence after Council Approval Time for Completion: 16 weeks.

**LOCAL CONTENT**

N/A

**OPTIONS**

**Option 1:** Accept the tender from Tender Q2024-53 RFT-10057751 - Bolte Civil Pty Ltd in the amount of \$1,323,418.51 (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:

- Principal Stormwater Engineer
- Stormwater Engineer
- Procurement Coordinator
- NSW Public Works, Senior Project Manager

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.

**Works and Infrastructure**

**Report No. WI36/2023**

**Works and Infrastructure**



**STRATEGIC LINKS**

**a. Delivery Program**

Acceptance of the tender will contribute to achieving the following objectives of:  
*2022-2023 & 2023-2024 Delivery Program:*

Objectives:

- *Will reduce design flood levels to pre-subsidence values.*
- *Lowers average flood depth 14cm relative to average pre-subsidence depth.*
- *No home will experience over floor flooding in a 1 in 100 AEP flood.*
- *Safe pedestrian access to all homes in 1 in 100 AEP flood.*

The project will be completed in Financial Year 2024-2025, National Flood Mitigation Infrastructure Program funding cut-off date is 30 April 2025.

**b. Other Plans**

No other relevant plans or strategies.

**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**

Total grant funding of \$4,755,000 for all three Stages of the Project is shown below:

Stage-1: Channel Diversion & Widening

Stage-2: Levee / Road Raising

Stage-3: Main Bund Wall

The Work Plans are approved by NSW Department of Planning & Environment.

**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*

*NSW Public Works have been engaged under Public Works and Procurement Act 1912 No 45, to perform procurement activities for the South Cessnock Bund Wall Scheme - Stage 1- Channel Widening.*

**Works and Infrastructure**

**Report No. WI36/2023**

**Works and Infrastructure**



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.*
- 

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**

**Social**

- Will reduce design flood levels to pre-subsidence values.
- Lowers average flood depth 14cm relative to average pre-subsidence depth.
- No home will experience over floor flooding in a 1 in 100 AEP flood.
- Safe pedestrian access to all homes in 1 in 100 AEP flood.

**CONCLUSION**

The tender from Bolte Civil Pty Ltd, in the lump sum amount of \$1,323,418.51 (including GST) offers the best value for money for the . The contract sum and contingency are fully funded from the available project budget identified in this report.

Works and Infrastructure

Report No. WI36/2023

Works and Infrastructure

---



**ENCLOSURES**

- 1** Q2024-53 - 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. WI37/2023

Works and Infrastructure



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

**RESPONSIBLE OFFICER:** ***Environmental & Waste Services Manager - Michael Alexander***

### **SUMMARY**

This report provides an overview of Stage 1 of the landfill extension project. The report includes details of the scope of work, options considered, time line and budget consideration.

### **RECOMMENDATION**

**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.**

### **BACKGROUND**

Council operates the award-winning Cessnock Waste Management Centre (CWMC) which incorporates the upgraded waste transfer and resource recovery facility, Community Recycling Centre and landfilling of solid waste. The site has operated as a landfill since the 1970's with activities onsite undertaken in accordance with an Environmental Protection License (EPL) and Landfill Environmental Management Plan (LEMP).

The CWMC is located at 1967 Old Maitland Road Cessnock, formerly known as Lot 1 DP1096161. The site has an area of approximately 129ha, the majority comprising of degraded land from historic mining and quarry activities. There are also parts of the site that contains remnant vegetated forest that has been dedicated as a Biodiversity Offset Area. The site is bounded by parcels of Crown Land to the south and east and the Werakata National Park to the north and west. There are also three (3) rural residential properties adjacent to the site on the west being separated by Old Maitland Road.

Development consent was received in 2010 for the new waste transfer facility, resource recovery centre and landfill extension. At its meeting on 14 December 2016, Council resolved to accept a tender for the construction of the waste transfer and resource recovery facility representing the start of an overall upgrade masterplan for the site. The new transfer facility and Community Recycling Center (CRC) has been open to the community since 2017 and provides a tangible demonstration of councils' commitment to increasing the rate of recycling and decreasing the rate of landfilling.

The next stage of the CWMC masterplan works is to construct a new landfill that has been designed in accordance with current standards and industry best practice. In 2021/22 the NSW EPA conducted a number of compliance audits on landfills throughout the state. The audit of the CWMC identified a number of non-compliances primarily due to the age, size and inferior

**Works and Infrastructure**

**Report No. WI37/2023**

**Works and Infrastructure**



design of the landfill area compared to current standards. After undertaking a number of rectification works, council was successful in obtaining a conditional Environmental Protection License (EPL) from the EPA which included a direction to cease use of the current landfill area by 31 December 2025.



Figure 1: Cessnock Waste Management Centre showing existing infrastructure and proposed new landfill site.

**REPORT/PROPOSAL**

The current landfill cell has been in operation for almost 40 years. This landfill cell was constructed in areas previously operated as quarries, therefore most of the excavation works had already been completed. The cell floor was likely constructed by ripping and compacting the natural material. This form of landfill construction was suitable at the time, however compared to today’s standards provides significant variability in the level of protection from leachate flowing as groundwater out of the cell.

In 2021/22 the NSW EPA conducted a number of compliance audits on landfills throughout the state. The audit of the CWMC identified a number of non-compliances primarily due to the age, size and inferior design of the current landfill area compared to current standards. After undertaking a number of rectification works, council was successful in obtaining a conditional Environmental Protection License (EPL) from the EPA which includes a direction to cease use of the current landfill area by 31 December 2025.

The notice received from the EPA has resulted in Council having to accelerate the planned construction of the landfill extension earlier than originally anticipated. Construction of a new landfill cell is required to maintain uninterrupted landfilling operations at the site. Design of the new landfill cell is currently at a ‘Detailed Design’ phase. Drawings, specifications and relevant

**Works and Infrastructure**

**Report No. WI37/2023**

**Works and Infrastructure**



plans were submitted to the EPA on the 30 June 2023 for review and approval. This submission date was specified by the EPA under the current license variation.

The notice from the EPA has also provided an opportunity to revisit and investigate whether developing a new landfill cell in the current market and operating for 20 years into the future is still the most beneficial option for the community.

The development of the landfill extension is complex with significant expenditure and long-term planning to this end Council engaged the services of an industry professional to design the proposed new landfill site based on current EPA standards. The design and supporting documentation is in the final stages of review by the EPA.

In addition, as part of the viability assessment of the development, the following has also been considered:

- Cost of waste transfer to a 3rd party
- Impact on existing service ie: travel, fleet numbers, fleet type
- Cost of build, own, operate
- Additional benefit and consequences of development & future options
- Borrowing options and cost
- Current vs future population/service size and ability to payback
- Predicted growth rate
- Cost to the community to undertake other options.

To assist in this assessment financial modelling was undertaken by external financial experts KPMG. The results and overview of this modelling are provided in the Financial Implications of this report.

Each option considers Cessnock's current waste disposal requirements and has allowed for predicted population growth. Each option also considers Council's current liabilities namely capping and closure of the current cell.

Of the Options considered, the most favorable and preferred option is Option 1, to build, own and operate the facility. The development will occur in stages to meet demand and spread capital expenditure across the life of the development.

In summary, Stage 1 of the Landfill Expansion involves:

- Excavation and stockpiling onsite of over 430,000m<sup>3</sup> of material,
- Installation of over 50,000m<sup>2</sup> of synthetic liners.
- Installation of a groundwater relief system (subsoil pipes under liner).
- Installation of leachate collection system.
- Construction of new leachate and sediment ponds,
- Construction of 1km of new sealed access road, including a section over historic landfilling.
- Construction of a new compound adjacent to the new cell, comprising of amenities buildings, washdown bay, wheel wash and lock up for equipment.
- Supply of water and electricity to the new cell.
- Capping of approximately 22,000m<sup>2</sup> area of existing landfill cell.

**Works and Infrastructure**

**Report No. WI37/2023**

**Works and Infrastructure**



The new landfill cell provides an impermeable barrier at the base of the cell to capture leachate and prevent seepage and potential groundwater contamination. In the context of landfills, leachate is water that has come into contact with waste, becoming contaminated. A collection system then directs leachate into a new leachate pond that allows for evaporation or treatment. The new landfill cell will greatly reduce the risk of unauthorised discharge of leachate into the environment, be a significant improvement in environmental outcomes onsite and reduce the risk of negative environmental impacts, potential penalties and the risk of reputational damage.

The project also includes the construction of a new plant compound area adjacent to the new cell. A new compound is required as the new cell is located over 1km away from the existing vehicle lock up and amenities onsite. The compound will provide a secure lock up for up to five pieces of equipment, amenities including kitchenette, toilets and showers, a washdown bay, wheel wash and security fencing and security cameras.

Capping and closure of the current landfill cell has also been allowed for in the modelling. Geotechnical investigations previously completed by SMEC determined the development of the new landfill cell will generate suitable capping material. This material will be utilised to cap and close the current landfill cell, eliminating the need to source and import granular material. Previous geotechnical investigations indicate development of the new cell will generate enough suitable material for capping of the current and new landfill cell.

Cost estimates indicate that development of the new landfill cell will save over \$13,000,000 by negating the need to import material for capping the current cell. Developing the new cell also negates the risk of sourcing and transporting the material to site as further discussed under 'Implications' in this report.

**OPTIONS**

Four options for collecting and transporting waste to landfill have been considered and modelled by KPMG. Each option considers Cessnock's current waste disposal requirements and has allowed for predicted population growth. Each option also considers Council's current liabilities namely capping and closure of the current cell.

The following options have been considered as part of the KPMG financial modelling:

1. Construction of a new landfill cell
2. Construction of a new landfill cell plus accepting waste from a neighboring council.
3. Construction of a bulk transfer facility and haulage to another facility (e.g. Summerhill Waste Management Centre Newcastle).
4. Direct transfer of waste via collection vehicles to another facility (e.g. Summerhill Waste Management Centre Newcastle).

Option 1 which is the construction of a new landfill cell at the CWMC is the preferred option based on the financial viability of the project and associated waste management independency and current and future benefits to the community.



**Works and Infrastructure**

**Report No. WI37/2023**

**Works and Infrastructure**



**CONSULTATION**

- Executive Leadership Team
- Finance Department
- EPA
- Waste Operations

**STRATEGIC LINKS**

**a. Delivery Program**

Council's 2022 – 2026 Delivery Program

Community's desired outcome:

- *3.3.1 Continue to develop and maintain Council's Waste Management Centre*
- *3.2.2 Continue landfill extension project*
- *3.3.3 Continue implementation of projects from the Waste and Resource Recovery Strategy 2020-25*
- *3.3.4 Continue to provide and efficient and effective Waste Management Service.*

Waste Facility Construction Program – CFW-2021-003. \$151,301 budget is currently allocated to 22/23 FY. There is currently no funding allocated for any of the future years.

**b. Other Plans**

- Waste and Resource Recovery Strategy 2020-25.
- Waste and Sustainable Material Strategy 2041

The proposed the construction of a new landfill cell at the CWMC will support council to maintain compliance with the aims and objectives of these strategies.

**IMPLICATIONS**

**a. Policy and Procedural Implications**

- **Sydney Waste Policy** – Council resolved in 1999 to not accept any Sydney Waste in the Cessnock Local Government Area. Should option 2 be adopted, this policy presents limitations as to where the third-party waste originates.
- **Waste Management Policy** – This policy outlines Councils overall position on waste management and resource recovery within the LGA. There is a specific focus on encouraging resource recovery and recycling, reducing waste to landfill and considering the social, environmental and financial impacts waste management has on the community. This policy also addresses the imposing of domestic waste management charges to the community.

The policy applies to each of the options put forward for determination. Of specific emphasis is how each option impacts the community in relation to the domestic waste management charges which has been outlined within this report.

Works and Infrastructure

Report No. WI37/2023

Works and Infrastructure



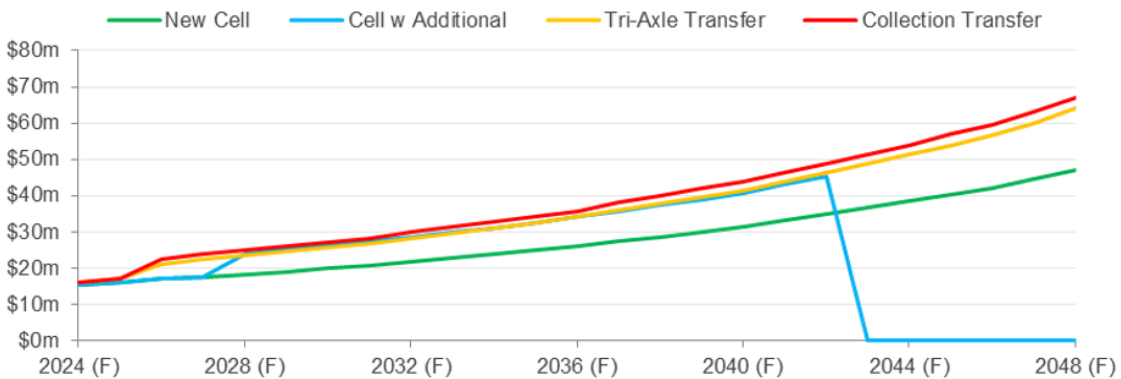
- **Climate Change Policy** – This policy outlines the initiatives and actions to be implemented by Council to ensure the sustainable, fair and equitable transition to a net zero emissions region. The reduction and management of greenhouse gas sources originating within the LGA is a specific focus area.
- Council’s **Climate Change Resilience Plan 2023** identifies existing and former landfill sites as contributing approximately 76% of greenhouse gas emissions within the LGA. Council manages a portion of greenhouse gas emissions at the CWMC via a methane flare. The closing and capping of the current landfill cell and expansion of methane extraction will assist in achieving the objectives of this plan.

**b. Financial Implications**

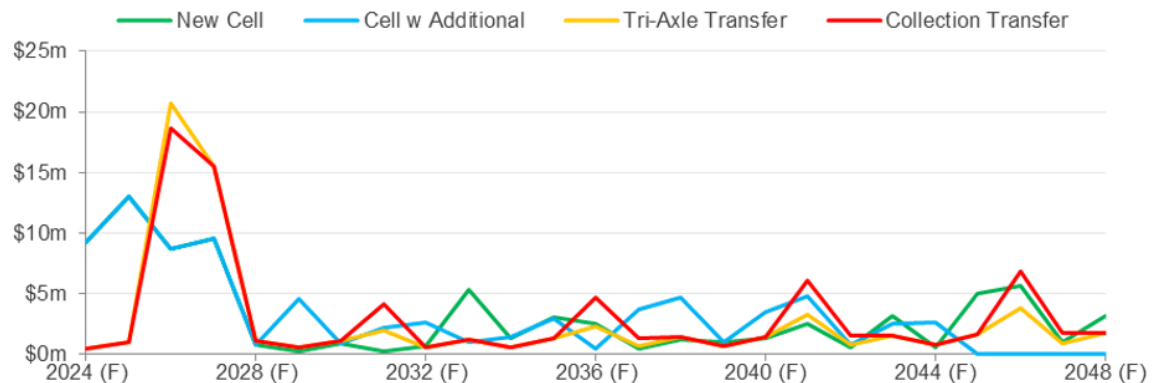
The financial model shows Option 1 to provide the best financial outcome to Council. Finance have considered impacts on borrowing, use of existing reserves and ongoing cashflows and are confident that this project is financially sustainable within the wider capital works program.

The following scenarios are drawn from the KPMG financial modelling to help demonstrate the overall benefit development of the new cell has over Options 3 and 4:

**Net Operating Expenditure**



**Fixed Asset Capital Expenditure**



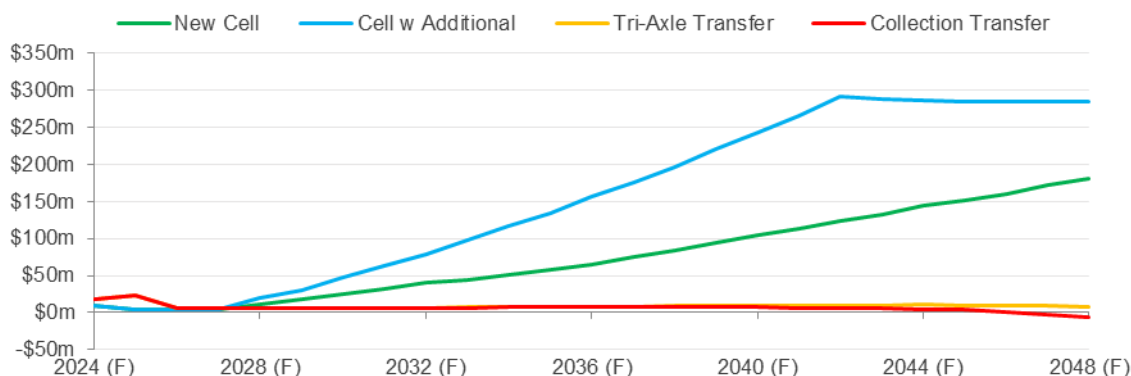
Works and Infrastructure

Report No. WI37/2023

Works and Infrastructure



Closing Cash



A simple way to evaluate the four options is to look at the impact each has on the domestic waste charge. The domestic waste charge required for each option at the commencement of the project has been calculated as shown below. It is assumed that this rate would increase at 2.5% each year to allow for inflation.

| Revenue Assumptions                         | New Cell | Cell w Additional | Tri-Axle Transfer | Collection Transfer |
|---|----------|-------------------|-------------------|---------------------|
| Average Household                           | 2.60     | 2.60              | 2.60              | 2.60                |
| Forecast Domestic Rates (Amount)            | \$645.00 | \$409.09          | \$775.41          | \$828.47            |
| Forecast Domestic Rates (Growth)            | 2.50%    | 2.50%             | 2.50%             | 2.50%               |
| Forecast Vacant Land (Amount)               | 1,819    | 1,819             | 1,819             | 1,819               |
| Forecast Vacant Land (Growth)               | 1.50%    | 1.50%             | 1.50%             | 1.50%               |
| Forecast Vacant Rates (Amount)              | \$74.00  | \$74.00           | \$74.00           | \$74.00             |
| Forecast Vacant Rates (Growth)              | 2.50%    | 2.50%             | 2.50%             | 2.50%               |
| Forecast Commercial Premises (Amount)       | 1,243    | 1,243             | 1,243             | 1,243               |
| Forecast Commercial Premises (Growth)       | 1.90%    | 1.90%             | 1.90%             | 1.90%               |
| Forecast Commercial Rates (Amount)          | \$787.00 | \$787.00          | \$787.00          | \$787.00            |
| Forecast Commercial Rates (Growth)          | 2.50%    | 2.50%             | 2.50%             | 2.50%               |
| User Charges & Fees (Growth)                | 2.50%    | 2.50%             | 2.50%             | 2.50%               |
| Contributions (Growth)                      | 2.00%    | 2.00%             | 2.00%             | 2.00%               |
| Other Operating Revenues (Growth)           | 2.00%    | 2.00%             | 2.00%             | 2.00%               |
| Additional Waste Revenue per Tonne (Amount) |          | \$400.00          | -                 | -                   |
| Additional Waste Revenue per Tonne (Growth) |          | 2.50%             | -                 | -                   |
| Additional Waste Volume (Amount)            |          | 30,000            | -                 | -                   |
| Additional Waste Volume (Growth)            |          | 2.00%             | -                 | -                   |
| Additional Waste Start Year                 |          | 2028              | -                 | -                   |

Options 3 and 4 have been modelled on the assumption that Summerhill would charge Council a cheaper rate than their advertised gate rate.

To ensure a cheaper rate wouldn't swing the financial advantage to either Option 3 or 4, KPMG undertook a sensitivity analysis to determine what the rate charged by Summerhill would need to be to provide an equivalent financial outcome to option 1. The results are shown below.

Works and Infrastructure

Report No. WI37/2023

Works and Infrastructure



Achieve same 2048 end cash balance as New Cell scenario, by changing the starting transfer fees - newcastle

| Operating Expenditure Amount  | New Cell    | Cell w Additional | Tri-Axle Transfer | Collection Transfer |
|-------------------------------|-------------|-------------------|-------------------|---------------------|
| Construction & Remediation    |             |                   |                   |                     |
| Depots Expenses - Working     |             |                   |                   |                     |
| Employee Costs                | \$2,500,000 | \$2,500,000       | \$3,000,000       | \$3,000,000         |
| General Admin & Community     | \$268,752   | \$268,752         | \$268,752         | \$268,752           |
| Materials & Supplies          | \$885,888   | \$885,888         | \$885,888         | \$885,888           |
| Recycling & Organics Contract |             |                   |                   |                     |
| Repairs & Maintenance         |             |                   |                   |                     |
| Transfer fees - Newcastle     |             |                   | \$141             | \$67                |
| Utilities                     | \$24,335    | \$24,335          | \$24,335          | \$24,335            |
| Vehicle Running Expenses      |             |                   |                   |                     |
| Waste and Environment Levy    |             |                   |                   |                     |
| Waste Disposal                |             |                   |                   |                     |

Both rates are below the NSW Waste Levy of \$163.20 / T (2023/24). It should therefore be considered infeasible for an organization to accept waste at either of these rates when they would be making a loss before any operational costs are considered.

Stage 1 Project Budget

| Expenditure Category                      | Name and No.              | Main Service / Deliverable      | Updated Handover Budget |
|---|---------------------------|---------------------------------|-------------------------|
| <b>A) CESSNOCK CITY COUNCIL OVERHEADS</b> | A1: Cessnock City Council | Project Engineer                | \$ 100,000.00           |
|   |                           |                                 |                         |
| <b>B) CONSULTANTS</b>                     | B1: SMEC                  | Design Consultant               | \$ 250,000.00           |
|   | B2: TBA                   | Survey                          |                         |
|   | B3: TBA                   | Timelapse camera                | \$ 30,000.00            |
|   |                           |                                 |                         |
| <b>C) CONSTRUCTION</b>                    | C1: TBA                   | Construction Contractor         | \$ 26,663,628.00        |
|   |                           | - Construction of New Cell, Por | \$ 20,996,448.00        |
|   |                           | - Construction of Compound      | \$ 1,773,000.00         |
|   |                           | - Capping (western section cur  | \$ 3,894,180.00         |
|   |                           |                                 |                         |
|   | C2: TBA                   | CQA Engineer                    | \$ 450,000.00           |
|   |                           |                                 |                         |
| <b>D) PROJECT MANAGEMENT</b>              | D1: Project Management    | Project Management              | \$ 450,000.00           |
|   |                           |                                 |                         |
| <b>Project Total</b>                      |                           |                                 | <b>\$ 27,943,628.00</b> |

Figure 4: Cost estimates have been provided by a third-party - Vasey Consulting

Grant Funding

It should be noted that Council has lodged an application seeking grant funding of \$11M toward the development under the Federal Governments – Growing Regions Program. To date no determination has been received.

**Works and Infrastructure**

**Report No. WI37/2023**

**Works and Infrastructure**



**Borrowing Options**

Finance Department comment:

*“The financial model shows Option 1 to provide the best financial outcome to Council. Finance have considered impacts on borrowing, use of existing reserves and ongoing cashflows and are confident that this project is financially sustainable within the wider capital works program.”*

**c. Legislative Implications**

The Cessnock Waste Management Centre operates under the Environmental Protection Authority License No. 6121 and the *Protection of the Environment Operations Act 1997* and associated Regulations. The license and POEO Act and Regulations place strict controls on the operation of the site to ensure appropriate environmental protection and waste management.

The Variation to License No. 6121, received March 2023 states “Moving of landfill operations from the existing cell, to the landfill cell constructed and approved by this pollution reduction program, must occur by no later than **31 December 2025.**”

**d. Risk Implications/Management**

Maintain uninterrupted operations

Progressing with the construction of the landfill extension will provide the Cessnock LGA with a modern landfill cell that will provide the community with secure landfilling operations for the next 20 years. The project will facilitate uninterrupted operations at the site and will also provide improved environmental management of the site.

By not constructing the new cell landfilling operations would be required to cease at the end of 2025. The ability to manage the communities waste needs within the LGA would no longer exist resulting in waste being transported to other facilities at a market rate that Council may not be able to control in the future. With lack of competition it is logical to expect the rate to receive waste to increase.

Closure of Current Cell

The requirement to rehabilitate the current cell will remain with Council regardless of whether a new landfill is constructed or not and is required under the EPA license. By not capping the current cell after operations are complete, Council will risk significant ongoing penalties.

Council will inherit a significant risk if it decides not to develop the new landfill cell. Geotechnical investigations completed across the site of the new landfill cell indicate the materials to be excavated are suitable for use as capping on the current cell. A total of 208,000m<sup>3</sup> across three different material specifications are required to complete the cap, all of which are contained within the excavations of the new cell. The importation of this material from a third party would equate to an additional cost of approximately \$13,000,000.

In the event the new cell is not constructed, market investigations indicate that this capping material would not be available in these quantities from local quarries. The material would likely need to be sourced from non-local quarries or public or private developments that have excess spoil. Sourcing this quantity of material with the three different required specifications

**Works and Infrastructure**

**Report No. WI37/2023**

**Works and Infrastructure**



would be difficult. Material specifications for capping require a low permeability, generally requiring the material to have a high clay content. Clayey materials that meet the low permeability requirements for capping traditionally aren't easily sourced within the Hunter Valley.

To further add to the risk of having to source capping material, in the unlikely event the material can be sourced, the quantity of material required to be transported to site would equate to approximately 12,000 truck and dog (32T per load) movements to the site. This would place significant strain on the trafficked roads, particularly Old Maitland Road which is in poor condition. To further exacerbate this issue these vehicle movements would need to traverse sensitive areas including Cessnock East Public School and the Maitland Road, Old Maitland Road intersection.

Legacy Sites

Development of all four stages of the new cell will generate 720,000m<sup>3</sup> of granular material. The current cell requires approximately 208,000m<sup>3</sup> of this material for capping. Approximately 250,000m<sup>3</sup> is required as operational fill or day cover for the new Cell with a further 180,000m<sup>3</sup> required to cap the new cell. This leaves a balance of approximately 290,000m<sup>3</sup> of material that could be utilized as capping material for Legacy Sites. While it is difficult to determine the rate for importing material without a formal quotation, if we assumed a similar material purchase rate to a lower order pavement material of \$20/T. Based on this assumption it is estimated this could equate to a saving of \$6m. This scenario assumes the load and haul cost is equivalent between utilising the material we have sourced to sourcing the material externally. Again, as per the risk noted under 'Closure of the Current Cell', this assumes that material is available in the first place.

Project Readiness

Construction ready documents are available to facilitate the development of Option 1 and 2.

Option 3 involves the development of a bulk transfer facility. The most logical location for the bulk transfer station is at the CWMC due to the ongoing waste activities and central location. The costs associated with development of this facility have been estimated. The most cost-effective location for the facility would be at the front end of the CWMC, adjacent to the existing Waste Transfer Station. Locating the facility at the front end of the site reduces the cost of ancillary infrastructure such as roads and service connections. There is however limited space at the front end of the site that is not impacted by previous landfilling. The facility may need to be located to the north or northeast of the current cell, requiring an access road and service supply costs similar to what is expected for the new cell, increasing the capital cost of this option.

Option 4 involves effectively doubling the fleet of collection trucks. As well as the financial cost associated with procuring this equipment there is limited space at the Works Depot to store these vehicles. This option would require an adjustment to operation of the Works Depot. The doubling of the collection truck fleet also incurs a risk associated with attracting and retaining an additional 5 collection truck operators in the first year. Further to this the collection trucks require daily inspections and maintenance. The additional trucks would impact the day to day operations of the workshop maintenance crew.

**Works and Infrastructure**

**Report No. WI37/2023**

**Works and Infrastructure**



Legacy monitoring and maintenance

Post closure of the Cell in Options 1 and 2 will require ongoing monitoring to demonstrate compliance and no environmental impact. Current monitoring regime is in the order of \$40,000 per year. Expected liability to remain over 20 years. This financial implication is accounted for in the financial modelling.

**e. Environmental Implications**

Improved environmental outcomes

The new landfill cell and capping of the current cell is currently being designed to the current EPA Solid Waste Guidelines and other relevant landfill standards. The new landfill cell includes a robust synthetic lining system, leachate management systems and improved ground and surface water management. Construction of the new landfill cell allows Council to continue take responsibility and maintain control of the potential implications associated with landfilling operations and ensure best practice is performed.

Climate Change

It is assumed that the overall level of impact for developing a m3 of airspace at a third-party location is equivalent to that of the Cessnock site. NSW EPA standards are consistent and the level of protection provided by the new cell and the liners should be equivalent.

As discussed in Risk implications above both Options 3 and 4 require approximately 12,000 truck movements to transport capping material to site. As the source of the material is unknown it is difficult to quantify the scale of the impact. Options 1 and 2 involving the construction of the new cell and still require the material to be excavated and transported, however it will be undertaken much more efficiently with larger equipment over a much shorter distance contained entirely within the site. It can also be assumed with a high level of certainty that the impact on carbon emissions is significantly higher for Options 3 and 4 when considering the rehabilitation of the current cell.

Carbon emissions and overall impact on traffic will be greater in Options 3 and 4 based on the increased distance to haul the waste to a third-party. This is a result of the additional fuel used, maintenance of the vehicles and greater turnover of equipment. Selection of Options 3 or 4 could be seen to be in direct conflict with the commitments set out in Council's Climate Change Policy.

Whilst landfilling is Council's largest carbon contributor, the proposed new development will; be constructed to include landfill gas capture during its development, resulting in the most efficient system. It is also likely the new development will link with the retro-fitted system of the existing site. As part of the capping and closure of the current site the existing gas network will be expanded and likely lift capture rates to support power generation further reducing carbon emissions.

**Works and Infrastructure**

**Report No. WI37/2023**

**Works and Infrastructure**



**f. Other Implications**

NSW Waste Strategy

The EPA has forecast that the focus for waste management going forward will lean toward improving recycling, greater resource recovery, treatment and reuse, organics capture and treatment and a circular economy for the residual waste stream.

The forecast also recognises the need for disposal facilities will increase toward the end of the decade and most will be located outside the metro Sydney area. The EPA have not indicated granting additional approval for landfill as a solution. The diminishing availability and capacity to deal with residual waste further supports the position EPA has around recycling and organics but also gives rise to further investigate energy from waste proposals as a possible solution.

Human Resources

The impact to Human Resources is dependent on the option selected. Options 1 and 2 would largely see the status quo progress with OPEX. Option 2 would see some minor increases with OPEX at the tip face related to the increased volumes.

The largest impact on Human Resources would be with Options 3 and 4. Both options would require a significant restructure of the operational workforce at the CWMC and may result in some redundancies.

Stability

The approval to build and operate the facility is seen as a community asset that secures the ability to meet the waste management needs of the LGA for the next 20 years.

The possible option to export to another facility may remove immediate capital expenditure however may also place Councils future operation, needs and costs in the hands of external parties.

**CONCLUSION**

Waste Management is one of Council's core services. Based on current estimates, construction of the landfill extension will secure landfill capacity at the CWMC for residents for the next 20 years. Financial modelling shows that development of the new cell provides greatest net worth for the community and has the least cost impact.

Build and operation of the landfill extension provides secure infrastructure to meet community needs for the next 20 years. The build, own, operate option also provides Council with the greatest options going forward both in the short and long term.

**ENCLOSURES**

There are no enclosures for this report



Works and Infrastructure

Report No. WI38/2023WI39/2023

Works and Infrastructure



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

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

## **SUMMARY**

The purpose of this report is to seek Council's approval to place the Draft Cessnock Traffic and Transport Strategy 2023 on public exhibition and accept submissions from the community on the Strategy.

## **RECOMMENDATION**

1. That Council place the Draft Cessnock LGA Traffic and Transport Strategy 2023 on public exhibition for a period of six 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.

## **BACKGROUND**

At Council's Ordinary Meeting of 21 July 2021, Council resolved;

1. That Council notes the availability of \$132,000 of repealed development contributions to part fund preparation of the Concept Plan for the Cessnock CBD Bypasses;
2. That Council notes in Report WI47/2021 that Council will be seeking grant opportunities to fund concept plans for the northern and southern Cessnock CBD Bypass;
3. That Council brings forward the review of the Cessnock LGA Traffic and Transport Strategy and Concept Plan for the Cessnock CBD Bypasses by including it in the Operational Plan 2021/22 with funding allocated as outlined in point 4;
4. That Council allocates funding (if grant opportunities are not available as noted in point 2) by using \$132,000 of repealed developer contributions, and \$793,000 from the profits from the sale of stage 8 of Vineyard Grove Estate and 62-76 Cessnock Street, Aberdare.
5. That Council endorses investigation and liaison into suitability of the Austar / South Maitland Railways railway corridor for the City's future transport needs.

The Cessnock Traffic and Transport Strategy (CTTS 2023) is a successor to the current Cessnock LGA Traffic and Transport Strategy 2018. The Strategy is to be consistent with the objectives set out in the Cessnock Community Strategic Plan 2036 and the sub plans and strategies.

The CTTS 2023 sets a framework for traffic and transport planning, development and operational decisions within Cessnock LGA over the next 20 years. It also prioritises future upgrades to support and enable the forecast growth.

**Works and Infrastructure**

**Report No. WI38/2023WI39/2023**

**Works and Infrastructure**



The CTTS 2023 will be used to inform future planning proposals within the study area for the timeframe's 2026, 2031 and 2041, with a view to ensuring that future development does not adversely impact on adjoining communities transport needs.

The main objective of the CTTS 2023 is to provide Council with a blueprint of the LGA's transport network over the next 18+ years, with particular focus on expected accelerated growth in the region.

The Cessnock LGA road network was originally established as a series of connections between a number of small towns and villages. The increase in growth along these connections has introduced competing demand between local access and through movements, particularly on the main network linkages. This has had a detrimental impact on the amenity of these towns and villages along these routes.

The reliance upon private cars for transport in the LGA generates high demand on the road network. As a result, traffic congestion and the associated poor connections to major roads like the Hunter Expressway (HEX) is a concern for the community.

The HEX has increased accessibility from Cessnock to Greater Newcastle and nearby coastal areas, increasing the attractiveness of the Cessnock LGA for new residents. Growth forecasts suggest that an additional 15,000 dwellings could be constructed in the LGA over the next 25-years. This growth translates to approximately 60,000 additional vehicle trips per day on the LGA road network and nearly 6,000 additional peak hour trips.

The Action / Implementation Plan for the Strategy underpins other strategic land use investigations and strategies being undertaken by Council's Strategic Land Use Planning section and is intended to be a "live" document that is regularly monitored and reviewed.

**REPORT/PROPOSAL**

A review and update of the 2018 Traffic and Transport Strategy is necessary to recognize the significant population growth, changed work environments and travel behavior's since COVID-19. The Strategy also needs to maintain currency with Council's strategic planning, development and operational maintenance progress.

Significant population growth will impact the existing transport network within and adjacent to the Cessnock LGA. The Strategy aims to identify improvements to accommodate future growth and to ensure the safe and efficient movement of traffic through, to and from and within new land release areas, as well as the existing residential, commercial and industrial areas.

As identified through public consultation and an independent review, the CTTS 2023 highlights a number of key transport challenges facing the Cessnock LGA, such as:

- LGA Growth and New Development
- Traffic Congestion
- Car Dependence
- Urban Spread
- Tourism
- Health and Ageing Population
- Journey to Work
- Climate Change
- Road Safety
- Road Management

---

**Works and Infrastructure**

**Report No. WI38/2023WI39/2023**

**Works and Infrastructure**

---



The vision of the CTTS 2023 is defined as:

*A people focussed transport network that is safe, sustainable, accessible, and connected which advances economic growth, tourism, and local amenity.*

To achieve the vision statement for the CTTS 2023, six (6) key themes have been identified which aim to address the issues facing the future transport network.

These themes include:

**Liveable**

A liveable LGA is one that caters for the needs, and promotes the wellbeing, of all residents. This is vital to the on-going prosperity of the LGA, and one of the most important factors the Strategy considers.

The CTTS 2023 seeks to ensure that the transport network considers people first. The Strategy seeks to achieve this in a variety of ways including the promotion of healthier living, guiding integrated land use planning, improving local centres, and enabling the successful movement of people to places regardless of age or ability.

**Sustainable**

A sustainable transport network is one that considers and accommodates the current population, but also supports the future generations within the LGA to ensure that they benefit from a strong and enduring transport system. Transport is a major contributor to carbon dioxide equivalent emissions globally, and in NSW it is the second highest contributor, behind electricity.

This CTTS 2023 seeks to ensure that the transport network is and will continue to be sustainable for all generations as we build towards the NSW interim goal of 50% emissions cut by 2030 and the ultimate goal to reach net zero by 2050.

**Safe**

Safety is the most important consideration when designing and implementing a transport system. Every year over 1,000 Australians lose their lives on roads, and Cessnock is not immune to this statistic. In fact, Cessnock has a fatality and road casualty rate higher than National and State averages.

The CTTS 2023 seeks to ensure that the transport network is safe for all modes of transport under all conditions to align with State, National and International targets related to road trauma.

**Connected**

A connected road system is the key to ensuring that people and goods are able to get where they need to be, when they need to be there. This is one of the most important roles that the transport network plays and is vital to the ongoing success of the Cessnock LGA.

The CTTS 2023 seeks to ensure that the transport network provides a high level of connectivity across geographical areas and across different travel modes to seamlessly connect all people and places.

**Works and Infrastructure**

**Report No. WI38/2023WI39/2023**

**Works and Infrastructure**



**Productive**

A productive LGA is one that promotes business, industry and tourism and accommodates the workforce necessary to sustain these. The transport network plays a vital role in the productivity of the Cessnock LGA and is responsible for delivering the efficient movement of freight and people. A productive transport network with a high level of service provides an economic benefit by allowing shorter travel times for all transit modes, which increases economic potential.

The CTTS 2023 identifies the following objectives to achieve the goal of a productive transport network:

- Provide a reliable road network with an appropriate level of service to ensure people and goods get where they need to be, when they need to be there;
- Manage transport networks to protect and enhance the LGA's current and future prosperity; and
- Support local industry and tourism within the LGA to provide economic growth suitable to sustain the growing population.

**Resilient**

A resilient LGA is one that can respond to the emergent needs, as well as being capable of dealing with long term impacts of weather and climate events. The Cessnock LGA is in an area that annually experiences a number of severe weather events that impact the safety, productivity and connectivity of the transport network. Most notably this includes flooding, which can quickly cause road closures isolating people, properties, and even entire townships.

The CTTS 2023 seeks to ensure that the transport network is resilient and can adapt to the ever-changing environment of the area. A resilient transport network can withstand the challenges of the LGA and provide reliability for all residents and visitors, at all times.

In developing the CTTS 2023 transport modelling was undertaken for the 2026, 2031, and 2041 design horizons to identify specific road network upgrade requirements for each design horizon. The modelling component of the strategy enables:

- A holistic approach to traffic and transport needs across the entire LGA.
- Analysis of future growth in traffic demand and road capacity upgrade needs,
- Evaluation of options for new road connections.
- Testing of the impacts of new developments.
- Informed consideration of development related contribution plans.
- Further discussion with State agencies on existing inter-regional and intra-regional traffic network matters across the LGA and the future classification of major road proposals contained in the Strategy.

As part of this modelling, a new road hierarchy was determined. This categorises each road based on the purpose, function, management, and design of the corridor, while also considering the additional functions associated with the "Preferred Road Network Plan" that will service the 2041 forecast traffic volumes; however, there are opportunities to implement the proposed upgrades in stages to ensure that planned growth is continually accommodated as the need is recognised.

A copy of the Draft CTTS 2023 is provided under separate cover.

**Works and Infrastructure**

**Report No. WI38/2023WI39/2023**

**Works and Infrastructure**



A Councillor Briefing on the Draft Strategy was held on Wednesday 8 November 2023.

**OPTIONS**

**Option 1** - Place the Draft Strategy on public exhibition for a period of six weeks, inviting public submissions. *This is the preferred option;*

**Option 2** - Amend the Draft Strategy and place it on public exhibition inviting public submissions;

**Option 3** - Not place the Draft Strategy on public exhibition.

**CONSULTATION**

The following stakeholders were consulted in the preparation of the Draft Strategy:

Internal

For the purpose of information transfer, reporting and monitoring progress throughout development of the strategy a project team was established, listed below:-

- Director Works and Infrastructure
- Infrastructure Manager
- Asset Planning Manager
- Environment and Waste Services Manager
- Community and Cultural Engagement Manager
- Manager Open Space and Community Facilities
- Principal Engineer Traffic and transport
- Principal Engineer Environmental
- Road Safety Officer
- Senior Strategic Planner
- Principal Strategic Planner
- Principal Development Engineer
- GIS Coordinator

External

- Transport for NSW
- Community / public consultation (community workshops)
- Council's website and online community survey
- Business Chambers, including: Cessnock Chamber of Commerce; Kurri Kurri District Business Chamber; Central Hunter Chamber of Commerce; Wollombi Valley Chamber of Commerce; Lovedale Chamber of Commerce
- NSW Police and Emergency Services
- NSW State Member for Cessnock
- Federal Member for Hunter
- Hunter TAFE
- LGA schools
- Bus Service Providers (Rover Coaches, Hunter Valley Buses)
- Taxi Service Providers
- Corrective Services NSW

**Works and Infrastructure**

**Report No. WI38/2023WI39/2023**

**Works and Infrastructure**



Further details of the extent of consultation undertaken is included in the Draft Strategy Summary Report and CTTS 2023 Community Consultation Summary.

**STRATEGIC LINKS**

**a. Delivery Program**

The Strategy will provide a strategic direction for traffic and transport policy, guide land use and development, and inform priority road network linkages/upgrades. The Strategy aligns with the following objectives of the Cessnock 2036 Community Strategic Plan:

- 1.1 – Promoting Social Connections;
- 1.2 – Strengthening Community Culture;
- 2.1 – Diversifying Local Business Options;
- 2.2 – Achieving More Sustainable Employment Opportunities;
- 3.1 – Protecting & Enhancing the Natural Environment & the Rural Character of the Area;
- 3.2 – Better Utilisation of Existing Open Space; and
- 4.2 – Improving the road network.

**b. Other Plans**

Relevant plans and strategies identified within the Draft Strategy, including:

**Cessnock LGA**

- Cessnock Road Safety Strategic Plan 2020-24
- Cessnock Disability Inclusion Action Plan
- Cessnock Trails Strategy 2020
- Cessnock Pedestrian Access and Mobility Plan 2016
- Cessnock Cycling Strategy 2016
- Kurri Kurri Commercial Centre Masterplan 2017
- Cessnock Urban Growth Management Plan 2021
- Cessnock Road and Road Infrastructure Network Asset Management Plan
- Cessnock Commercial Precinct Program
- Cessnock City Council Climate Change Policy 2020
- Cessnock Local Strategic Planning Statement 2036
- Branxton Land Use Strategy and Structure Plan 2016

**Hunter Region**

- Lower Hunter Regional Strategy
- Hunter Region Plan 2041
- National Road Safety Strategy 2021 - 2030
- Hunter Regional Transport Plan 2041
- Hunter Valley Destination Management Plan 2022 – 2030
- Hunter Valley Visitor Economy Destination Management Plan 2022 - 2030
- TfNSW MR195 Integrated Transport Plan (not yet published)
- Hunter JO Strategy Plan 2032
- Richmond Vale Rail Trail Plan

**Works and Infrastructure**

**Report No. WI38/2023WI39/2023**

**Works and Infrastructure**



**State & National**

- Greater Newcastle Metropolitan Plan 2036
- Net Zero Plan: Stage 1 2020 – 2030 (NSW)
- Net Zero Emissions 2050
- TfNSW Future Transport 2056
- National Road Safety Strategy 2021 - 2030
- Greater Newcastle Future Transport Plan 2036
- National Road Safety Strategy 2021 – 2030
- Greater Newcastle Future Transport Plan 2036

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Nil

**b. Financial Implications**

The requirement to publicly exhibit the Draft Strategy will have minimal financial implications for Council. The service cost for advertising in various media is not anticipated to be significant and would be accommodated within current budget allocations.

**c. Legislative Implications**

Council will be required to consider the Draft Strategy in the assessment of planning proposals in accordance with Part 3 of the *Environmental Planning and Assessment Act 1979*.

**d. Risk Implications**

The Strategy will be used in managing and prioritising traffic and transport demands stemming from development growth within the Cessnock LGA. It will also be used as a supporting document in developing future Council Delivery Plans (and associated annual operational plans) and Infrastructure Contribution Plans.

The risk from Council resolving not to exhibit the Draft Strategy:

- Continued poor and declining levels of service in some sections of the road network.
- Missed grant opportunities for key infrastructure that is not identified in the current 2018 Strategy.

**e. Environmental Implications**

Nil

**f. Other Implications**

Nil

**Works and Infrastructure**

**Report No. WI38/2023WI39/2023**

**Works and Infrastructure**

---



***CONCLUSION***

It is recommended that Council endorse the Draft Strategy for public exhibition for six weeks to enable the community to provide input into the development of the Strategy before it is finalised for this iteration.

A further report will be presented to Council following the exhibition period, reporting on submissions received during the exhibition period and providing detail of any amendments to the Strategy consequent of those submissions.

***ENCLOSURES***

- 1 ➡ Cessnock Traffic & Transport Strategy 2023 - provided under separate cover



Works and Infrastructure

Report No. WI39/2023

Works and Infrastructure



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

**RESPONSIBLE OFFICER:** *Environmental & Waste Services Manager - Michael Alexander*

**RECOMMENDATION**

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

Works and Infrastructure

Report No. WI39/2023

Works and Infrastructure



- 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.

**MINUTES OF COMMUNITY ENGAGEMENT, AWARDS AND GRANTS COMMITTEE  
MEETING OF THE CESSNOCK CITY COUNCIL HELD IN ANTE ROOM ON  
WEDNESDAY, 18 OCTOBER 2023, COMMENCING AT 11.00AM**

**PRESENT:** The Mayor, Councillor Suvaal  
Councillor Burke  
Councillor Grine  
Kate Harris - Open Space and Community Facilities Manager

**ABSENT:** Nil

**IN ATTENDANCE:** Tricia Donnelly - Coordinator Environment & Sustainability  
Daniela Gambotto - Sustainability Officer  
Kate Hicks – Recreation & Community Liaison Officer  
Nathan Eveleigh – Recreation & Community Facilities Coordinator  
Jessica Elliot - Community Development Officer  
Natalie Drage - Cultural and Community Development Manager

**INVITEES:** Nil

**APOLOGIES**

Councillor Sander  
Councillor Jurd  
General Manager  
Waste Services Manager  
Director Works & Infrastructure

**CONFIRMATION OF MINUTES**

**MINUTES:** **RECOMMENDED** that the Minutes of the Community Engagement, Awards and Grants Committee held on 12 July 2023, as circulated, be taken as read and confirmed as a correct record.

Works and Infrastructure

Report No. WI39/2023

Works and Infrastructure



## **DISCLOSURES OF INTEREST**

### **COMMITTEE DISCLOSURE OF INTEREST NO. DOLCDI3/2023**

**SUBJECT: DISCLOSURES OF INTEREST**

#### **RECOMMENDATION**

That any interests and reasons for declaring such interest in the matters under consideration at this meeting are now disclosed.

Nil

## **LISTED MATTERS**

### **LISTED MATTERS - COMMITTEE NO. DOLCLM9/2023**

**SUBJECT: SUSTAINABLE COMMUNITIES - TIDY TOWNS ENVIRONMENT GRANTS 2023-24**

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Grine

#### **RECOMMENDATION**

The Community Engagement, Awards and Grants Committee recommends:

1. 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.
2. That the remaining \$8,403.77 be allocated to Round Two Sustainable Communities - Tidy Towns Environment Grant proposed to be held early 2024.

**CARRIED UNANIMOUSLY**

Works and Infrastructure

Report No. WI39/2023

Works and Infrastructure



**LISTED MATTERS - COMMITTEE NO. DOLCLM10/2023**

**SUBJECT: COMMUNITY AND CULTURAL DEVELOPMENT GRANT SCHEME  
2023-24**

**MOTION**      **Moved:** Councillor Grine      **Seconded:** Councillor Burke

**RECOMMENDATION**

That the Community Engagement, Awards and Grants Committee recommends:

1. 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
2. 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.
3. 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.

**CARRIED UNANIMOUSLY**

Works and Infrastructure

Report No. WI39/2023

Works and Infrastructure



**LISTED MATTERS - COMMITTEE NO. DOLCLM11/2023**

**SUBJECT: 2023-24 COMMUNITY FACILITIES - DOLLAR FOR DOLLAR GRANTS**

**MOTION**      **Moved:** Councillor Grine      **Seconded:** Councillor Burke

**RECOMMENDATION**

That the Dollar for Dollar Committee recommends:

1. 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.
2. 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 \$18,239.00.
3. That the General Manager writes to the applicant advising them of the outcome of their application and thanking them for their ongoing support and commitment to the enhancement of Council's community facility.

**CARRIED UNANIMOUSLY**

**LISTED MATTERS - COMMITTEE NO. DOLCLM12/2023**

**SUBJECT: 2023-24 SPORTING FACILITIES - DOLLAR FOR DOLLAR GRANTS**

**MOTION**      **Moved:** Burke      **Seconded:** Grine

**RECOMMENDATION**

That the Dollar for Dollar Committee recommends:

1. 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.
2. That the General Manager writes to all applicants advising the outcome of their application and thanking them for their ongoing support and commitment to the enhancement of Council's sporting facilities.

**CARRIED UNANIMOUSLY**

Works and Infrastructure

Report No. WI39/2023

Works and Infrastructure

---



## **CORRESPONDENCE**

NIL

*The Meeting Was Declared Closed at 11.44am*

**CONFIRMED AND SIGNED** at the meeting held on

## **ENCLOSURES**

There are no enclosures for this report

Works and Infrastructure

Report No. WI40/2023

Works and Infrastructure



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

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

**RECOMMENDATION**

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

**MINUTES OF ROADS REVIEW COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL HELD IN ANTE ROOM ON WEDNESDAY, 4 OCTOBER 2023, COMMENCING AT 3.00PM**

**PRESENT:** The Mayor, Councillor Suvaal  
Councillor Moores  
Councillor Grine

**ABSENT:**

**IN ATTENDANCE:** Cameron Clark, Acting Director Works and Infrastructure  
(General Manager Delegate)  
Cam Martin – Acting Infrastructure Manager  
Rachel Stoddart – Minute Taker  
Felicity Pankhurst- Minute Taker

**INVITEES:**

**APOLOGIES**

**APOLOGY:** **MOTION** *Moved:* Mayor Suvaal **Seconded:** Councillor Grine  
That apologies tendered on behalf of Councillors Dunn, Burke, Watton and Olsen for unavoidable absence, be accepted.

**CARRIED UNANIMOUSLY**

Works and Infrastructure

Report No. WI40/2023

Works and Infrastructure



## **CONFIRMATION OF MINUTES**

**MINUTES:**

**MOTION**    *Moved:* Councillor Grine  
                  *Seconded:* Councillor Moores

**RECOMMENDED** That the Minutes of the Roads Review Committee held on 8 March 2023, as circulated, be taken as read and confirmed as a correct record with note to amend the divisions to read General Manager/Delegate instead of Councillor Liddell .

**CARRIED UNANIMOUSLY**

## **OFFICER'S REPORTS**

### **OFFICER'S REPORTS NO. RRCOR3/2023**

**SUBJECT:**    **EASTERN END ANZAC AVENUE, CESSNOCK & NORTHERN END  
KENNY STREET, CESSNOCK- PROPOSED CLOSURE OF  
UNFORMED ROAD RESERVE**

**MOTION**    *Moved:* Councillor Grine

**Seconded:** Councillor Moores

**RECOMMENDATION** that the Committee recommends Council note the information in this report pertaining to Hunter Water Corporation's proposed closure and acquisition of road reserve dissecting Manning Park Cessnock.

**CARRIED UNANIMOUSLY**

*The Meeting Was Declared Closed at 3.04pm*

### **ENCLOSURES**

There are no enclosures for this report



Works and Infrastructure

Report No. WI41/2023

Works and Infrastructure



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

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

**RECOMMENDATION**

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

**MINUTES OF FLOODPLAIN RISK MANAGEMENT COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL HELD IN ANTE ROOM ON THURSDAY, 13 JULY 2023, COMMENCING AT 11.05AM**

**PRESENT:** The Mayor, Councillor Suvaal  
Councillor Sander (Delegate)  
Cameron Clark - Infrastructure Manager (The Chair)  
Jean Brochut - Communities Representative  
Phil Townsend - Stormwater Engineer  
Angela Halcrow - Department of Planning, Industry and Environment

**ABSENT:** Councillor Jackson

**IN ATTENDANCE:** Sher Khan - Principal Engineer – Stormwater and Flood Mitigation  
Mandy Bramble - SES Deputy Commander – Northern Zone  
Peter Keegan - SES Deputy Northern Zone Commander - Hunter Command  
Esma Eftimova - Senior Legal and Governance Officer  
Melissa Vile - Senior Business Support Officer

**APOLOGIES**

**APOLOGY:** **MOTION** **Moved:** Councillor Sander  
**Seconded:** Ms Halcrow

**RECOMMENDED** that the apology tendered on behalf of Councillor Olsen be accepted.

That the apology tendered on behalf of Julia Irwin - Hunter Water Corporation be accepted.

**CARRIED UNANIMOUSLY**

## **GOVERNANCE INDUCTION**

- i. Governance and authority of the Committee
  - Department of Planning and Environment (**DPE**) Flood risk management guideline AG01: [Administration arrangements](#)
  - Statutory advisory committee – provide recommendations to the General Manager and elected Council as outlined in the Committee Charter
- ii. Member Responsibilities
  - Clause 7 of the Charter, signed Undertaking
  - [Code of Conduct](#): conflicts of interest, confidentiality, protection of privacy
  - [Privacy Management Plan](#): protection of privacy

## **CONFIRMATION OF MINUTES**

**MINUTES:**

**MOTION**

**Moved:** Councillor Sander  
**Seconded:** Mr Brochut

**RECOMMENDED** that the Minutes of the Floodplain Risk Management Committee held on 2 June 2021, as circulated, be taken as read and confirmed as a correct record.

**CARRIED UNANIMOUSLY**

## **BUSINESS ARISING FROM PREVIOUS MINUTES.**

An update was provided to the Committee to close out the various actions arising from the minutes of the Floodplain Management Committee meeting of 2 June 2021.

There were also Confidential Minutes and Actions arising from the same meeting. They generally related to financial negotiations and contributions towards the South Cessnock bund wall project, as well as an action relating to the former Austar Mine. These matters and actions are either completed or they are in the process of being completed. The Austar Mine matter has been abandoned.

## **DISCLOSURES OF INTEREST**

NIL

Works and Infrastructure

Report No. WI41/2023

Works and Infrastructure



## **LISTED MATTERS**

### **LISTED MATTERS - COMMITTEE NO. FLOCLM1/2023**

**SUBJECT: FLOODPLAIN RISK MANAGEMENT PROGRAM UPDATES**

**MOTION**      **Moved:** Ms Halcrow      **Seconded:** Councillor Sander

#### **RECOMMENDATION**

1. That information in relation to the status of Council's Floodplain Risk Management Program be received.
2. That future updates of the Floodplain Risk Management Program be provided to the Committee.

**CARRIED UNANIMOUSLY**

### **LISTED MATTERS - COMMITTEE NO. FLOCLM2/2023**

**SUBJECT: CESSNOCK LGA FLOOD STUDY STATUS AND A WAY FORWARD**

**MOTION**      **Moved:** Mr Clark      **Seconded:** Councillor Sander

#### **RECOMMENDATION**

1. That future flood modelling is postponed until new LiDAR data has been acquired (anticipated by the end June 2024).
2. That an external specialist consultant be engaged to prepare a report on options to optimise flood planning information across the Local Government Area.
3. That updates in relation to LiDAR and flood data acquisition be provided at future Committee meetings.

**CARRIED UNANIMOUSLY**

Works and Infrastructure  
Report No. WI41/2023  
Works and Infrastructure



**LISTED MATTERS - COMMITTEE NO. FLOCLM2/2023**

**SUBJECT: CORRESPONDENCE**

**MOTION**      **Moved:** Mr Townsend      **Seconded:** Councillor Sander

**RECOMMENDATION**

That the correspondence be noted.

**CARRIED UNANIMOUSLY**

**LISTED MATTERS - COMMITTEE NO. FLOCLM2/2023**

**SUBJECT: COMMITTEE CHARTER**

**MOTION**      **Moved:** Mr Townsend      **Seconded:** Mr Clark

**RECOMMENDATION**

Adoption of new Committee Charter (Motion to endorse adoption).

**CARRIED UNANIMOUSLY**

**LISTED MATTERS - COMMITTEE NO. FLOCLM2/2023**

**SUBJECT: GENERAL BUSINESS**

1. Committee Annual Report (Motion to defer Annual Report to 2024 due to one meeting held in 2023 by the stipulated date of September 2023 per Charter).
2. Next Meeting(s) (Motion to lock in next two Committee Meetings proposed for 2024 prior to November 2023 deadline per Charter). [Note: whilst the next meeting is scheduled for mid-November, suggest to move this meeting to early 2024 – meaning that the next two meetings are to be held February 2024 and July/August 2024]

*The Meeting Was Declared Closed at 12:22 pm*

**ENCLOSURES**

There are no enclosures for this report

Correspondence

Report No. CO5/2023

Corporate and Community Services



**SUBJECT:** *HOUSING SUPPLY*

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

**RECOMMENDATION:**

**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.**

Correspondence has been received from the Hon Paul Scully MP, Minister for Planning and Public Spaces regarding Government intentions to help increase supply and diversity of homes to address the housing supply crisis.

The correspondence outlines some Government initiatives being implemented, reminds Council of the potential impacts of the caretaker provisions in the lead up to the 2024 local government elections and seeks reviews of local planning policies to increase housing supply.

The Minister has requested that the correspondence be tabled at the next available Council meeting so that Councillors are clear on the Governments intentions and a copy of the correspondence is attached to this report.

**ENCLOSURES**

[1](#) The Hon Paul Scully MP