



10 October 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, 18 October 2023 at 6:30pm, for the purposes of transacting the undermentioned business.

AGENDA:

PAGE NO.

- (1) **ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS**
- (2) **OPENING PRAYER**
- (3) **RECEIPT OF APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE**
Leave of absence has been granted to:
Councillor Karen Jackson - 18 August 2023 to 14 November 2023 Inclusive
Councillor Paul Dunn - 18 October 2023
- (4) **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
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- (5) **DISCLOSURES OF INTEREST**
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- (6) **PETITIONS**
- (7) **PUBLIC ADDRESS**
- (8) **CONSIDERATION AND ADOPTION OF ALL REPORTS BY ENGLOBO**
- (9) **NOTICE OF INTENTION TO DEAL WITH MATTERS IN CONFIDENTIAL SESSION**
NI6/2023 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

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‡ - Denotes that Report is for notation only.



Principles for Local Government

Exercise of functions generally

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

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

Council's Values

- Integrity
- Accountability
- Respect
- Excellence
- Teamwork

Our Community's Vision

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

Cessnock – thriving, attractive and welcoming.

Our Community's Desired Outcomes

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



Council 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.



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**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 20 SEPTEMBER 2023,
COMMENCING AT 6:30PM**

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

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

Council Prayer:

Council Prayer was led by Pastor Aaron Donohue from L3 Church Greta.

**LEAVE OF
ABSENCE:**

MOTION **Moved:** Councillor Moores
Seconded: Councillor Hawkins

559
RESOLVED

That a Leave of Absence be granted to Councillor Dunn for the 18 October 2023 meeting.

That the Leave of Absence granted to Councillor Jackson from the 18 August 2023 to 14 November 2023 Inclusive be noted.

FOR	AGAINST
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

MINUTES:

MOTION

Moved: Councillor Sander
Seconded: Councillor Dunn

560

RESOLVED that the Minutes of the Ordinary Meeting of Council held on 16 August 2023, and the

FOR

AGAINST

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

Total (12)

Total (0)

CARRIED UNANIMOUSLY

MINUTES:

MOTION

Moved: Councillor Sander
Seconded: Councillor Hill

561

RESOLVED that the Minutes of the Extra Ordinary Meeting held on 30 August 2023, as circulated, be taken as read and confirmed as a correct record.

FOR

AGAINST

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

Total (12)

Total (0)

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI8/2023

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.

BN15/2023 - Heddon Greta Road Rehabilitation Additional Scope

Councillor Hill declared a Non Pecuniary Interest Less than Significant Conflict for the reason that his residential address is located along the road where proposed future works may occur. Councillor Hill advised that he will remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because the impact of possible works will not advantage him or hinder his ability to subjectively vote on this matter.

PE31/2023 2023 Cessnock Stomp Festival - In Kind Support

Councillor Burke declared a Pecuniary Interest for the reason that he is the organiser of the event. Councillor Burke advised that he would leave the Chamber and take no part in discussion and voting.

PETITIONS

Nil

ADDRESS BY INVITED SPEAKERS

The following person has been invited to address the meeting of Council:

Speakers	For / Against	Report	Page No.	Duration
Mr Anthony Frew	Against	PE30/2023 - DA 8/2021/22220/1 - Demolition of Existing Buildings, Tree Removal and Construction of a Centre-based Child Care Facility	39	3 mins

PLANNING AND ENVIRONMENT NO. PE30/2023

SUBJECT: DA 8/2021/22220/1 - DEMOLITION OF EXISTING BUILDINGS, TREE REMOVAL AND CONSTRUCTION OF A CENTRE-BASED CHILD CARE FACILITY

MOTION **Moved:** Councillor Paynter **Seconded:** Councillor Hill
562
RESOLVED

1. That:

- (i) Development Application No. 8/2021/22220/1 proposing the demolition of existing buildings, tree removal and the construction of a centre-based child care facility at Lots 1, 2 and 3, Section 35, DP 758590, 132 – 136 Rawson Street Kurri Kurri, be approved pursuant to Sections 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979*, subject to the conditions contained in Enclosure 2.
- (ii) The reasons for the decision (having regard to any statutory requirements applying to the decision) and consideration of community views are as follows:
 - The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instrument(s), being the *Cessnock Local Environmental Plan 2011 (CLEP)*, *State Environmental Plan (Transport and Infrastructure) 2021* and *State Environmental Plan (Resilience and Hazards) 2021*.
 - The proposed development is, subject to the recommended conditions, consistent with the objectives of the *Cessnock Development Control Plan 2010 (DCP)*.
 - Subject to the recommended conditions, the proposed development will be provided with adequate essential services required under the *Cessnock Local Environmental Plan 2011 (CLEP)*.

- The proposed development is considered to be of an appropriate scale and form for the site, and is consistent with the character of the locality.
 - The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
 - The proposed development is a suitable and planned use of the site and its approval is consistent with the public interest.
 - Any issues raised in submission/s have been taken into account in the assessment report and where appropriate, conditions of consent have been imposed on the determination. Council has given due consideration to community views when making the decision to determine the application.
- (ii) 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.
 3. That Council requests the Traffic Committee consider safety improvements as a result of the development.

SCHEDULE 1

CONDITIONS OF CONSENT

TERMS OF CONSENT

1. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2021/22220/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Title Page Project No. 1070-32 Revision G Drawing No A-DA-00.01	Elevation Architecture	23 August 2023
Existing Site Plan Project No. 1070-32 Revision F Drawing No A-DA-01.01	Elevation Architecture	23 August 2023
Proposed Site Plan Project No. 1070-32 Revision F Drawing No A-DA-01.02	Elevation Architecture	23 August 2023

Ground Floor Plan Project No. 1070-32 Revision H Drawing No. A-DA-03.01	Elevation Architecture	23 August 2023
Roof Plan Project No. 1070-32 Revision F Drawing No A-DA-04.01	Elevation Architecture	23 August 2023
Elevations (Sheet 01) Project No. 1070-32 Revision G Drawing No A-DA-09.01	Elevation Architecture	23 August 2023
Elevations (Sheet 02) Project No. 1070-32 Revision G Drawing No A-DA-09.02	Elevation Architecture	23 August 2023
Elevations (Sheet 03) Project No. 1070-32 Revision G Drawing No A-DA-09.03	Elevation Architecture	23 August 2023
Elevations (Sheet 04) Project No. 1070-32 Revision G Drawing No A-DA-09.04	Elevation Architecture	23 August 2023
Sections (Sheet 01) Project No. 1070-32 Revision G Drawing No A-DA-10.01	Elevation Architecture	23 August 2023
Sections (Sheet 02) Project No. 1070-32 Revision G Drawing No A-DA-10.02	Elevation Architecture	23 August 2023
Renders (Sheet 01) Project No. 1070-32 Revision E Drawing No A-DA-22.01	Elevation Architecture	23 August 2023
Renders (Sheet 02) Project No. 1070-32 Revision E Drawing No A-DA-22.02	Elevation Architecture	23 August 2023
Shadow Diagram (Sheet 01) Project No. 1070-32 Issue C Drawing No A-DA-01.03	Elevation Architecture	23 August 2022

Shadow Diagram (Sheet 02) Project No. 1070-32 Issue C Drawing No A-DA-01.04	Elevation Architecture	23 August 2022
Landscape Plans Revision A Sheets 1 - 11 Project Ref -L21148	Zone Landscape Architecture	23 August 2022

Document Title	Prepared By	Dated
Remediation Action Plan (RAP)	Qualtest Laboratory (NSW) Pty Ltd	28 July 2023
Noise Level Impact Assessment	Craig Hill Acoustics	15 August 2023
Waste Management Plan N21035	Zone Planning Group	November 2021

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

2. CC, PC & Notice Required

In accordance with the provisions of Section 6.6 & 6.7 of the *EP&A Act 1979*, construction works approved by this consent must not commence until:

- a) A *CC* has been issued by a Certifier (being Council or a registered certifier); and
- b) A *PC* has been appointed by the person having benefit of the development consent; and
- c) If Council is not the *PC*, notify Council no later than two (2) days before building work commences as to who is the appointed *PC*; and
- d) At least two (2) days before commencement of building work, the person having benefit of the development consent is to notify Council as to the intention to commence building work.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

3. Remediation Validation Report

Prior to the issue of a *CC*, the following documentation is to be submitted to the Certifier and Cessnock City Council:

- a validation report prepared by a duly qualified consultant, prepared in accordance with the requirements of the Remedial Action Plan (RAP) prepared by Qualtest Laboratory (NSW) Pty Ltd, dated 28 July 2023, and State Government legislation and endorsed contaminated land guidelines.

4. Long Service Levy

In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any work costing \$250,000 or more. The Long Service Levy is payable prior to the issue of a CC.

5. Car Parking – Commercial/Industrial

The design of the vehicular access and off street parking facilities must comply with, but not be limited to *AS 2890.1-2004 Parking Facilities – Off-Street Car Parking*, *AS 2890.2-2002 Parking Facilities – Off-Street commercial vehicles facilities*, and *AS 2890.3-1993 Parking Facilities – Bicycle parking facilities*. Details demonstrating compliance with these Standards are to be included on the plans submitted in association with a CC application.

A design certificate satisfying these requirements is to be issued by a suitably qualified professional engineer and submitted to the Certifier prior to the issue of a CC.

6. Parking – Minimum Requirement

Onsite car parking shall be provided for a minimum of forty-five (45) vehicles and such being set out generally in accordance with Council's Development Control Plan.

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

7. Disabled Car Parking Spaces

A total of one (1) car parking space for use by persons with a disability must be provided as part of the total car parking requirements.

Plans demonstrating compliance with this requirement and the following Australian Standards are to be submitted to, and approved by, the Certifier prior to the issue of a CC.

- * *AS/NZS 2890.1:2004 Parking Facilities – Off street car parking*
- * *AS/NZS 1428.1:2009 Design for access and mobility – General requirements for access – New building work*
- * *AS/NZS 1428.4.1:2009 Design for access and mobility – Means to assist the orientation of people with vision impairment – Tactile ground surface indicators.*

8. Road – Fees

The applicant shall lodge payment of fees as follows:-

- a) Road fees – engineering plan checking
- b) Road fees – PC certification of works

Final fee amounts will be levied on accurate dimensions contained within the engineering plans.

The fees shall be payable prior to the issue of a *CC / Section 138* for the Construction Works and shall be in accordance with Council's adopted fees and charges current at the time of payment.

9. Road – Construction Works – Allworth Street

The person having the benefit of the Development Consent shall construct the following for the full frontage of Allworth Street for a distance of approximately 55 metres in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, which are to be submitted to, and approved by, Council prior to the release of the S138 Roads Act Approval.

- (a) Construct kerb and gutter
- (b) Construct and gravel road shoulders
- (c) Place two (2) coat hot bitumen seal on road shoulders
- (d) Top-dress and turf footpath
- (e) Construct concrete footpath 1.2 metres wide and 75mm thick
- (f) Construct drainage works.

10. Road – Pedestrian Footpath Construction – Rawson Street

The person having the benefit of the Development Consent shall construct the following for the full frontage of Rawson Street for a distance of approximately 60 metres in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, which are to be submitted to, and approved by, Council prior to the release of the S138 Roads Act Approval.

- (a) Construct concrete footpath 1.2 metres wide and 75mm thick;
- (b) Top-dress and turf footpath

11. Stormwater – Detailed Design Requirements

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

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

12. Stormwater – Detention Requirement

The person having the benefit of the Development Consent is to provide a stormwater detention facility within the boundaries of the site to reduce the peak stormwater discharge from the developed lot to that of the peak stormwater discharged from the undeveloped lot for all storm events from the 1 in 1 year to the 1 in 100 year Average Recurrence Interval (ARI) storm event. A detailed drainage design shall be prepared for the disposal of roof and surface water from the site, including any natural runoff

currently entering the property. Details shall include onsite storage, the method of controlled release from the site, and connection to an approved drainage system in accordance with Council's 'Engineering Requirements for Development'.

Detailed plans, specifications and copies of the calculations, including existing and proposed surface levels, sub-catchments and conduit sizing appropriate for the development, shall be prepared by an engineer suitably qualified and experienced in the field of hydrology and hydraulics. The plans submitted in association with the CC application are to demonstrate compliance with this requirement. The plans are to be approved by the Certifier as satisfying this requirement prior to the issue of a CC.

13. Stormwater – Discharge (General)

The applicant shall collect all roof and stormwater runoff from the impervious areas on site, and any other drainage entering the site, and discharge it to Council's satisfaction in accordance with Council's 'Engineering Requirements for Development'.

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

14. Plan of Management

Prior to issue of a CC, a Plan of Management (PoM) is to be prepared and lodged with Council for approval. The Plan of Management is to cover (but is not limited to) the following issues:

- a) The program is to be made publicly available to parents and neighbours.
- b) A contact phone number for the centre's Director is to be made available to neighbours to facilitate communication and to resolve any neighbourhood issues that may arise due to operation of the centre.
- c) Crying children are to be taken inside the centre and comforted.
- d) The behaviour of children is to be monitored and modified as required by adequately trained child care workers.
- e) Parents and guardians are to be informed of the importance of noise minimisation when entering the site, dropping off or picking up children.
- f) The behaviour of children is to be monitored and modified as required by adequately trained childcare workers.
- g) Carers are to be informed to control the level of their voice while outside and limit the use of amplified music to avoid exceeding noise criteria.
- h) Should continued and substantiated complaints be received that noise criteria are being exceeded, the child care centre operator is to reconsider the management plan, including a review of its onsite operations.
- i) A further noise level impact assessment may be required to inform this revised management plan.
- j) The outdoor bins and bin storage area is to be cleaned weekly to ensure odour emissions do not adversely impact neighbouring properties.

- k) A register for the documenting of complaints received, details of investigation and corrective actions undertaken.
- l) Protocol for ongoing communication and complaint handling with residents and neighbours.
- m) Approved hours of operation are not to be exceeded at any time.
- n) Delivery vehicle and garbage collection drivers are to be made aware of noise management procedures.
- o) Staff to manage lighting in accordance with approved lighting plan.

15. Street Trees

A street tree planting plan shall be submitted and approved by Council, prior to the issue of a CC.

The street plan shall include:

- a) Proposed location of street trees
- b) Detailed species list including botanical and common names, quantities, pot sizes and estimated size at maturity
- c) Species selection consistent with surround street scape where applicable
- d) Detailed design drawings consistent with Cessnock City Council's engineering requirements for development
- e) A landscape maintenance schedule to administer over the determined time frame

16. Lighting Plan

Prior to issue of a CC, a lighting plan is to be lodged and approved by the CA. All outdoor lighting must not detrimentally impact upon the amenity of other premises and adjacent dwellings and road reserves, and must comply with, where relevant, *AS 1158.3:2005 Lighting for roads and public spaces – Pedestrian Area (Category P) lighting – Performance* and design requirements and *AS 4282:1997 Control of the obtrusive effects of outdoor lighting*.

17. Cessnock Section 7.12 Levy Development Contributions Plan

A total monetary contribution of **\$28,600.00** is to be paid to Council, pursuant to Section 7.12 of the *EP&A Act 1979*, such contribution is to be paid prior to the issue of any CC.

- i) This condition is imposed in accordance with the provisions of *Cessnock Section 7.12 Levy Contributions Plan 2017 (as amended)*. A copy of the document is available on Council's website at www.cessnock.nsw.gov.au or may be inspected at Councils' Customer Services Section, Administration Building, Vincent Street Cessnock.
- ii) The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at time of actual payment in accordance with the Consumer Price Index. Indexation of contributions for payment occurs quarterly.

Any party intending to act on this consent should contact Council prior to the date of payment to determine the indexed amount payable.

18. Section 50 – Hunter Water Act 1991

Evidence shall be submitted to Council that the registered proprietors of the land on whose behalf the application was made have complied with the requirements of Section 50 of the *Hunter Water Act 1991*. Such evidence shall be submitted to Council prior to the issue of the CC.

PRIOR TO COMMENCEMENT OF WORKS

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

19. Public Liability Insurance

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

20. Erection of Signs

Prior to the commencement of building works, subdivision work or demolition work, a sign must be erected in a prominent position on the site on which the work is being carried out. The sign must state:

- a) the name, address and telephone number of the principal certifier for the work;
- b) the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside of working hours; and
- c) state that unauthorised entry to the work site is prohibited.

The sign must be maintained while the work is being carried out, but must be removed when the work has been completed.

21. Site To Be Secured

The site must be secured and fenced prior to works commencing. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons on public property.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public property to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property.

Separate approval is required to erect a hoarding or temporary fence on public property. Approvals for hoardings, scaffolding on public land must be obtained and clearly displayed on site for the duration of the works.

Any hoarding, fence or awning is to be removed when the work is completed.

22. Toilet Facilities

Toilet facilities are to be provided prior to works commencing, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must be a sewage management facility approved by the NSW Department of Health and/or Council, and operate in an environmentally responsible manner, free of nuisance or offence, and be appropriately serviced.

23. S138 Roads Act Approvals

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

24. Relocation of Services

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

25. Road – Bonds

The applicant shall pay a performance and maintenance bond of a minimum of \$1000 or 5% of the contract construction costs, whichever is greater. To be held by council for a period of 12 months.

It will be necessary for the applicant to submit evidence of the contract price of all construction works in order for Council to assess accurate bond amounts.

The bond shall be payable prior to the issue of a *Section 138* approval.

The bond may be used to meet any costs referred to above, and on application being made to the Council by the person who provided the bond, any balance remaining is to be refunded to, or at the direction of, that person.

A fee in accordance with Council's current fees and charges is to be paid prior to the final inspection of works and subsequent bond return.

If no application is made to the Council for a refund of any balance remaining of the bond within six (6) years of the date of issue of a compliance certificate for the development, the Council may pay the balance to the Chief Commissioner of State Revenue under the *Unclaimed Money Act 1995*.

26. Construction Environmental Management Plan (CEMP)

Prior to construction works commencing, the proponent is to prepare and submit to the PC and Council a Construction Environmental Management Plan (CEMP) for construction works on the site, which is to be kept on site and made available to authorised Council officers upon request. The CEMP is to include but not be limited to:

- a) An asbestos removal control plan to safely manage and remove any asbestos identified during works.
- b) A site management strategy, identifying and addressing issues such as environmental health and safety, site security, and traffic management.
- c) A water management strategy, detailing erosion and sediment control, management of soil stockpiles, control and management of surface water, groundwater and process water.
- d) A dust management strategy, detailing procedures to minimise dust generation, with reference to control techniques and operational limits under adverse meteorological conditions. This strategy should be cross-referenced with the water management strategy.
- e) A road management strategy, detailing procedures to ensure that all roads adjacent to and within the proposed application area are kept free and clear from mud and sediment.
- f) A soil management strategy, detailing measures to be implemented to manage the identification and control and disposal of any acid sulphate soils or soil contamination identified during site works. The soil management strategy must include an unexpected finds protocol/contingency plan in relation to potential contamination.
- g) A community relations plan, which aims to inform residents and other local stakeholders of the proposed nature and timeframes for demolition and construction activities together with contact details for site management.

DURING WORKS

The following conditions are to be complied with during works.

27. Location of Council Pipes

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

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

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

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

28. Erosion and Sediment Controls

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

29. Demolition

All demolition works are to be carried out in accordance with AS 2601-2001 "Demolition of structures", with all waste being removed from the site. Hazardous waste such as asbestos cement sheeting etc, should be handled, conveyed and disposed of in accordance with guidelines and requirements from SafeWork NSW. Disposal of asbestos material at Council's Waste Depot requires prior arrangement for immediate landfilling.

30. Stormwater Runoff

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

31. Site is Securely Fenced

The site must be appropriately secured and fenced at all times during works.

32. Construction Hours

Excavation, building or subdivision work must be restricted to the hours of 7.00am and 5.00pm on Monday to Saturday inclusive. Work is not to be carried out on Sundays and public holidays.

33. Construction Noise

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment Protection Authority document *Noise Guide for Local Government*.

34. Building Materials On Site

All building materials, plant and equipment are to be placed on the building site. Building materials, plant and equipment (including water closets), are not to be placed on footpaths, roadways, public reserves, etc.

35. Remediation Action Plan Compliance

During site remediation works, the works are to be carried out in accordance with the requirements set out in the submitted Remedial Action Plan (RAP) prepared by Qualtest Laboratory (NSW) Pty Ltd, dated 28 July 2023

36. Limitations on Type of Filling Material Permitted

Filling material must be limited to the following:

- a) Virgin excavated natural material (VENM)
- b) Excavated natural material (ENM) certified as such in accordance with the Protection of the Environment Operations (Waste) Regulations 2014.
- c) Material subject to a Waste exemption under Sections 91 and 92 Protection of the Environment Operations (Waste) Regulations 2014 and recognised by the NSW Environment Protection Authority as being “fit for purpose” with respect to the development subject of this application.
- d) Any waste-derived material that is the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material’s compliance with the exemption conditions and must be provided to the *PC* and the Council on request.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions are to be complied with, to the satisfaction of the Certifying Authority, prior to issue of either an Occupation Certificate.

37. Consolidation of Lots

Prior to issue of an *OC*, evidence is to be provided to the Certifier that the land subject of this development consent (being Lots 1, 2 and 3, Section 35, DP 758590) has been consolidated into one (1) allotment of land.

38. Implementation of Noise Level Impact Assessment Recommendations

Appropriate acoustic treatment is to be implemented in accordance with the recommendations set out in the report prepared by Craig Hill Acoustics, dated 15 August 2023. Written final certification confirming the recommended acoustic treatment has been implemented in accordance with the requirements of the above report is to be submitted to the *PC* and Council prior to the issue of an *OC*.

39. Roads – Concrete Crossing

The registered proprietors shall construct and maintain a 6 metre wide concrete access crossing from the kerb and gutter in Allworth Street to the property boundary, in accordance with Council’s “Engineering Requirements for Development” and AS 2890.1. A S138 Roads Act Approval is required from Council prior to any construction commencing within the road reserve. The access crossing is required to be constructed prior to the issue of an *OC* for the whole of the building.

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

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

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

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

40. Parking – Completion

Car parking areas must be completed prior to the issue of an OC for development.

41. Disabled Access/Parking

The proposed development shall be provided with vehicular access and parking for the disabled in accordance with AS 1428.1 and AS 2890.6. The access shall be provided prior to issue of an OC.

42. Road – Removal of Redundant Infrastructure

All redundant vehicular accesses shall be removed, and the footpath, road shoulders and kerb and gutter, where applicable, restored to match existing conditions at no cost to Council, prior to use of the building or issue of an OC.

43. Positive Covenant – OSD

Prior to the issue of an OC, a positive covenant must be created under Section 88E of the *Conveyancing Act 1919*, burdening the owner(s) with the requirement to maintain the on-site detention and on-site retention/re-use facilities on the property, and registered on title.

The terms of the 88E instrument with positive covenant shall include, but not be limited to, the following:

- a) The proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures associated with the on-site stormwater detention facilities ("OSD").
- b) The proprietor shall have the OSD inspected annually by a competent person.
- c) The Council shall have the right to enter upon the land referred to above, at all reasonable times, to inspect, construct, install, clean, repair and maintain in good working order all pits, pipelines, trench barriers and other structures which comprise the OSD, or which convey stormwater from the said land, and recover the costs of any such works from the proprietor.
- d) The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD, or failure to clean, maintain and repair the OSD.

The proprietor, or successor, must bear all costs associated with the preparation of the subject 88E instrument.

The 88E instrument shall be submitted to and approved by the *PC* prior to lodgement at NSW Land Registry Services.

Proof of registration with the NSW Land Registry Services shall be submitted to the *PC* prior to the issue of an *OC*.

The approved 88E Instrument must be registered on title.

44. Drainage Works

All drainage works required to be undertaken in accordance with this consent shall be completed prior to issue of an *OC* for the development.

45. Food Premises

Prior to the issue of an *OC* for a food premise, an inspection of the completed premises is to be conducted by the Certifier certifying that the food premises has been constructed in accordance with the approved plans.

46. Completion of Landscape Works

Prior to the issue of an *OC* all landscaping is to be undertaken in accordance with the approved landscape plan.

47. Stormwater – Discharge to Street

All roof water shall be conducted to the street gutter by means of a sealed pipeline having a minimum diameter of 90mm prior to issue of an *OC*.

ONGOING USE

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

48. Hours of Operation

The child care centre is to operate within the following hours:

- Monday to Friday - 7.00am – 6.30pm

The centre is not to operate on weekends and public holidays.

All external maintenance activities involving machinery (mowing, pressure cleaning, blower vacuuming etc) is to only take place between the approved hours of operation.

49. Cleaning – Bin Storage Area

The bins and the bins storage area are to be cleaned weekly to prevent odour emissions onto adjoining land and are to be maintained in a tidy manner.

50. Submission of Annual Fire Safety Statement

An annual Fire Safety Statement must be given to Council and the New South Wales Fire Brigade commencing within twelve (12) months after the date on which the initial Interim / Final Fire Safety Certificate is issued.

51. Outdoor Lighting

All outdoor lighting must not detrimentally impact upon the amenity of other premises and adjacent dwellings and road reserve, and must comply with, where relevant, *AS 1158.3:2005 Lighting for roads and public spaces – Pedestrian Area (Category P) lighting – Performance* and design requirements and *AS 4282:1997 Control of the obtrusive effects of outdoor lighting*.

52. Compliance with Plan of Management

The Plan of Management is to be kept at the premises and adhered to at all times.

53. Graffiti and Vandalism

Graffiti is to be removed and vandalism fixed or replaced within 24 hours of its appearance.

54. Carpark

The carpark gate is to be locked at all times outside of operating hours.

55. Maintenance of Landscaping and Fencing

Landscaping and fencing shall be maintained in accordance with the approved plan in good condition, and in perpetuity, by the existing or future owners and occupiers of the development.

If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species and similar maturity as the vegetation which has died or was removed.

56. Parking Areas to be Kept Clear

At all times, the loading area, car parking spaces, driveways and footpaths must be kept clear of goods and must not be used for storage purposes.

ADVISORY NOTES

A. Disability Discrimination Act

This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The applicant/owner is responsible for ensuring compliance with this, and other, anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references *AS 1428.1 - Design for Access and Mobility*. *AS1428 Parts 2, 3 & 4* provide the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

B. Other Approval and Permits

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

C. Responsibility for Other Consents/Agreements

The applicant is solely responsible for ensuring that all additional consents and

FOR	AGAINST
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

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

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Sander
563

RESOLVED

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

‡ GMU6/2023	Cessnock City Council Union Picnic Day	35
‡ GMU7/2023	Proposal to Close Council Offices Between Christmas and New Year	37
CC55/2023	Revised Public Art Policy	63
CC59/2023	Related Parties Disclosure Policy	81
‡ CC61/2023	Investment Report - August 2023	89
‡ CC62/2023	Resolutions Tracking Report	96
WI29/2023	Naming of Council Assets Policy	97

Council adopt the recommendations as printed for those items.

FOR	AGAINST
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

MAYORAL MINUTES

MAYORAL MINUTES NO. MM6/2023

SUBJECT: POOL FAMILY FREE DAYS AND ENTRY VOUCHERS

MOTION **Moved:** Councillor Suvaal

564

RESOLVED

1. That Council issue a free family pass entry voucher to all children completing the NSW Department of Education intensive Learn to Swim program at Cessnock, Branxton Pools and Kurri Kurri Aquatic Fitness Centre, at a potential lost revenue of \$4,912.
2. That a free entry day and community celebrations take place early in the season and for Australia Day (26 January 2024) at Cessnock, Branxton and Kurri Kurri Pools at a cost of \$22,390.
3. That Council notes the total potential loss of pool entry revenue and other costs from these activities is an estimated total \$27,302.
4. Future funding to cover free entry days and community celebrations to be costed and included in the remaining Operational Plans in the current Delivery Program 2022-2026.

FOR	AGAINST
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU8/2023

SUBJECT: MOTIONS OF URGENCY

Nil

GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU6/2023

SUBJECT: CESSNOCK CITY COUNCIL UNION PICNIC DAY

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Sander
565
RESOLVED

That the report be received and noted with the Union Picnic Day to be held on Friday, 27 October 2023.

FOR	AGAINST
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

GENERAL MANAGER'S UNIT NO. GMU7/2023

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

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Sander
566

RESOLVED

1. That Council notes its offices, including Libraries will close from 12 noon Friday, 22 December 2023 and reopen on Tuesday, 2 January 2024.
2. That Council notes that the Performance Arts Culture Cessnock will close from 12 noon Friday, 22 December 2023 and re-open on Monday, 8 January 2024.

FOR	AGAINST
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE31/2023

SUBJECT: 2023 CESSNOCK STOMP FESTIVAL - IN KIND SUPPORT

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

Councillor Burke left the meeting, the time being 6.45pm

MOTION **Moved:** Councillor Grine **Seconded:** Councillor Moores
567

RESOLVED

1. That Council supports the 2023 Stomp Festival by providing in-kind and financial support to the value of \$17,470 for waste management, traffic management, event fees and the suspension of the Alcohol-Free Zone (AFZ); and
2. That Council fund the waste management and traffic management support of \$8,510 from the Tourism Related Activities reserve and use existing recurrent operating budgets to waive Council fees; and
3. That Council suspends the operation of the Alcohol-Free Zone in Vincent, Hall, Cooper and Charlton Streets, Cessnock between the hours of 6.00am and 6.00pm on Sunday, 29 October 2023.

FOR	AGAINST
Councillor Moores	
Councillor Dunn	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

Councillor Burke returned to the meeting, the time being 6.47pm

PLANNING AND ENVIRONMENT NO. PE32/2023

**SUBJECT: CESSNOCK DEVELOPMENT CONTROL PLAN 2010 - REGROWTH
KURRI KURRI (FORMERLY HYDRO) - POST EXHIBITION**

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Grine
568

RESOLVED

1. **That Council adopt the amended Chapter – Regrowth Kurri Kurri of the Cessnock Development Control Plan 2010.**
2. **That Council notify in writing the persons who made a submission of Council's decision.**

FOR	AGAINST
Councillor Moores	Councillor Jurd
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Suvaal	
Total (11)	Total (1)

CARRIED

PLANNING AND ENVIRONMENT NO. PE33/2023

SUBJECT: DRAFT HUNTER POWER PROJECT (KURRI KURRI POWER STATION) PLANNING AGREEMENT

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Burke
569

RESOLVED

1. That Council publicly notify the Draft Hunter Power Project (Kurri Kurri Power Station) Planning Agreement for a minimum period of 28 days in accordance with the provisions of the *Environmental Planning and Assessment Act 1979*.
2. That Council delegate authority to the General Manager to execute the Planning Agreement unless unresolved written objections are received during the exhibition period.

FOR	AGAINST
Councillor Moores	Councillor Olsen
Councillor Dunn	Councillor Jurd
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Suvaal	
Total (10)	Total (2)

CARRIED

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC53/2023

SUBJECT: ELECTION OF DEPUTY MAYOR - 2023/2024

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Paynter
570
RESOLVED

That the election of Deputy Mayor be held and determined by open ballot with the term of office to be from 21 September 2023 until the day prior to the next local government election.

FOR	AGAINST
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

The General Manager advised the meeting that 2 nominations had been received those being Councillors Watton and Hawkins.

Voting was conducted between Councillors Watton and Hawkins by way of a show of hands.

The result of the vote is as follows:

For Councillor Watton – Councillors Moores, Watton, Paynter, Olsen and Jurd.

For Councillor Hawkins – Councillors Suvaal, Dunn, Burke, Grine, Sander, Hill, Hawkins

The General Manager advised that Councillor Hawkins was the successful candidate and elected to the position of Deputy Mayor from 21 September 2023 until the September 2024 Council elections.

CORPORATE AND COMMUNITY NO. CC54/2023

SUBJECT: DISPLAY OF COMMUNITY NOTICES, COMMUNITY DISPLAYS & EXHIBITIONS AND HOSTING OF PETITIONS IN COUNCIL LIBRARIES POLICY - RECOMMENDATION FOR REVOCATION

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Hill
571

RESOLVED

1. That Council revoke the Display of Community Notices, Community Displays & Exhibitions and Hosting of Petitions in Council Libraries Policy (Policy 26.1).
2. That petitions cannot be left at any Cessnock City Library branch nor taken around inside the libraries seeking signatures unless approved by resolution of Council.

FOR	AGAINST
Councillor Dunn	Councillor Moores
Councillor Burke	Councillor Jurd
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Suvaal	
Total (10)	Total (2)

CARRIED

CORPORATE AND COMMUNITY NO. CC55/2023

SUBJECT: REVISED PUBLIC ART POLICY

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Sander
572

RESOLVED

1. That Council places the revised Public Art Policy on public exhibition for a period of 28 calendar days.
2. That Council adopts the revised Public Art Policy the day after the public exhibition period concludes, if no unresolved submissions are received.
3. That Council rescinds the Public Art Policy 2020 from the date the revised Public Art Policy is adopted.

FOR	AGAINST
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC56/2023

SUBJECT: CLASSIFICATION OF BLACK CREEK CHANNEL LAND ACQUISITIONS

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Sander
573
RESOLVED

That Council classify the following land as operational land:

- 0 Wollombi Road Cessnock - Lot E DP 384895;
- 47- 49 Vincent Street Cessnock - Lot F DP 354733;
- 47- 49 Vincent Street Cessnock - Lot G DP 347929;
- 47- 49 Vincent Street Cessnock - Lot H DP 384894.

Councillor Jurd left the meeting, the time being 7.23pm

Councillor Jurd returned to the meeting, the time being 7.26pm

FOR	AGAINST
Councillor Moores	Councillor Olsen
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Jurd	
Councillor Suvaal	
Total (11)	Total (1)

CARRIED

CORPORATE AND COMMUNITY NO. CC57/2023

SUBJECT: BI-ANNUAL COMPLAINT HANDLING REPORT - JANUARY TO JUNE 2023

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Burke
574
RESOLVED

That Council notes the Bi-annual Complaint Handling Report for the period 1 January 2023 to 30 June 2023.

FOR	AGAINST
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC58/2023

SUBJECT: MINUTES OF STRATEGIC PROPERTY & COMMUNITY FACILITIES COMMITTEE MEETING HELD 9 AUGUST 2023

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Paynter
575
RESOLVED

- 1. That the Minutes of the Strategic Property & Community Facilities Committee meeting held on 9 August 2023 be adopted as a resolution of the Ordinary Council.**
- 2. That the General Manager undertake a feasibility design process to develop the Dover Street, Cessnock and Cessnock Street, Aberdare properties to be funded out of the Property Investment Fund.**

FOR	AGAINST
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC59/2023

SUBJECT: RELATED PARTIES DISCLOSURE POLICY

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Sander
576
RESOLVED

That the Council adopt the updated Related Parties Disclosure Policy.

FOR	AGAINST
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC60/2023

**SUBJECT: FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023 -
REFERRAL FOR AUDIT AND COUNCIL CERTIFICATION**

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Sander
577

RESOLVED

1. That Council receive the draft Financial Statements for the year ended 30 June 2023 and formally refer them to Council's external auditor, the Audit Office of NSW, to provide an opinion and report to Council.
2. That Council authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to sign the Statement by Councillors and Management for the General Purpose Financial Statements for the year ended 30 June 2023.
3. That Council fix the date of 15 November 2023 as the date for the public meeting to present the audited Financial Statements and the Audit Reports for the year ended 30 June 2023, and that Council's external auditor be requested to present to answer questions.
4. That the General Manager be delegated authority to seek an extension of time for lodgment of the Financial Statements to the Office of Local Government should the need arise during finalisation of the audit.
5. That Council requests the General Manager source additional advice on Council's responsibilities and potential liabilities for past waste sites throughout the Local Government Area.

Councillor Hawkins left the meeting, the time being 7.28pm

Councillor Hawkins returned to the meeting, the time being 7.32pm

Councillor Moores left the meeting, the time being 7.38pm

Councillor Moores returned to the meeting, the time being 7.41pm

FOR	AGAINST
Councillor Moores	Councillor Olsen
Councillor Dunn	Councillor Jurd
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Suvaal	
Total (10)	Total (2)

CARRIED

CORPORATE AND COMMUNITY NO. CC61/2023

SUBJECT: INVESTMENT REPORT - AUGUST 2023

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Sander
578
RESOLVED

That Council receives the Investment Report for August 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 \$80,182,605.**

FOR	AGAINST
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC62/2023

SUBJECT: RESOLUTIONS TRACKING REPORT

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Sander
579
RESOLVED

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

FOR	AGAINST
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI29/2023

SUBJECT: NAMING OF COUNCIL ASSETS POLICY

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Sander
580
RESOLVED

1. That Council place the revised Naming of Council Assets Policy on public exhibition for a period of twenty eight (28) days and invite public submissions.
2. If there are no significant public submissions received, that the Policy be automatically adopted at the end of the exhibition period.

FOR	AGAINST
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI30/2023

SUBJECT: 2022/23 OUTDOOR POOL SEASON REVIEW

MOTION **Moved:** Councillor Sander **Seconded:** Councillor Grine
581

RESOLVED

That Council notes the information in the report.

FOR	AGAINST
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI31/2023

**SUBJECT: 2022/23 KURRI KURRI AQUATIC AND FITNESS CENTRE
PERFORMANCE REVIEW**

MOTION **Moved:** Councillor Sander **Seconded:** Councillor Grine
582

RESOLVED

1. That Council notes the performance of Belgravia Health & Leisure Group Pty Ltd in respect to Year 4 of the contract for the management of the Kurri Kurri Aquatic & Fitness Centre.
2. That Council engage an independent consultant to provide a more detailed KPI performance review of the centre prior to the tendering process.
3. That a report come back to Council with the outcomes of this review.

FOR	AGAINST
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI32/2023

SUBJECT: MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD 21 AUGUST 2023

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

That the Minutes of the Cessnock Local Traffic Committee Meeting of 15 May 2023 be adopted as a resolution of the Ordinary Council.

- **TC39/2023** - That Council note that the General Manager, under sub-delegation from Council, authorises the installation of regulatory parking signage and line marking on Cumberland Street and Cooper Street, Cessnock in accordance with the Cumberland Street Cessnock _ Signage & Line Marking Diagram.
- **TC40/2023** - That Council note that the General Manager, under sub-delegation from Council, authorises the installation of regulatory signage and line marking on Charles Street, Abermain in accordance with the Charles Street Abermain _ Signage & Line Marking Diagram
- **TC41/2023** - That Council note the advice of the Local Traffic Committee regarding the Technical Review of proposed temporary regulation of traffic on various roads within Wollombi, in accordance with the Various Roads Wollombi _ Wollombi Wild Ride Traffic Control Plans.
- **TC42/2023** - That Council authorises the temporary regulation of traffic on Broke Road, McDonalds Road, Palmers Lane and Wine Country Drive, Pokolbin for A Day on the Green in accordance with Various Roads Pokolbin _ A Day on the Green TGS.
- **TC43/2023** - That Council note that the General Manager, under sub-delegation from Council, authorises installation of regulatory controls on various roads within Huntlee, in accordance with Various Roads North Rothbury _ Signage & Line Marking Diagram.
- **TC44/2023** - That Council note that the General Manager, under sub-delegation from Council, authorises the installation of regulatory signage and line marking on Abbottsford Street and Balangara Way, Bellbird, in accordance with the Abbottsford Street Bellbird _ Signage & Line Marking Diagram.
- **TC45/2023** - That Council note that the General Manager, under sub-delegation from Council, authorises the installation of a pedestrian refuge, Bus Zone and associated signage and line marking on Millfield Road, Millfield in accordance with the Millfield Road Millfield _ Signage & Line Marking Diagram.
- **TC46/2023** - That Council note the advice of the Local Traffic Committee regarding the Technical Review of proposed installation of regulatory signage and line marking on Snape Street, Cessnock, in accordance with the Snape Street Cessnock _ Signage & Line Marking Diagram.

Councillor Grine left the meeting, the time being 8.10pm

AMENDMENT Moved: Councillor Olsen **Seconded:** Councillor Jurd

That the Minutes of the Cessnock Local Traffic Committee Meeting of 15 May 2023 be adopted as a resolution of the Ordinary Council with the exception of Item TC46/2023 which is to be deferred for a month to speak with the Hotel owners in regard to parking on the side road.

Councillor Grine returned to the meeting, the time being 8.12pm

Councillor Burke

FORESHADOWED AMENDMENT

That Council provide courtesy notification to the Hotel owners advising of the changes and options for contacting TfNSW.

Councillor Hill left the meeting, the time being 8.29pm

Councillor Hill returned to the meeting, the time being 8.31pm

AMENDMENT Moved: Councillor Olsen **Seconded:** Councillor Jurd

That the Minute of the Cessnock Local Traffic Committee Meeting of 15 May 2023 be adopted as a resolution of the Ordinary Council with the exception of Item TC46/2023 which is to be deferred for a month to speak with the Hotel owners in regard to parking on the side road.

FOR

Councillor Paynter
Councillor Watton
Councillor Olsen
Councillor Jurd

Total (4)

AGAINST

Councillor Moores
Councillor Dunn
Councillor Burke
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Suvaal

Total (8)

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

MOTION

Moved: Councillor Hawkins **Seconded:** Councillor Sander

584

RESOLVED

1. That the Minutes of the Cessnock Local Traffic Committee Meeting of 15 May 2023 be adopted as a resolution of the Ordinary Council.
- TC39/2023 - That Council note that the General Manager, under sub-delegation from Council, authorises the installation of regulatory parking signage and line marking on Cumberland Street and Cooper Street, Cessnock in accordance with the Cumberland Street Cessnock _ Signage & Line Marking Diagram.
- TC40/2023 - That Council note that the General Manager, under sub-delegation from Council, authorises the installation of regulatory signage and line marking on Charles Street, Abermain in accordance with the Charles Street Abermain _ Signage & Line Marking Diagram
- TC41/2023 - That Council note the advice of the Local Traffic Committee regarding the Technical Review of proposed temporary regulation of traffic on various roads within Wollombi, in accordance with the Various Roads Wollombi _ Wollombi Wild Ride Traffic Control Plans.
- TC42/2023 - That Council authorises the temporary regulation of traffic on Broke Road, McDonalds Road, Palmers Lane and Wine Country Drive, Pokolbin for A Day on the Green in accordance with Various Roads Pokolbin _ A Day on the Green TGS.
- TC43/2023 - That Council note that the General Manager, under sub-delegation from Council, authorises installation of regulatory controls on various roads within Huntlee, in accordance with Various Roads North Rothbury _ Signage & Line Marking Diagram.
- TC44/2023 - That Council note that the General Manager, under sub-delegation from Council, authorises the installation of regulatory signage and line marking on Abbottsford Street and Balangara Way, Bellbird, in accordance with the Abbottsford Street Bellbird _ Signage & Line Marking Diagram.
- TC45/2023 - That Council note that the General Manager, under sub-delegation from Council, authorises the installation of a pedestrian refuge, Bus Zone and associated signage and line marking on Millfield Road, Millfield in accordance with the Millfield Road Millfield _ Signage & Line Marking Diagram.
- TC46/2023 - That Council note the advice of the Local Traffic Committee regarding the Technical Review of proposed installation of regulatory signage and line marking on Snape Street, Cessnock, in accordance with the Snape Street Cessnock _ Signage & Line Marking Diagram.
2. That courtesy notification be provided by Council advising the Hotel Owners of the changes and options for contacting TfNSW to discuss any changes they may wish to put through in regards to TC46/2023.

FOR

Councillor Moores
Councillor Dunn
Councillor Burke
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Suvaal
Total (9)

AGAINST

Councillor Watton
Councillor Olsen
Councillor Jurd

Total (3)

CARRIED

BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BUSINESS WITH NOTICE NO. BN13/2023

SUBJECT: INVESTIGATE SENSOR LIGHTING OPTIONS FOR LOCAL GOVERNMENT AREA

MOTION **Moved:** Councillor Grine **Seconded:** Councillor Sander
585

RESOLVED

1. That Council requests the General Manager investigate sensor lighting options, including solar powered, to improve safety at Bridges Hill Park and other parks across the Local Government Area.
2. That Council investigate grant programs or funding opportunities to allow for these upgrades to be included into the delivery program.

FOR	AGAINST
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

BUSINESS WITH NOTICE NO. BN14/2023

SUBJECT: OLD BUTTAI ROAD PRIORITISATION

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Grine
586
RESOLVED

That Council requests the traffic committee review the prioritisation of Old Buttai Road to focus on the primary route of travel to and from the Buttai Quarry, taking on board the feedback from the recent Buttai Quarry Community Consultative Committee meeting.

Councillor Jurd left the meeting, the time being 8.46pm

Councillor Jurd returned to the meeting, the time being 8.47pm

FOR	AGAINST
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

BUSINESS WITH NOTICE NO. BN15/2023

SUBJECT: HEDDON GRETA ROAD REHABILITATION ADDITIONAL SCOPE

Councillor Hill declared a Non Pecuniary Interest Less than Significant Conflict for the reason that his residential address is located along the road where proposed future works may occur. Councillor Hill remained in the Chamber and participated in discussion and voting.

MOTION **Moved:** Councillor Grine **Seconded:** Councillor Burke
587

RESOLVED

That Council expand the investigation and design scope for RRL-2024-017 (Road Rehabilitation Investigation and Design - Adams Street, Heddon Greta) to include the section of Adams Street between Earp Street and Stanford Street as well as the section of Young Street between Main Road and Adams Street.

FOR	AGAINST
Councillor Moores	Councillor Olsen
Councillor Dunn	Councillor Jurd
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Suvaal	
Total (10)	Total (2)

CARRIED

COUNCILLOR REPORTS

Councillor Dunn tabled the following reports on behalf of Councillor Jackson.

HVWT Alliance

Monday 14 August 2023

The meeting was held at Brokenwood Wines on McDonald Road.

Hunter Water - Customer and Community Advisory Group (CCAG)

Tuesday 15 August 2023

The meeting was held at the Hunter Boardroom in Newcastle. I attended via Zoom.

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### **HVWT Alliance**

Monday 14 August 2023

The meeting was held at Brokenwood Wines on McDonald Road.

### **Destination and Marketing Update**

- Regional NSW grant funding for Destination Marketing activity concluded on 30 June. The Autumn/Winter campaign will run in the market to 31 August.
- Launched Business Events website – a dedicated hub for the corporate market.
- Working on Corporate site – a dedicated hub for industry, trade, and media
- Itinerary development - focused on key target markets identified in DMP. Possible audio itinerary solution.

### **Upcoming activity**

Consumer events:

- Uncorked Balmoral – 22 October. Tickets to go live end of this month. Supported by a media campaign in Sydney.
- D’Vine – presented by Around Hermitage, October Long Weekend; End2End – September
- Taste of the Hunter Valley (Newcastle)
- Planned Media activity:
- Tourism Australia –filming with Hong Kong media
- DNSW - Sunrise cross to Wollombi (3 September)
- Content partnerships with Australian Traveller (December) and Country Style (September)
- Travel Guides (ch 9) – Hunter Valley and Newcastle (December)

### **Funding Update / Grant Opportunity Update**

- At the State Level there is nothing open in terms of funding.
- Federal Government funding opportunities can be accessed via Dan Repacholi’s regular updates.
- CCC Visitor Economy Grants and Sponsorships Program open for applications until 31 Aug 2023. \$50,000 available for event and conference attraction.
- Singleton Council, Community and Economic Development Fund (CEDF) will open again in Oct 2023, from \$10,000 available. For projects that delivery economic growth and promote health and well-being for Singleton communities.

- Regional Drought Resilience Planning Program: Cessnock/Singleton are in Year 3 applications – due in June 2023. Growing the self-reliance and drought resilience of regional communities including the agricultural sector.
- \$10 million grant application – Shiraz to Shore project, still waiting for announcement.

### **Planning Update**

- HVWTA had a meeting with the Cessnock City Council planning department. Discussion around LEP, Vineyards District Character Statement and Hunter Regional Plan.
- HVWTA conveyed the importance of knowing project timelines, to have sufficient time to comment.
- A question was raised around public consultation and how do we best voice members' concerns to Council.
- It was added that for anything specific to a particular area or business that we contact the local councillor for that area. It was also confirmed that anything submitted through exhibition period is delivered as a report to councillors. It was noted councillors can be invited to attend any presentation or town hall meeting.

A community forum will be commencing in September and will be held on a quarterly basis. The HVWTA would be able to talk to councillors in this forum.

### **Funding**

State Budget to be announced – September / October

Outstanding applications include:

- Nature Based Tourism product program.
- Regional Conferencing.
- Regional Event Funding.

Success in receiving Austrade Funding in partnership with Newcastle Airport - \$90,000 over 2 years for the Export Market Development Grant. This will be spent on:

- Attendance at Inbound Trade Shows
- New routes to target.

Success in receiving funding for the Connectivity Project through Regional NSW. \$330k funding which will cover all DSSN regions (apart from Newcastle). Project will consider all aspects of digital connectivity (NBN and mobile) with the objective of completing a business case to assist with grant funding applications. The project will undertake a gap analysis and will address specific visitor economy considerations.

HVWTA Report

HVWTA Membership

- Renewals underway. Higher number of resignations than same time last year; difficult trading conditions and broader financial considerations cited as reasons.

### **Industry and Trade/Media Engagement**

- Legends Industry Awards – highest attendance and positive feedback on venue, MC, and format of awards. Held media famil, post-event, to showcase winners with 8 media from wine and lifestyle publications across 3 days.
- Wine Show Luncheon – 1 September. New naming rights sponsor – PKF. Show planning underway with over 500 entries. Will run trade engagement (sommeliers, wine retailers) as part of the event.

- RFS Andrew Thomas and Jennie have met with RFS representatives at Local Hunter and Hunter Valley stations. Discussed Pokolbin Mountain Burn, which is planned for August and agreed protocols for communication between RFS and HVWTA and via us, onto industry for this year's fire season.

### **Industry Development Program**

- Regional Industry Engagement Program (RIEP); working with NSW Wine and TAFE on pilot program for local school students (w/c 7 September).
- HVWTA Mentoring Program – first cohort will finish soon. Plan to continue with this program as positive feedback received.
- Funding industry workshops - working with councils on areas as identified within DMP and as area of business need – Cyber Security, Accessible Tourism and Cruise Development Product workshop (with DSSN).
- Moving Induction Program online - development of video modules.

### **Business Events / Inbound Tourism**

- Similar to leisure, market has slowed, and number of leads has slowed. Budgeted and plan to attend 3 trade fairs for Business Events market in FY23/24 and 3 for Inbound Tourism/leisure market.
- Successful in application for EMDG (Export Market Development Grant) to allow us to continue to invest in the inbound tourism market (considering attendance at UK/European trade fair; development of materials for trade and video content).
- Supported Events10 content development. Will undertake industry engagement to share resources.

### **Advocacy**

- NBN and digital connectivity. Held roundtable with Regional NSW NBN team for industry to discuss planned upgrades. Working with Ian Napier and Guy Fens on digital connectivity issues. Guy will be part of the DSSN Working Group also looking at this issue from a Hunter region perspective.
- Heritage Vineyards - Planned engagement with owners re Heritage Vineyards seeking financial support to progress with the National Heritage listing to fund the study be undertaken to prove the Heritage value of our vineyard areas against the rest of Australia. 200 Yr. Bicentenary

Several ideas have been discussed, the working group/committee will consider which ideas to prioritise. Also working on a plan for engagement with industry stakeholders to secure funding. Consideration for projects will focus on cultural (indigenous acknowledgment, Landscape – World Heritage); early history; wine; legends vineyard; lifestyle (outdoor events, sporting event, Shiraz to Shore); community; food.

### **Cessnock City Council Report**

#### **Jobs Shuttle Program**

- Project at risk – The company approached for the program, Northern Coalfields Community Care Association (NCCCA) currently receives funding from Transport for NSW to provide Social Transport and this funding may be at risk if they take on the funding from Cessnock City Council to provide Jobs Transport. Still trying to make this program work.
- Transport into the region is still an issue. More options will be explored.



### **Hunter Valley Monopoly**

- The Hunter Valley Monopoly project is aimed to disperse visitors throughout the Hunter Valley.
- The games arrived at the VIC today and will be sold online via <https://shophuntervalley.com.au/> and at the Singleton VIC and Hunter Valley VIC. \$59.95 retail price, 463 pre-sold.

### **Hot Air Balloon**

- CCC have received \$341k in grant funding to build an all-abilities hot air balloon.
- Balloon Aloft will operate the balloon and have commenced training.
- The council will own it for 5 years.
- Launch date is scheduled for September 27th.
- The balloon has been test inflated and will be ready for collection at the end of this week.

### **VIC Park**

- CCC have received \$602k in grant funding to build the outdoor cinema and amphitheatre.
- Awning and Amphitheatre Complete. Turf, labyrinth, art, and tables yet to be completed.
- Opening event planned for 9 December.

### **Shiraz to Shore**

- TRC and DMS were selected as consultants to work with Hunter JO. Consultation started with stakeholder meetings.
- Initial route developed for discussion.
- Further meetings are scheduled this week.

### **Stomp Festival**

- Progressing well. Working with Parish of Pokolbin as the naming rights sponsor.
- Great to link Cessnock township with the local vineyards.

### **Roads**

- Following the bushfires, Wollombi Valley Region are trying to update names of some roads as some are named very similarly and created confusion during the bushfire period.
- Wollombi Road to Millfield is currently receiving some road improvements.
- Public Works are currently dealing with a landslip on the other side of Laguna.

Mayor Suvaal offered his thanks to the DSSN for offering their support to council and industry after the recent bus accident. The Chair commended both Mayor Suvaal and Mayor Moore for their work during trying circumstances.

### **Singleton Council Report**

#### **On Exhibition**

- Footpath and cycling plan. Encourage feedback from the HVWTA.
- Shiraz to Shore
- Want to make sure the Hunter JO includes Broke and Hermitage Road and linking in Branxton.

#### **Broke**

- Broke Road, works have started on the repair job.
- The Broke pathway has started to go up as far as Adams Peake Road.
- BFWTA are doing some work around tracks and trails in the area.

## **Tourism**

- Tourism is booming out at Lake St Clair.
- Amenities received a recent upgrade.

## **\$45m Capital Works Program**

This is the largest ever Cap Ex program with a strong focus on key aspects of community life and how that links to tourism offering.

## **Renewable Energy**

- Jason Linnane and Councilor Sue Moore have recently joined the Coalition of Renewable

## **Energy**

Mayors.

- Jason reported of the challenges and delays with renewable energy projects and timelines.

## **Hunter Transmission Project (HTP)**

The HTP has been identified by both the Commonwealth and State governments as a priority project critical for ensuring ongoing energy security in NSW.

The HTP involves:

- up to 2 x 500 kV double circuit transmission lines between Bayswater and Eraring power stations, using as much as State land as possible.
- upgrades to existing substations at Bayswater and Eraring Power Stations
- ancillary infrastructure (mostly for constructions).
- Project is in planning stage and expecting to start detailed community engagement reference groups in the next few months.

## **Funding**

- HVWTA encouraged to start thinking about upcoming Marketing / Advertising Campaigns.
- Budget details start around Dec / Jan / Feb.
- Submit Business Plans to support any proposals.
- Community Development Funding – Expressions of Interest
- Opens 1st August and closes 31st October.
- 4 information sessions – must attend at least 1 session if you wish to apply. Need to register to attend.
- 2 streams of funding. \$10k minimum, one pool for one-off projects and another pool for projects over 3 years.
- Need to understand the full project application process.
- Details on Singleton Council website

## **Local Government Awards**

- Singleton Council took top place in Planning for its proactive 'Building Capacity Program' and received the Leo Kelly OAM Arts and Culture Award for the delivery of an Arts and Cultural Project. The Council was also a finalist for the Best Local Program for NSW Youth Week and the RH Dougherty Award for Innovation in Special Events for the Singleton Firelight Festival.

## **General Business**

Oakey Creek Road has re-opened.

Update on bike trails, and a Hermitage Road Loop.

It was confirmed the National Parks and Wildlife Services maintain Great Northern Walking Trail

**Hunter Water - Customer and Community Advisory Group (CCAG)**

Tuesday 15 August 2023

The meeting was held at the Hunter Boardroom in Newcastle. I attended via Zoom.

As a matter of interest, I thought you would like to know the purpose of this group. Consistent with its Charter, The Customer and Community Advisory Group (CCAG) provides advice on the interests of customers and consumers of Hunter Water, the Customer Contract, and other key issues related to Hunter Water’s planning and operations.

**Operational Update:**

Darren Cleary, Managing Director provided a Hunter Water operational update and Water storage update.

**Strategic presentations /Hunter Water Focus areas:**

Dam Safety Review - Chichester Dam

Hunter Water completed its five yearly risk assessment to inform the 15 yearly safety review for Chichester Dam. This presentation provides members with detailed briefings on the findings of the risk assessment, which was finalised August 2023.

The construction for Chichester Dam started in 1915 and was completed in 1926. The dam has had extensive upgrades. It is constantly being assessed against modern standards.

Dams of the Hunter Valley as inspected daily which picks up minor problems which can be addressed immediately. They also receive an extensive inspection annually and every 5 years. A risk assessment is conducted every 5 years. In addition, Every 3rd, 5 year review is done in conjunction with the 15 year reviews. Vulnerabilities have been identified. They have been there from the beginning. Modern technology helped identify and correct these problems.

Risk assessment is freely available on Hunter Water website. It is very technical but the summary is more in layman’s terms. The CCAG engagement has helped the community have trust in Hunter Water’s management of the dams.

**Sustainability Strategy Update**

A brief report was provided by David Derkenne who is the Group Manager of Sustainability Waterways and James Willing, Team Leader Sustainability and Climate Change.

**Regulatory and Pricing Proposal Update**

Emma Turner, Senior Economist presented a QR code which was available for a Customer Centric Journey, asking customers what is the most important and least important between now and 2030. That particular survey is not available at the submission of this report so I do not include it. However, Hunter Water is regular conducts customer surveys.

<https://www.hunterwater.com.au/community/community-engagement/customer-surveys>

*The Meeting Was Declared Closed at 9.03....pm*

**CONFIRMED AND SIGNED** at the meeting held on 18 October 2023

.....CHAIRPERSON

.....GENERAL MANAGER

Disclosures Of Interest

Report No. DI9/2023

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. NI6/2023

Corporate and Community Services



**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***

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

**RECOMMENDATION**

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.

**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**

Motions of Urgency

Report No. MOU9/2023

Corporate and Community Services

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**SUBJECT:** *MOTIONS OF URGENCY*

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

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**RECOMMENDATION**

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

**SUMMARY**

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

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

**ENCLOSURES**

There are no enclosures for this report.

General Manager's Unit  
Report No. GMU8/2023  
General Manager's Unit



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

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

**RECOMMENDATION**

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

**MINUTES OF THE AUDIT & RISK COMMITTEE MEETING OF CESSNOCK CITY COUNCIL HELD IN ANTE ROOM ON WEDNESDAY, 6 SEPTEMBER 2023, COMMENCING AT 2.00PM**

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

**IN ATTENDANCE:** Ken Liddell – General Manger  
Robert Maginnity – Director Corporate & Community Services  
Peter Mickleson – Director Planning & Environment  
Cameron Clark – Acting, Director Works & Infrastructure (Infrastructure Manager)  
Darrylen Allan – People and Culture Manager  
Lisa Ollerton – Internal Auditor  
Matthew Plumridge – Chief Financial Officer  
Arun Varghese – Finance Coordinator  
Charmaine Bennett – Risk & Safety Coordinator  
India Anderson – Minute Taker

**ABSENT:** Councillor Dunn

**INVITEES:** Luke Malone – Prosperity Advisors  
Cassie Malone – Audit Office NSW

**APOLOGIES**

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

That the Committee accepts the apologies on behalf of:

Jennifer Hayes – Independent Chair  
Councillor Grine







**LISTED MATTERS**

**LISTED MATTERS - COMMITTEE NO. ACCLM19/2023**

**SUBJECT: INTERIM MANAGEMENT LETTER 2023**

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

**RECOMMENDATION**

1. That the Audit and Risk Committee notes the receipt of the Interim Management Letter 2023 from the Audit Office of NSW and management responses to the three issues raised by the Audit Office of NSW.
2. That the Audit and Risk Committee notes the assessment of the matters raised and the risk rating assigned by the Audit Office of NSW.

| Matter                                            | Likelihood     | Consequence | Risk     |
|---------------------------------------------------|----------------|-------------|----------|
| Timeliness in resolving key accounting issues     | Likely         | Medium      | Moderate |
| Council's information technology general controls | Likely         | Medium      | Moderate |
| Fixed assets reconciliation process               | Almost certain | Low         | Moderate |

**CARRIED UNANIMOUSLY**

**LISTED MATTERS - COMMITTEE NO. ACCLM20/2023**

**SUBJECT: RELATED PARTIES DISCLOSURE POLICY**

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

**RECOMMENDATION**

That the Committee endorse the updated Policy for consideration by Council.

**CARRIED UNANIMOUSLY**

**LISTED MATTERS - COMMITTEE NO. ACCLM21/2023**

**SUBJECT: RETURN TO WORK AUDIT**

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

**RECOMMENDATION**

That the Audit and Risk Committee note the external return to work audit result and the significant improvement in Council's return to work outcomes and processes.

**CARRIED UNANIMOUSLY**

**LISTED MATTERS - COMMITTEE NO. ACCLM22/2023**

**SUBJECT: 2023/2024 INSURANCE RENEWAL**

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

**RECOMMENDATION**

That the Audit and Risk Committee note the information in relation to Council's 2023/2024 general insurance renewal.

**CARRIED UNANIMOUSLY**

General Manager's Unit  
Report No. GMU8/2023  
General Manager's Unit



**LISTED MATTERS - COMMITTEE NO. ACCLM23/2023**

**SUBJECT: INTERNAL AUDIT REPORT SEPT 2023**

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

**RECOMMENDATION**

That the Audit and Risk Committee notes:

- The Internal Audit Report for September 2023;
- That one recommendation was added and 26 recommendations were implemented during the period;
- That 39 recommendations are open as 25 August 2023, 29 overdue, 1 not accepted; and
- That no privacy breaches occurred during the Q4 2022-23.

**CARRIED UNANIMOUSLY**

**LISTED MATTERS - COMMITTEE NO. ACCLM24/2023**

**SUBJECT: 2023-01 DRIVES24 - INTERNAL AUDIT REPORT**

**MOTION**      **Moved:** Damien Connor      **Seconded:** Mayor Suvaal

**RECOMMENDATION**

That the Audit and Risk Committee receives the DRIVES24 Internal Audit Report and notes that the audit is complete, in accordance with the Terms of Access Agreement with TfNSW and the Annual Internal Audit Plan 2023-24, and that one recommendation was made.

**CARRIED UNANIMOUSLY**

General Manager's Unit  
Report No. GMU8/2023  
General Manager's Unit



**LISTED MATTERS - COMMITTEE NO. ACCLM25/2023**

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

**DEFERRED**

**LISTED MATTERS - COMMITTEE NO. ACCLM26/2023**

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

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

**RECOMMENDATION**

That the Audit and Risk Committee notes the indicative calendar of reports for the next twelve months.

**CARRIED UNANIMOUSLY**

General Manager's Unit  
Report No. GMU8/2023  
General Manager's Unit



**LISTED MATTERS - COMMITTEE NO. ACCLM27/2023**

**SUBJECT: PROPOSED MEETING SCHEDULE FOR FY 2023-24**

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

**RECOMMENDATION**

That the Audit and Risk Committee endorse the proposed future meeting dates.

**Ordinary Meetings:**

8 November 2023  
7 February 2024  
8 May 2024

**Special Meeting:**

17 October 2023

**CARRIED UNANIMOUSLY**

General Manager's Unit  
Report No. GMU8/2023  
General Manager's Unit



**LISTED MATTERS - COMMITTEE NO. ACCLM28/2023**

**SUBJECT: DRAFT ANNUAL FINANCIAL STATEMENTS 2022-23**

**MOTION**      **Moved:** Damien Connor      **Seconded:** Mayor Suvaal

**RECOMMENDATION**

That the Audit and Risk Committee:

1. Recommend to Council that the financial statements are formally referred for external audit.
2. Note that following receipt of the Auditor's Report, the 2022-23 Financial Statements will be presented to the public at the 15 November 2023 Ordinary Meeting.

**CARRIED UNANIMOUSLY**

*The Meeting Was Declared Closed at 3.51pm*

**ENCLOSURES**

There are no enclosures for this report.

Planning and Environment

Report No. PE34/2023

Planning and Environment



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

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

### **SUMMARY**

The purpose of this report is to provide an overview of the submissions received in response to the notice to reclassify land at Lot 11 Section B DP 4748 (94 Harle Street), Abermain.

This report seeks Council's endorsement to reclassify Lot 11 Section B DP 4748 (94 Harle Street, Abermain) from Operational Land to Community Land.

### **RECOMMENDATION**

**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*.**

### **BACKGROUND**

At its meeting of 19 April 2023, Council resolved to publicly notify the reclassification of Lot 11, Section B, DP 4748 (94 Harle Street) Abermain, from Operational Land to Community Land. The land forms part of the Harle Street playground.

At the same meeting, Council also resolved to reclassify certain land at Bellbird from Community Land to Operational Land, in the vicinity of Carmichael Park. This reclassification is being undertaken via a Planning Proposal (Local Environmental Plan (LEP) Amendment) in accordance with the provisions of the *Local Government Act, 1993* and the *Environmental Planning and Assessment Act, 1979*.

The reclassification of land from Community land to Operational Land is a significantly longer process, and because of this, and to enable the commencement of planned works to the Harle Street playground, the sites have been separated.

This report deals only with the reclassification of the Harle Street site.

### **REPORT/PROPOSAL**

The site comprises an area of approximately 2450m<sup>2</sup> and is currently classified as Operational land. The land is known as the Harle Street playground and includes embellishments in the form of play equipment. This is an administrative amendment to correct a classification anomaly identified by Council's Open Space and Community Facilities team.

The proposed reclassification of the land was publicly notified for a period of 28 days from 26 July 2023 to 23 August 2023.

Twelve submissions were received. Most were supportive of the reclassification.



Figure 1 Subject Site

## CONSULTATION

The reclassification was identified by Council's Open Space and Community Facilities team.

The proposed reclassification of the land was publicly notified for a period of 28 days from 26 July 2023 to 23 August 2023.

The notification process included a Have Your Say webpage, public notice in the newspaper on the 26 July 2023, a social media post on Facebook 15 August 2023 and reminder Facebook post on 22 August 2023.

Twelve submissions were received in response. Ten submissions supported the reclassification, whilst also calling for the upgrade of the park.

Upgrade works for the playground have been allocated funding as part of the 2022/23 Capital Works Program. It is expected that works will commence in early 2024.



**Planning and Environment**

**Report No. PE34/2023**

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One submission (Submission No. 4) clearly objected to the reclassification. However, from the nature of the concerns raised, i.e. that the playground be retained and upgraded, it is apparent that there may have been some misinterpretation of the intent of the reclassification. The reclassification of the site from Operational Land to Community Land will ensure the use of the site remains for community purposes, i.e. a local playground. The park will be retained and upgraded.

One submission raised the need for Council to undertake works within Harle Street (drainage), suggesting leaving the park for the “kids”. The reclassification will achieve this end.

**STRATEGIC LINKS**

**a. Delivery Program**

The reclassification of the land is supported by the Cessnock Community Strategic Plan 2036, Objective 1.2: Strengthening community culture: 1.2.4 - We have multi-purpose sporting and recreation facilities that meet the needs of a growing population.

**b. Other Plans**

The reclassification is consistent with the Cessnock Recreation and Open Space Strategic Plan (ROSSP).

**IMPLICATIONS**

**a. Policy and Procedural Implications**

NIL

**b. Financial Implications**

NIL

**c. Legislative Implications**

The reclassification is consistent with relevant provisions of the *Local Government Act 1993*.

**d. Risk Implications**

NIL

**e. Environmental Implications**

NIL

Planning and Environment

Report No. PE34/2023

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**f. Other Implications**

NIL

**CONCLUSION**

The proposed reclassification of Lot 11 Section B DP 4748 (94 Harle Street, Abermain) from Operational Land to Community Land has been publicly notified in accordance with the provisions of the *Local Government Act, 1993*.

Submissions received were on the whole supportive of the reclassification. It is recommended Council resolve to reclassify the land.

**ENCLOSURES**

[1](#) Submission Summary

Planning and Environment

Report No. PE35/2023

Planning and Environment



**SUBJECT:** LOCAL INFRASTRUCTURE CONTRIBUTIONS UPDATE

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

**SUMMARY**

The purpose of this report is to provide Council an update for the 2022-23 financial year regarding local infrastructure contributions in accordance with Notice of Motion BN22/2022.

As at 30 June 2023, Council received \$7,787,764.46 in development contributions, expended \$2,557,897.64 and held \$2,752,341.23 in committed contributions. As at 30 June 2023, a total of \$29,049,885.59 was held by Council in development contributions. Please note that these amounts are subject to final external audits to be completed for the end of the financial year.

**RECOMMENDATION**

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

**BACKGROUND**

On 20 July 2022, under Notice of Motion BN22/2022, Council requested half-yearly updates in relation to local infrastructure contributions. Local infrastructure contributions provide Council a partial source of funding for the delivery of local public services and infrastructure required as a result of new development in the Cessnock Local Government Area (LGA). Any balance of funding is the responsibility of Council.

The administration of development contributions must comply with the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulations 2000*, ministerial directions, practice notes and relevant Council policies.

**REPORT/PROPOSAL**

As at 30 June 2023, Council received \$7,787,764.46 in development contributions and spent \$2,557,897.64 and a total of \$29,049,885.59 (subject to verification by external auditors) million was held by Council in development contributions, as detailed below and within the body of this report.

|   |                                                               |                  |
|---|---------------------------------------------------------------|------------------|
|   | Development contributions held by Council, as at 1 July 2022  | \$26,432,421.10  |
| 1 | Contributions payments received (1 July 2022 to 30 June 2023) | \$7,787,764.46   |
| 2 | Contributions spent (1 July 2022 to 30 June 2023)             | (\$2,557,897.64) |
| 3 | Committed expenditure (as at 30 June 2023)                    | (\$2,752,341.23) |
| 4 | Interest accrued                                              | \$139,938.90     |
| 5 | Development contributions held by Council, as at 30 June 2023 | \$29,049,885.59  |

Planning and Environment

Report No. PE35/2023

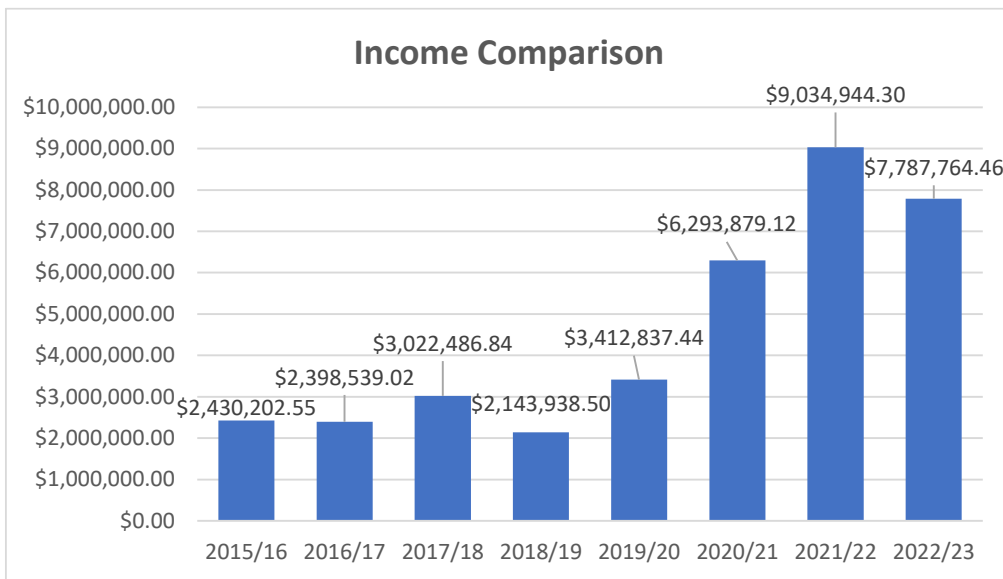
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**1. Contribution payments received (1 July 2022 to 30 June 2023)**

From 1 July 2022 to 30 June 2023 Council collected \$7,787,764.46 in development contributions. The majority of contributions collected in the current financial year are attributable to development at Averys Village (\$1.51m), Huntlee (\$1.23m) and Bellbird Heights (\$0.87m). A further \$2.9m is attributable to development levied under the City Wide Infrastructure Contributions Plan 2020.

The below graph details contributions payments collected from 2015 to 30 June 2023.



Planning and Environment

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Planning and Environment



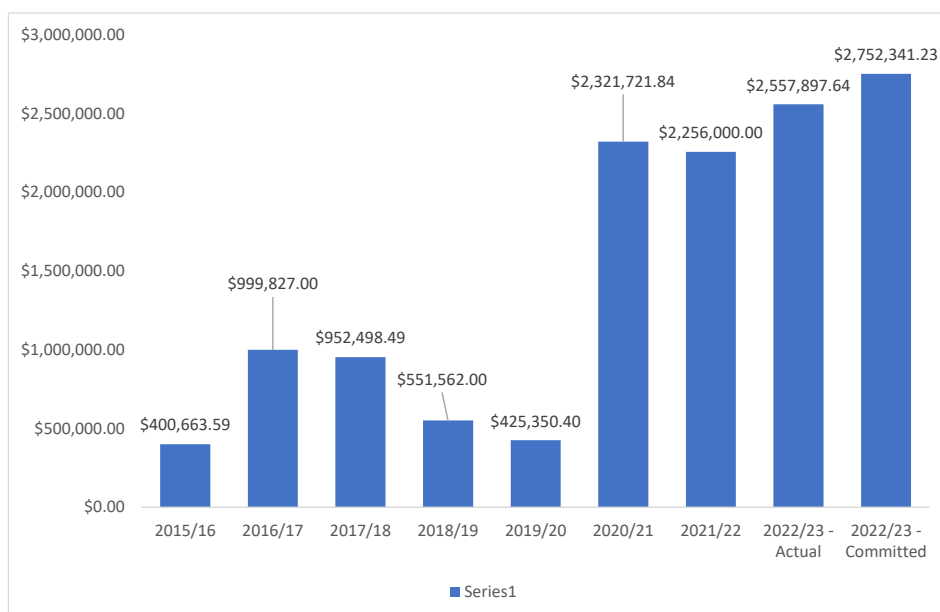
2. Contribution spent (1 July 2022 to 30 June 2023)

From 1 July 2022 to 30 June 2023, Council spent \$2,557,897.64 in development contributions, below is a list of each project and the total amount expended for the financial year.

|                                                                   |              |
|-------------------------------------------------------------------|--------------|
| CPW-2022-001 Millfield - Rose Hill Est to Wollombi shared pathway | 120,000.00   |
| CFR-2020-006 Poppethead Park Kitchener Masterplan                 | 6,518.00     |
| CFR-2019-006 Crawford Park Upgrades (Skate Park)                  | 51,885.00    |
| RRL-2020-011 Quorrobolong Rd Kitchener                            | 143,836.25   |
| RRL-2022-004 Deasy's Road Pokolbin                                | 167,872.00   |
| RFP-2020-004 Cessnock Pool Splash Pad                             | 119,500.00   |
| RBC-2022-005 CPAC Refurbishment                                   | 1,017,525.00 |
| CTK-2020-001 Town Centre Upgrade                                  | 11,431.00    |
| CDR-2020-006 Thomas St North Rothbury                             | 399,560.00   |
| Shoulder sealing and Line Marking Millfield & Eleventh Ave        | 17,409.02    |
| Traffic & Transport Strategy for Cessnock LGA                     | 116,545.00   |
| RCC-2022-001 Cessnock CBD Civic Stg 2 Library Shared Zone         | 47,846.00    |
| Branxton Cemetery                                                 | 17,766.54    |
| Mt View Basin                                                     | 4,084.51     |
| Kearsley Community Hall - Upgrade Bathrooms                       | 50,609.32    |
| Blackhill quarry - upgrades to Blackhill Road                     | 86,411.00    |
| Kurri Kurri Library Toilet Refurbishment (Design Works)           | 4,493.00     |
| Miller Park - tennis and netball courts                           | 98,456.00    |
| Administration expenses                                           | 76,150.00    |
|                                                                   | 2,557,897.64 |

Further a total of \$2,752,341.23 has been committed for expenditure which is essentially approved funding that has not been spent.

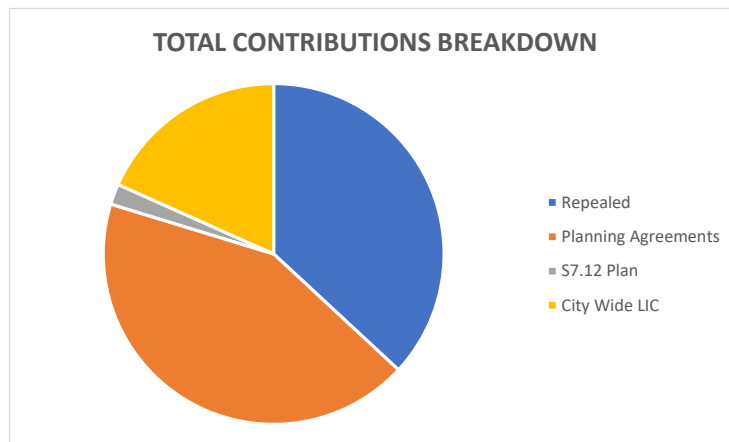
The below graph indicates the expenditure of development contributions as at 30 June 2023.





**3. Development contributions held by Council, as at 30 June 2023**

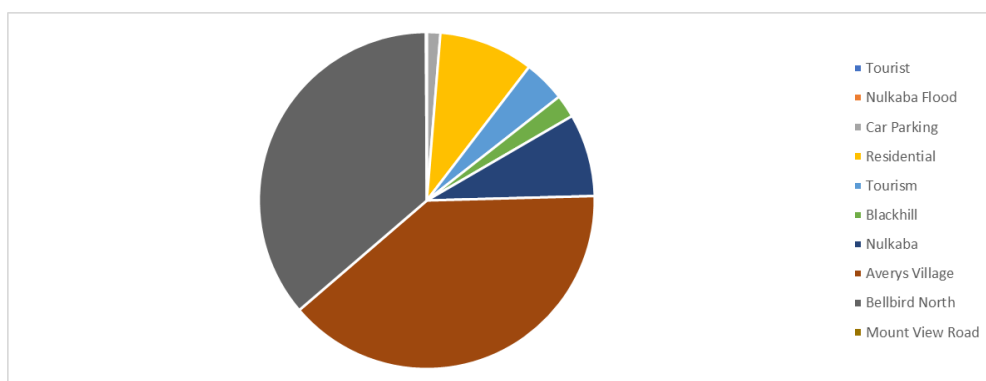
As at 30 June 2023, Council held \$29,049,885.59 under its contribution plans (repealed and current) and planning agreements (concluded and current). These contributions are broken down as follows.



|  | PLANNING AGREEMENTS                         | TOTAL CONTRIBUTIONS    | Percentage  |
|--|---------------------------------------------|------------------------|-------------|
|  | Repealed Contributions Plans                | \$11,249,391.90        | 37%         |
|  | Planning Agreements                         | \$12,028,378.41        | 43%         |
|  | S7.12 Levy Contributions Plan               | \$770,678.88           | 2%          |
|  | City Wide Infrastructure Contributions Plan | \$5,001,436.40         | 18%         |
|  | <b>TOTAL CONTRIBUTIONS:</b>                 | <b>\$29,049,885.59</b> | <b>100%</b> |

This can be further broken down into the following plans and planning agreements.

Council's Repealed Contributions Plans



Planning and Environment

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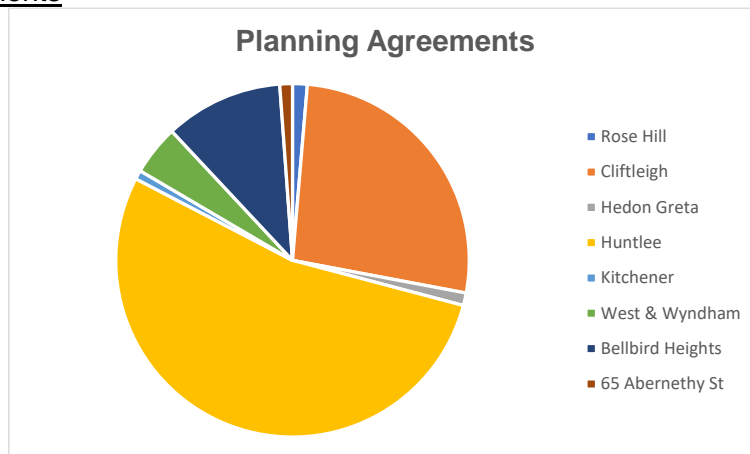
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|  | REPEALED PLANS                        | TOTAL CONTRIBUTIONS    |
|--|---------------------------------------|------------------------|
|  | Repealed Nulkaba Plan                 | \$823,873.37           |
|  | Repealed Averys Village Plan          | \$4,399,171.03         |
|  | Repealed Bellbird North Plan          | \$3,757,042.58         |
|  | Repealed Residential Plan             | \$1,480,267.24         |
|  | Repealed Tourism Plan                 | \$416,619.60           |
|  | Repealed Blackhill Quarry Plan        | \$228,807.12           |
|  | Repealed Carparking Cessnock CBD Plan | \$1,105.80             |
|  | Repealed Tourist Plan                 | \$215.86               |
|  | Repealed Nulkaba Flood Plan           | \$133,982.95           |
|  | Repealed Mount View Road              | \$8,306.35             |
|  | <b>TOTAL CONTRIBUTIONS:</b>           | <b>\$11,249,391.90</b> |

In relation to the repealed plans all contributions collected from Nulkaba, Averys Village, Bellbird North and Mount View Road will be allocated against the namesake Local Catchment areas within the City Wide Local Infrastructure Contributions Plan. These plans account for approximately 83% of the contributions collected in this category.

Planning Agreements



|  | PLANNING AGREEMENTS                      | TOTAL CONTRIBUTIONS    |
|--|------------------------------------------|------------------------|
|  | Cliftleigh Planning Agreement            | \$3,186,097.16         |
|  | Huntlee Planning Agreement               | \$6,445,459.49         |
|  | Bellbird Heights Planning Agreement      | \$1,301,065.92         |
|  | Heddon Greta Planning Agreement          | \$138,313.50           |
|  | West & Wyndham Street Planning Agreement | \$551,367.58           |
|  | Rose Hill Planning Agreement             | \$167,618.87           |
|  | Kitchener Planning Agreement             | \$98,986.85            |
|  | 65 Abernethy Street Planning Agreement   | \$139,469.04           |
|  | <b>TOTAL CONTRIBUTIONS:</b>              | <b>\$12,028,378.41</b> |

In relation to planning agreements, Huntlee accounts for approximately 53% of all contributions collected. Many of the works within the Huntlee Planning Agreement have triggers in accordance with dwelling/lot delivery. For example, the Huntlee Community Hub is required to be delivered when the total dwellings/lots at Huntlee reach 2,200, or as otherwise agreed in

Planning and Environment

Report No. PE35/2023

Planning and Environment



accordance with a Deed of Variation to the Planning Agreement. This is true for other planning agreements to which Council is a party.

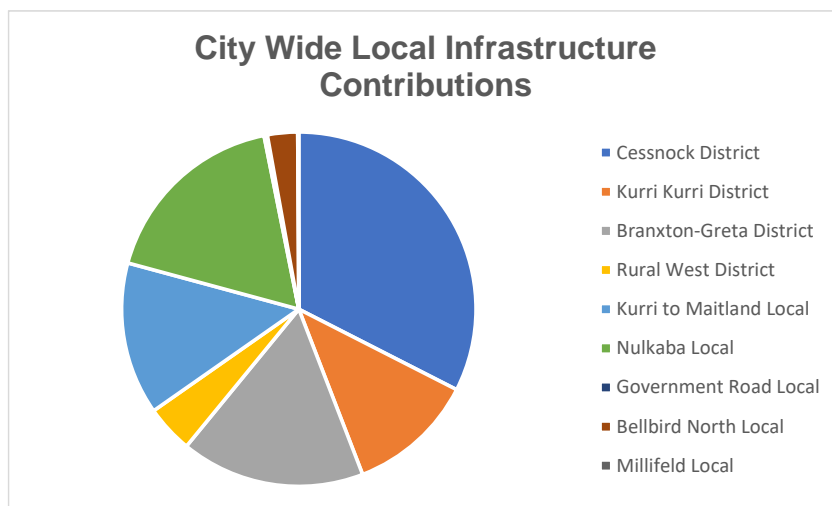
s7.12 Levy Contributions Plan

As at 30 June 2023, the available balance of Council’s s.7.12 Levy Contributions Plan was \$770,678.88. The works schedules appended to the Plan list the various works these funds may be used for, including funding part of Council’s adopted commercial centre masterplans, Council’s street tree planting program, pathways construction program, cycling improvements and public art program.

From 1 July 2022 to 30 June 2023 Council collected \$330,219.28 in development contributions under its s.7.12 Levy Contributions Plan.

City Wide Infrastructure Contributions Plan 2020

As at 30 June 2023 Council collected \$2,947,032.12 in development contributions under its City Wide Infrastructure Contributions Plan. Most of the contributions collected under this plan will require a co-contribution from Council to finalise a project in the works schedule.



|  | DISTRICT/LOCAL CATCHMENT AREA           | TOTAL CONTRIBUTIONS   |
|--|-----------------------------------------|-----------------------|
|  | Cessnock District Catchment             | \$912,339.04          |
|  | Branxton-Greta District Catchment       | \$939,380.96          |
|  | Kurri Kurri District Catchment          | \$638,926.61          |
|  | Rural West District Catchment           | \$235,387.80          |
|  | Kurri Kurri to Maitland Local Catchment | \$1,092,712.79        |
|  | Bellbird North Local Catchment          | \$171,289.74          |
|  | Millfield Local Catchment               | \$7,187.00            |
|  | Nulkaba Local Catchment                 | \$988,461.49          |
|  | Government Road Local Catchment         | \$15,750.97           |
|  | <b>TOTAL CONTRIBUTIONS:</b>             | <b>\$5,001,436.40</b> |



**Planning and Environment**

**Report No. PE35/2023**

**Planning and Environment**



**Continuous Improvements**

All funds within contributions plans and planning agreements have been allocated in accordance with the works schedule within the plans or planning agreements. These plans and planning agreements were endorsed by Council previously. In relation to the repealed plans the expenditure for these contributions are in accordance with the endorsement from Council in 2020.

Most of the contributions collected under plans and planning agreements will require a Council contribution to assist in the finalisation of the works. These works must be included in Council's Capital Works Program to ensure contributions are allocated to each project, this will ensure the works will be completed in accordance within the thresholds/timeframes within each plan.

Strategic Planning staff are working with Council's Works and Infrastructure directorate and Community and Culture to develop a 10 year delivery plan to ensure all works schedule items are listed in Council's Capital Works Program. Moving forward this will ensure that all works will be delivered.

**Infrastructure Planning**

In light of the increase cost of providing infrastructure and concerns from Councillors over the total cost of infrastructure to be delivered in the City Wide Local Infrastructure Contributions Plan, the Strategic Planning Team is undertaking a full review of the plan. It is anticipated that this review will be completed by June 2024.

**OPTIONS**

N/A

**CONSULTATION**

In preparing this report, consultation has occurred with Council's Contributions Steering Group and Financial Services Team.

**STRATEGIC LINKS**

**a. Delivery Program**

N/A

**b. Other Plans**

N/A

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Nil

**Planning and Environment**

**Report No. PE35/2023**

**Planning and Environment**

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**b. Financial Implications**

Financial implications are as outlined in the report. Developer Contributions contribute towards building capital infrastructure. Ongoing maintenance and depreciation is required to be funded from Council's General Fund.

**c. Legislative Implications**

Local Infrastructure Contributions and Planning Agreements are delivered in accordance with the *Environmental Planning and Assessment Act 1979, Part 7* and *Environmental Planning and Assessment Regulation 2000, Part 4*.

**d. Risk Implications**

Nil

**e. Environmental Implications**

Nil

**f. Other Implications**

Nil

***CONCLUSION***

This report provides an annual update on money collected and expended under Council s7.11, 7.12 Contributions Plans and Planning Agreements.

***ENCLOSURES***

There are no enclosures for this report.

Planning and Environment

Report No. PE36/2023

Planning and Environment



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

**RESPONSIBLE OFFICER:** ***Economic Development & Tourism Manager - Tony Chadwick***

### **SUMMARY**

The purpose of this report is to inform Council of the applications received under Round 1 of the 2023/2024 Visitor Economy Grants and Sponsorship Program and to seek Council's endorsement to offer conditional sponsorship funding for the purpose of attracting events, conferences and projects to the Cessnock Local Government Area.

### **RECOMMENDATION**

**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.**

### **BACKGROUND**

At its Ordinary Meeting of 18 May 2022, Council resolved (GMU12/2022, resolution 118):

- 1. That Council endorses the creation of the Visitor Economy Grants and Sponsorship Program with an annual budget allocation of \$50,000 from the existing Tourism Related Activities budget.*
- 2. That Council endorses the Visitor Economy Grants and Sponsorship Program Guidelines.*

This report addresses the above resolution by presenting to Council the Visitor Economy Grants and Sponsorships Program 2023/2024 Round 1 grant applications.

#### Visitor Economy Grants and Sponsorship Program

The \$50,000 annual Visitor Economy Grants and Sponsorship Program is a targeted program aimed at growing the visitor economy in areas where opportunities exist and maximum benefits are achieved. Data shows that increasing the visitor's length of stay or encouraging overnight visitation provides the greatest economic benefit to the region. The program also recognises that at certain times of the year accommodation availability is limited and additional activities during these periods may have a negative benefit to the region by reducing customer satisfaction and driving up costs.

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Grant and sponsorship applications are reviewed and selected based on the assessment criteria shown in **Table 1**.

**Table 1** - Visitor Economy Grants and Sponsorship Program assessment criteria

| Weighting   | Assessment Criteria Description                                                                                                          |
|-------------|------------------------------------------------------------------------------------------------------------------------------------------|
| 20%         | Alignment to Council's adopted strategies and plans                                                                                      |
| 20%         | Job creation within the Cessnock LGA                                                                                                     |
| 20%         | Value for money                                                                                                                          |
| 15%         | The number of visitors, residents and businesses supported by the project, or the number of bed nights booked as a result of the project |
| 10%         | How the project boosts visitation from Tuesday to Thursday during off-peak periods                                                       |
| 5%          | Project co-contribution amount                                                                                                           |
| 5%          | Measures and key performance indicators provided by the applicant for the project                                                        |
| 5%          | Acknowledgement for Council's support as part of the project                                                                             |
| <b>100%</b> | <b>Total</b>                                                                                                                             |

The Visitor Economy Grants and Sponsorship Program opens for applications from 1 to 31 August each year (round one). If funds remain available after round one, an additional secondary round of applications will be accepted from 1 to 28 February in the following calendar year.

**REPORT/PROPOSAL**

Round 1 2023/2024 Visitor Economy Grants and Sponsorship Program Applications

Council received six grant applications under Round 1 of the 2023/2024 Visitor Economy Grants and Sponsorship Program. An overview of the grant applications are shown in **Table 2** below.

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**Table 2 - Visitor Economy Grants and Sponsorship Program Applications**

| Applicant                                   | Project # | Project Title / Funds Requested / Event Details                                                                                                                                                                                              |
|---------------------------------------------|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Adrenalin Images                            | 16        | 2023 Postie Bike Grand Prix Documentary<br>Funds Requested: \$5,000<br>Description: Production of a 1-hour documentary on the 2023 Postie Bike Grand Prix                                                                                    |
| Wine Country Music Association Incorporated | 17        | 2023 Wine Country Talent Quest<br>Funds Requested: \$2,750<br>Event Expenditure: \$25,000<br>Event Days: 1<br>Room Nights: 65<br>Visitors: 190<br>Description: Local amateur and semi professional country music talent quest                |
| Hunter Valley Wildlife Park                 | 18        | 2024 Hunter Valley Wildlife Park Community Day<br>Funds Requested: \$25,000<br>Event Expenditure: \$160,000<br>Event Days: 1<br>Attendees: 2,000<br>Description: Planning and delivery of the 2024 Hunter Valley Wildlife Park Community Day |
| Co-pilots Business Coaching                 | 19        | Business Planning and Mastermind Coaching Workshop<br>Funds Requested: \$22,000<br>Event Expenditure: \$14,400<br>Event Days: 2<br>Room Nights: 48<br>Description: Business planning and coaching workshop                                   |
| Hunter Region Business Hub                  | 20        | Conference Attraction Social Media Campaign<br>Funds Requested: \$10,000<br>Description: 12 month targeted social media campaign and direct mail program to attract conferences to the Hunter Valley                                         |
| Wavemaker Australia Pty Ltd                 | 21        | 2023/2024 Wavemaker National Conference<br>Funds Requested: \$25,000<br>Event Expenditure: \$205,000<br>Event Days: 3<br>Room Nights: 550<br>Description: Wavemaker 3 Day National Conference for 275 people                                 |

Using the Visitor Economy Grants and Sponsorship Program assessment criteria shown in **Table 1** the applications received the following scores out of 100.

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**Table 3** - Visitor Economy Grants and Sponsorship Program Assessment Score (based on table 4 funding)

| Project # | Project Title                                      | Score out of 100 |
|-----------|----------------------------------------------------|------------------|
| 16        | 2023 Postie Bike Grand Prix Documentary            | 56               |
| 17        | 2023 Wine Country Talent Quest                     | 44               |
| 18        | 2024 Hunter Valley Wildlife Park Community Day     | 61               |
| 19        | Business Planning and Mastermind Coaching Workshop | 18               |
| 20        | Conference Attraction Social Media Campaign        | 28               |
| 21        | 2023/2024 Wavemaker National Conference            | 75               |

After considering the available program funding, application scores and benefits, a proposed funding amount has been provided against each project as shown in **Table 4**.

**Table 4** – Proposed Funding

| Project # | Project Title                                  | Funding Purpose/Conditions                                                                                                                                                                                                                         | Proposed Funding |
|-----------|------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| 16        | 2023 Postie Bike Grand Prix Documentary        | <ul style="list-style-type: none"> <li>Sponsorship to enable documentary production</li> <li>Council recognised as a sponsor</li> <li>Payment in the 2023/2024 financial year</li> <li>50% deposit and 50% on completion of documentary</li> </ul> | \$5,000          |
| 17        | 2023 Wine Country Talent Quest                 | <ul style="list-style-type: none"> <li>Sponsorship to grow the event</li> <li>Council recognised as a sponsor</li> <li>Payment in the 2023/2024 financial year</li> <li>Sponsorship paid after event delivery</li> </ul>                           | \$1,500          |
| 18        | 2024 Hunter Valley Wildlife Park Community Day | <ul style="list-style-type: none"> <li>Sponsorship to provide low cost entry for the community</li> <li>Council recognised as a sponsor</li> <li>Payment in the 2023/2024 financial year</li> </ul>                                                | \$10,000         |
| 21        | 2023/2024 Wavemaker National Conference        | <ul style="list-style-type: none"> <li>Sponsorship to attract the conference</li> <li>Council recognised as a sponsor</li> <li>Sponsorship paid after the conference is delivered</li> </ul>                                                       | \$7,500          |

If all funding offers are accepted and the events, conferences and projects proceed then approximately \$390,000 in direct expenditure will occur as a result of these four projects.

**OPTIONS**

N/A

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**CONSULTATION**

Community and business via grant program promotion  
 Visitor Information Centre Coordinator  
 Economic Development Officer  
 Economic Development Digital Officer

**STRATEGIC LINKS**

**a. Delivery Program**

This report aligns with the following Delivery Program 2022 – 2026 actions:

- A Sustainable and Prosperous Economy;
  - 2.1 Diversifying and growing our economy,
  - 2.2 Achieving more sustainable employment opportunities, and
  - 2.3 Increasing tourism opportunities and visitation in the area.

**b. Other Plans**

This report aligns with the following plans:

- Greater Cessnock Jobs Strategy 2036,
- Hunter Regional Economic Development Strategy, and
- Hunter Valley Destination Management Plan 2030.

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Nil

**b. Financial Implications**

An annual budget allocation of \$50,000 is available for the Visitor Economy Grants and Sponsorship Program. **Table 5** shows the funding allocation for proposed and accepted funding offers.

**Table 5 – Proposed and Accepted Financial Year Funding Allocation**

| Project #    | Funding Round     | 22/23           | 23/24           | 24/25 | Total           |
|--------------|-------------------|-----------------|-----------------|-------|-----------------|
| 1-9          | 2022/2023 Round 1 | \$31,000        | \$5,000         | -     | \$36,000        |
| 10-15        | 2022/2023 Round 2 | \$19,000        | \$20,000        |       | \$39,000        |
| 16-21        | 2023/2024 Round 1 |                 | \$24,000        |       | \$24,000        |
| <b>Total</b> |                   | <b>\$50,000</b> | <b>\$49,000</b> | -     | <b>\$99,000</b> |

Unspent funds from the annual Visitor Economy Grants and Sponsorship Program will be placed into the Miscellaneous & Property Reserve (Tourism Related Projects Reserve) at the end of each financial year.



**c. Legislative Implications**

Nil

**d. Risk Implications**

| Risk                                                                                  | Risk Ranking | Proposed Treatment       | Proposed Risk Ranking |
|---------------------------------------------------------------------------------------|--------------|--------------------------|-----------------------|
| Reputation – Council fails to support projects that grow the visitor economy          | C1 Low       | Adopt the recommendation | D1 Low                |
| Reputation – Council is unable to deliver assigned actions from the Hunter Valley DMP | C1 Low       | Adopt the recommendation | D1 Low                |

**e. Environmental Implications**

Nil

**f. Other Implications**

Nil

**CONCLUSION**

Round 1 of the 2023/2024 Visitor Economy Grants and Sponsorship Program has resulted in six grant applications totaling \$89,750 being received by Council. Of these applications four events, conferences and projects are proposed to be financially supported to a value of \$24,000.

If all funding offers are accepted and the events, conferences and projects proceed then approximately \$390,000 in direct expenditure will occur.

This report seeks Council endorsement to offer Visitor Economy Grants and Sponsorship Program funding to applicants.

**ENCLOSURES**

There are no enclosures for this report.



Planning and Environment

Report No. PE37/2023

Planning and Environment



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

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

### **SUMMARY**

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

### **RECOMMENDATION**

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

### **BACKGROUND**

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

### **REPORT/PROPOSAL**

Data outlined in this report provides details of Council's local development performance during the period of 1 July 2022 to 30 June 2023. The NSW Planning performance dashboard provides additional ePlanning reporting in relation to development assessment, data for each NSW Council can be monitored. [NSW Planning Performance Dashboard | Planning Portal](#)

### **Highlights**

- During the 2022-2023 financial year there has been approx. 20% decrease in the number of development applications lodged when compared to the previous year 2021-2022, however numbers are consistent when comparing to 2020-2021. Year to date July 2022 to June 2023 a total of 926 development applications were received and a further 179 modifications received. There were 231 applications processing (waiting to be assessed) as at 30 June 2023.
- During 2022-2023 a total of 900 development applications were determined (approved and refused) as well as 11 deferred commencements, during the reporting period a further 180 modifications were also assessed and determined.
- Processing days - Median 51 days and average 78 days.
- Comparative Data from the NSW Planning Portal performance dashboard outlines that Cessnock is consistent with a number of Hunter Councils. When comparing to the NSW

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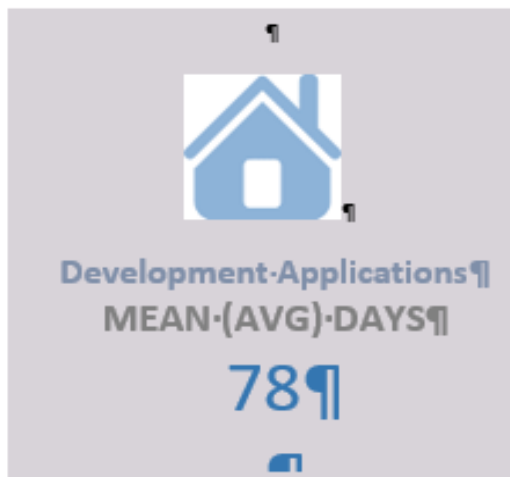


state average, Cessnock's average days are well below the state average of 114 days in June 2023.

- During 2022-2023 15 development applications and one modification were determined by Council, (10 approved, 6 refused). The average processing days for applications determined by Council resolution was 360 days.
- The highest level of development activity during the quarter was in Cessnock.
- The total value of approved development applications and complying development activity within the Cessnock LGA for 2022-2023 was \$480,879,610.
- 935 Residential dwellings were approved June FYTD (Based on Council's Annual Monitor Report Data) and 121 Subdivision lots approved.



**FINANCIAL YTD JUNE 2023**





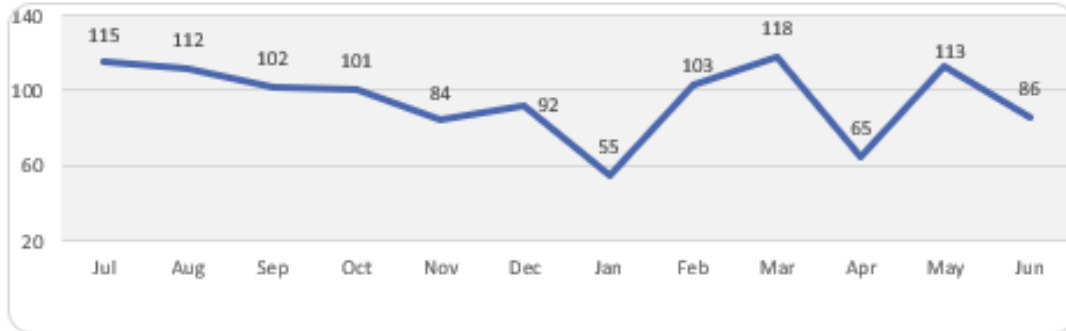
FINANCIAL-YTD-JUNE-2023



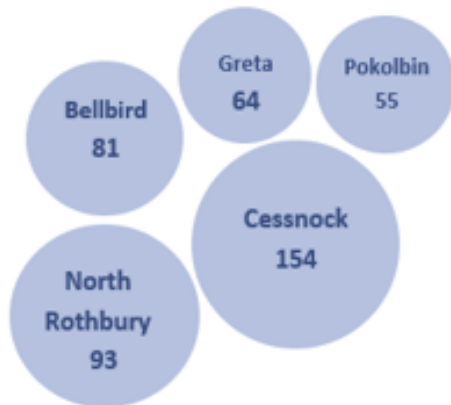


**FINANCIAL YTD JUNE 2023**

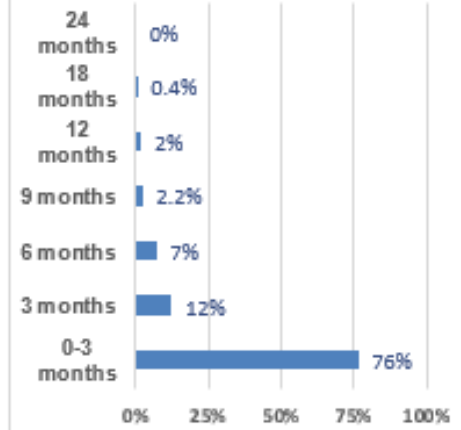
**12 Month comparison of applications determined (DAs & Modifications)**



**No of Approved DAs by Location**



**Development Applications Percentage of undetermined**



**Register of Development Applications with Variations to Development Standards (Last Updated 30/06/2023)**

| DA number    | Lot/SEC/DP Lot/DP    | Property Details             | Development Standard to be varied         | Extent of variation | Date DA Determined |
|--------------|----------------------|------------------------------|-------------------------------------------|---------------------|--------------------|
| 8/2022/256/1 | LOT 9 SEC 7 DP 8027  | 48 Fleet St, Branxton 2325   | Clause 4.1 – Minimum Subdivision Lot Size | 9.17%               | 28/07/2022         |
| 8/2022/13/1  | Lot 7 Sec A, DP 5015 | 16 Stephen St, Cessnock 2325 | Clause 4.1 – Minimum Subdivision Lot Size | 6.80%               | 16/08/2022         |

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

**Legal Appeals - 2022/2023 – As at 30/06/2023**

| Application type (DA, Modification) | Council reference number | Legal appeal class | Legal Appellant | Legal appeal determination date dd/mm/yyyy | Legal appeal outcome |
|-------------------------------------|--------------------------|--------------------|-----------------|--------------------------------------------|----------------------|
| DA                                  | 8/2021/21076/1           | Class one          | Developer       | 26/08/2022                                 | Withdrawn LEC        |

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## **CONSULTATION**

The following were consulted in the preparation of this report:

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

## **STRATEGIC LINKS**

### **a. Delivery Program**

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

### **b. Other Plans**

Nil

## **IMPLICATIONS**

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

Nil

### **b. Financial Implications**

Nil

### **c. Legislative Implications**

Nil

### **d. Risk Implications**

Nil

### **e. Environmental Implications**

N/A

### **f. Other Implications**

Nil

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***CONCLUSION***

The report is provided for information and outlines an overview of the performance of Development Assessment for the period 1 July 2022 to 30 June 2023.

***ENCLOSURES***

There are no enclosures for this report

Corporate and Community

Report No. CC63/2023

Corporate and Community Services



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

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

## **SUMMARY**

The purpose of this report is to obtain the authority of Council to acquire an easement for stormwater drainage purposes burdening privately owned land at 16 Cruickshank Street, Bellbird Heights (**Enclosure 1**).

## **RECOMMENDATION**

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.

## **BACKGROUND**

At the 21 June 2023 Ordinary Council meeting, Council adopted the Operational Plan 2023-2024. The plan has assigned capital expenditure under the Capital Works Program to develop the Cruickshank Street Bellbird Heights design upgrade.

The project will address a history of stormwater-related complaints in Cruickshank Street Bellbird Heights by capturing excessive storm water run-off in an easement created within privately-owned property in Cruickshank Street Bellbird Heights.

## **REPORT/PROPOSAL**

In accordance with the *Local Government Act 1991* (Act), a Council may acquire land (including an interest in land) for the purpose of exercising any of its functions. Land designated and authorised for acquisition under this part of the Act may be acquired by agreement - or compulsorily if necessary - in accordance with the *Land Acquisitions (Just Terms Compensation) Act 1991* (Just Terms Act).



**Corporate and Community**

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**Corporate and Community Services**



The proposed easement to drain water is approximately 43.3m<sup>2</sup> in total area and would burden privately owned land at 16 Cruickshank Street Bellbird Height, legally described as lot 5 in DP 7684. Registration of the survey plan (**Enclosure 2**) would create an easement in gross in favour of Council for public stormwater management purposes.

Construction of the easement is to address the history of stormwater related complaints in Cruickshank Street, which generally regard large volumes of stormwater entering the street from the following nearby locations which all drain toward Cruickshank Street.

- Wollombi Road
- King Street
- Mathieson Street
- Keelendi Road

A Flood Mitigation study has been carried out and identifies that a three-metre-wide easement to drain water located along the southern side boundary of the subject private land is required. The proposed easement is located at a natural low point and will allow for piped drainage and an overland flowpath that will add drainage benefits in major storm events. The proposed design works will limit the Cruickshank swale spill over to above a major 1% AEP event (100 year event).

**OPTIONS**

No alternative options are considered economically viable to reduce the flood risk in Cruickshank Street. If the subject easement is not approved for acquisition, there will be no legal access or property rights in place to construct critical infrastructure and the project cannot proceed.

**CONSULTATION**

Chief Financial Officer  
Principal Property Specialist  
Stormwater Engineer

**STRATEGIC LINKS**

**a. Delivery Program**

The project is included in the Operational Plan 2023-2024 Capital Works Program and specifically aligned with Sustainable & Healthy Environment Objective 3.1.6.e 'Investigate and design high priority works identified in the Stormwater, Waterway and Floodplain Strategy'. The project is included within the Drainage Construction Program (CDR).

**b. Other Plans**

Operation Plan 2023-2024  
Concept Design Report for Flood Mitigation Works for Cruickshank Street, Bellbird Heights – May 2023

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## **IMPLICATIONS**

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

Nil

### **b. Financial Implications**

Associated costs of the easement have been accounted for in the Capital Works Program of the Operation Plan 2023-2024. Council has obtained an independent valuation report which assesses the current market value of land affected by the easement. Council intends to negotiate with the land owner an agreement within this valuation range. Council will also cover all reasonable legal and valuation costs for both parties during the process of acquisition.

### **c. Legislative Implications**

Council's authority to acquire land is in accordance with s.186 (1) and s.187 (1) of the Just Terms Act. Section 377(1)(h) of the Act further stipulates the compulsory acquisition or purchase of land cannot be delegated and a resolution of Council is required authorising the transaction.

### **d. Risk Implications**

Failure to acquire the required easement will negate or delay Council's efforts to secure legal access and rights to construct critical infrastructure risking achievement of associated Operation Plan 2023-2024 objectives and extending the period of heightened flood risk for Bellbird residents.

### **e. Environmental Implications**

Nil

### **f. Other Implications**

Nil

## **CONCLUSION**

Council's approval to acquire the easement on the land will facilitate works required to mitigate the impact of flooding on Cruickshank Street Bellbird Heights residential properties.

## **ENCLOSURES**

- [1](#) Enclosure 1 - Site Plan
- [2](#) Enclosure 2 - Proposed Easement Plan

Corporate and Community

Report No. CC64/2023

Corporate and Community Services



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

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

### **SUMMARY**

The purpose of this report is for Council to determine the ward boundary adjustments prior to the next election, in accordance with the *Local Government Act 1993 (NSW) (Act)*.

### **RECOMMENDATION**

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.**

### **BACKGROUND**

The Cessnock Local Government Area (LGA) is currently divided into four wards for election purposes, with each ward electing three Councillors and a popularly elected Mayor. The next local government election is scheduled for September 2024.

At its meeting on 16 August 2023, Councillors noted an elector variation of 24% as at 20 June 2023. Council resolved to place an option for ward boundary adjustments on public exhibition, in accordance with the Act.

The Act requires Council to consult with the NSW Electoral Commission (NSWEC), Australian Statistician and undertake public exhibition of the proposed ward boundaries. The proposed changes seek to achieve a variance in enrolment distribution that is less than 10%; adjust the distribution to accommodate predicted growth areas; ensure distribution aligns with statistical boundaries and provides a natural distribution of electors; and minimise the number of community members affected by the change.

The LGA has experienced significant development since the last ward boundary adjustments in 2012, including an increase in registered voters which has led to significant voter variance across the wards. Current ward enrolments and historical reported variations are shown below:

| <b>Table 1 – Ward enrolments over time</b>                        |                   |                    |                    |                    |                     |                    |                     |
|-------------------------------------------------------------------|-------------------|--------------------|--------------------|--------------------|---------------------|--------------------|---------------------|
| <i>Note percentage variance is calculated as per OLG guidance</i> |                   |                    |                    |                    |                     |                    |                     |
| <b>Ward</b>                                                       | <b>2 Oct 2018</b> | <b>19 Mar 2019</b> | <b>26 Aug 2019</b> | <b>26 Sep 2019</b> | <b>21 July 2022</b> | <b>20 Sep 2022</b> | <b>20 June 2023</b> |
| <b>A</b>                                                          | 10,969            | 11,048             | 11,237             | 11,241             | 12,026              | 12,005             | 12,264              |
| <b>B</b>                                                          | 10,002            | 10,036             | 10,019             | 9,988              | 10,336              | 10,306             | 10,590              |
| <b>C</b>                                                          | 10,838            | 11,015             | 11,198             | 11,231             | 12,644              | 12,695             | 13,148              |
| <b>D</b>                                                          | 9,985             | 10,111             | 10,303             | 10,326             | 11,560              | 11,594             | 12,009              |
| <b>Total</b>                                                      | 41,794            | 42,210             | 42,757             | 42,786             | 46,566              | 46,600             | 48,011              |
| <b>Highest</b>                                                    | 10,969            | 11,048             | 11,237             | 11,241             | 12,644              | 12,695             | 13,148              |
| <b>Lowest</b>                                                     | 9,985             | 10,036             | 10,019             | 9,988              | 10,336              | 10,306             | 10,590              |
| <b>Variance</b>                                                   | 984               | 1,012              | 1,218              | 1,253              | 2,308               | 2,389              | 2,558               |
| <b>%</b>                                                          | 8.97%             | 9.16%              | 10.84%             | 11.15%             | 18.25%              | 18.82%             | 24.15%              |

As at 20 June 2023, Ward C had the highest number of enrolments (n=13,148) and Ward B had the lowest number of enrolments (n=10,590). This represents a variance of 24.15%. The expected population increases in Ward A (Bellbird Heights, Millfield, Paxton and Kitchener), Ward C (Huntlee, North Rothbury, Greta, Abermain and Weston) and Ward D (Kurri Kurri, Cliftleigh and Heddon Greta) resulting from subdivision development in these areas indicate that the variance is likely to increase, rather than decrease over time.

### **REPORT/PROPOSAL**

The proposed options for ward boundary adjustments have been made utilising the Australian Bureau of Statistics Statistical Area 1 Boundaries (SA1) and considering communities of interests as well as defined geographical features such as water courses, roads and railway lines. Minor changes were requested by the NSWEC prior to the public exhibition which resulted in SAI 1-0601-1109-13 requiring adjustments to take into account property boundaries, creeks and roads.

Proposes changes are detailed below and can be seen on Map 1:

| <b>Table 2 – Proposed SA1 and voter number redistribution</b> |                                         |                  |                |
|---------------------------------------------------------------|-----------------------------------------|------------------|----------------|
| <b>Proposed ward changes</b>                                  |                                         |                  |                |
| <b>Statistical Area Level 1</b>                               | <b>No. of Enrolments (20 June 2023)</b> | <b>From Ward</b> | <b>To Ward</b> |
| 1-0601-1107-07                                                | 1                                       | B                | A              |
| 1-0601-1107-07                                                | 3                                       | C                | A              |
| 1-0601-1107-30                                                | 292                                     | C                | A              |
| 1-0601-1107-33                                                | 270                                     | C                | A              |
| 1-0601-1108-64                                                | 556                                     | B                | A              |
| 1-0601-1109-05                                                | 288                                     | D                | A              |
| 1-0601-1109-13                                                | 39                                      | C                | D              |
| 1-0601-1109-14                                                | 156                                     | D                | A              |
| 1-0601-1108-22                                                | 10                                      | A                | B              |
| 1-0601-1108-01                                                | 432                                     | A                | B              |
| 1-0601-1108-21                                                | 1                                       | C                | B              |
| 1-0601-1108-26                                                | 109                                     | C                | B              |
| 1-0601-1108-33                                                | 7                                       | A                | B              |
| 1-0601-1108-34                                                | 76                                      | A                | B              |
| 1-0601-1108-37                                                | 527                                     | A                | B              |
| 1-0601-1108-43                                                | 308                                     | A                | B              |
| 1-0601-1108-44                                                | 303                                     | A                | B              |
| 1-0601-1108-45                                                | 333                                     | A                | B              |
| 1-0601-1111-25                                                | 377                                     | C                | B              |
| 1-0601-1107-08                                                | 2                                       | B                | C              |
| 1-0601-1111-36                                                | 120                                     | D                | C              |
| 1-0601-1111-43                                                | 24                                      | D                | C              |
| 1-0601-1111-44                                                | 21                                      | D                | C              |
| 1-0601-1109-06                                                | 69                                      | C                | D              |
| 1-0601-1111-42                                                | 10                                      | C                | D              |

**OPTIONS**

Nil

**CONSULTATION**

Councillors – briefing 12 July 2023, Ordinary Council meeting 16 August 2023  
 NSW Electoral Commission  
 Public exhibition and submission period – 28 August 2023 to 9 October 2023

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Engagement during the public exhibition period

There was good community engagement with the proposal generally during the public exhibition period.

| Active participants<br>(Visited the project page) | Informed participants<br>(Reviewed map, FAQs etc) | Engaged participants<br>(Contributed) |
|---------------------------------------------------|---------------------------------------------------|---------------------------------------|
| 432                                               | 299                                               | 4                                     |

Four submissions were received during the public exhibition period. Council has considered each of the comments and the responses are outlined in the table below.

| Submission # | Submission                                                                                                                                                                                                                                                                                                                       | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1            | Instead of making the Kurri ward to cover a distance 20 mins away make the blue line greater to cover Bellbird. Further no town should be split into two wards. It is bad enough now with a mystery woman having to come down ever now and again from Raymond Terrace. That boundary should never split Cessnock Council into 2. | The proposed adjustments try to balance addressing population growth and reducing the impact of changes on residents.<br>The town of Kurri Kurri has not changed. These follow the SA1 boundaries from Statistics Australia.<br>Ward D (Purple) which includes Kurri Kurri has seen some southern areas move into Ward A to reduce the geographical spread. Ward B (Blue) has been extended towards Bellbird. The significant concentration of voters in south Cessnock needs to be balanced with the spread of voters in other areas of the LGA. |
| 2            | Necessary and well thought out with future proofing based around key growth areas in the LGA                                                                                                                                                                                                                                     | Noted.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 3            | The additions and subtractions from Ward D generally seem reasonable. However, it may make more sense to include Weston in the same Ward as Kurri Kurri (if that is possible).                                                                                                                                                   | This was considered however currently the population distribution in Abermain/Weston does not allow for this. This may be possible in the future as growth in all wards of the LGA see changes to voter distribution.                                                                                                                                                                                                                                                                                                                             |
| 4            | Agree with [redacted] group the rural areas of Mulbring etc down the Mulbring (Wallis ck) valley to the Expressway to A - pull C to Hart road - D takes in all of Weston to Chinamans Hollow - it would be interesting to see what the population numbers do                                                                     | This was considered however there are a greater number of voters in the Abermain/Weston area than the Mulbring area. As it is a requirement to ensure relatively even distribution (less than 10% variance), this is not feasible at this time but can be considered again in the future.                                                                                                                                                                                                                                                         |

**STRATEGIC LINKS**

**a. Delivery Program**

This report is linked to the Community’s desired outcome under the Community Strategic Plan of *Civic Leadership and Effective Governance*.



**b. Other Plans**

N/A

**IMPLICATIONS**

**a. Policy and Procedural Implications**

N/A

**b. Financial Implications**

Costs associated with public exhibition of ward boundary plan will be managed within the current budget.

**c. Legislative Implications**

Section 211 of the Act requires Councils to keep the ward boundaries under review and to consult with the NSWEC in regards to proposed ward boundary adjustments.

**d. Risk Implications**

Nil

**e. Environmental Implications**

Nil

**f. Other Implications**

Nil

**CONCLUSION**

The variance in distribution of electors within Council's electoral wards was above the 10% limit allowed under the Act. Council has addressed the imbalance with proposed ward boundary adjustments. This report outlines the ward redistribution for Council adoption.

**ENCLOSURES**

- [1](#) Map 1 - Cessnock City Council Local Government Area: Ward boundaries

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

**RESPONSIBLE OFFICER:** *Chief Finance Officer – Mathew Plumbridge*

## **SUMMARY**

The purpose of this report is to present the revised Public Interest Disclosures Policy 2023 (Policy) to Council for adoption.

## **RECOMMENDATION**

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

## **BACKGROUND**

Good government relies on public officials speaking up when they witness, or otherwise become aware of, wrongdoing in the public sector. A strong 'speak up' culture that encourages public officials to report wrongdoing is important for ensuring the integrity of the public sector. An integral part of that 'speak up' culture is having in place a scheme that facilitates public interest reporting of wrongdoing. The *Public Interest Disclosures Act 2022* (PID Act) applies to all NSW public sector agencies. The PID Act provides a framework for public officials to report serious wrongdoing in the public sector, and to be protected when they do so.

Public interest disclosures relate to matters of serious wrongdoing including corrupt conduct, serious maladministration, government information contravention (not acting in accordance with the *GIPA Act* or the *State Records Act*), local government pecuniary interest contravention (not acting in accordance with the Code of Conduct), a privacy contravention (not acting in accordance with the *Privacy and Personal Information Protection Act*), or a serious and substantial waste of public money.

Council adopted its current policy in 2019. Changes to the legislation necessitate updating the Policy in line with the NSW Ombudsman's Model Policy.

## **REPORT/PROPOSAL**

The 2022 PID Act replaces the 1994 legislation in its entirety. The new legislation requires Council to change our PID policy, and Council has enhanced obligations to report certain information to the NSW Ombudsman.

Changes under the new legislation include that the threshold for what is considered detrimental action has been lowered, and the associated penalties for the detrimental action offence have been increased, when compared to the 1994 Act. Clarity is also provided in the PID Act 2022 on what agencies are expected to do with a report when it is received, how they must deal with a report once it is identified

Adopting the NSW Ombudsman's Policy ensures that Council's Policy meets all the legislative requirements and is able to be implemented within our structure. PID reporting forms part of part of Council's Fraud Control and Corruption Prevention Framework.



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## **OPTIONS**

Nil

## **CONSULTATION**

NSW Ombudsman  
Management Team  
Consultative Committee  
Disclosure Coordinator  
Disclosure Officers

## **STRATEGIC LINKS**

### **a. Delivery Program**

This report is linked to the Community's desired outcome under the Community Strategic Plan of *Civic Leadership and Effective Governance*.

### **b. Other Plans**

Nil

## **IMPLICATIONS**

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

As part of the implementation of the Policy, Council is required to ensure that all public officials, including Councillors, are provided training within 6 months of the commencement of the legislation, and every 3 years thereafter.

### **b. Financial Implications**

Nil. Training materials are provided at no cost by the NSW Ombudsman.

### **c. Legislative Implications**

The PID Act comes into effect from 1 October 2023.

### **d. Risk Implications**

Not implementing risks Council not being aware of public interest matters and breaking legislation

### **e. Environmental Implications**

N/A

### **f. Other Implications**

Nil

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**CONCLUSION**

Adopting a Public Interest Disclosures Policy supports Council developing strong 'speak up' culture and ensures Council meets its legislative obligations.

**ENCLOSURES**

[1](#) Public Interest Disclosures Policy 2023

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**SUBJECT:** *PRIVACY MANAGEMENT PLAN 2023*

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

## **SUMMARY**

The purpose of this report is to present to Council the revised Privacy Management Plan 2023 (Plan) (**Enclosure 1**) for public exhibition.

## **RECOMMENDATION**

- 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.**

## **BACKGROUND**

The *Privacy and Personal Information Protection Act 1998* (NSW) (**PIIP Act**) requires all councils to prepare a Plan outlining their practices to ensure compliance with the requirements of that Act, the *Health Records and Information Privacy Act 2002* (HRIP Act) and [Privacy Code of Practice for Local Government](#) issued 20 December 2019.

In particular, the objective of this Plan is to:

- Inform the community about how their personal information will be used, stored and accessed after it is collected by the Council; and
- Ensure Council officials are aware of their obligations in relation to handling personal information and when they can and cannot disclose, use or collect it.

From 28 November 2023, Council will be required to comply with the mandatory notification provisions under Part 6A of the PPIP Act. This part creates a Mandatory Notification of Data Breach (MNDB) Scheme which binds NSW public sector agencies to notify the Privacy Commissioner and affected individuals (where appropriate) of data breaches involving personal or health information likely to result in serious harm.

A data breach essentially occurs when information Council holds is subject to unauthorised access, disclosure or is lost to circumstance where loss is likely to result in unauthorised access or disclosure. Examples of a data breach include:

- Accidental loss or theft of private information or equipment on which such information is stored (e.g. loss of paper record, laptop, iPad or USB stick);
- Unauthorised use, access to or modification of data or information systems (e.g. sharing of user login details (deliberately or accidentally) to gain unauthorised access or make unauthorised changes to data or information systems);

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- Unauthorised disclosure of personal information (e.g. email sent to an incorrect recipient or document posted to an incorrect address or addressee), or personal information posted onto the internet without consent;
- Compromised user account (e.g. accidental disclosure of user login details through phishing);
- Failed or successful attempts to gain unauthorised access to Council's information or information systems;
- Malware infection; or
- Disruption to or denial of IT services.

**REPORT/PROPOSAL**

This report seeks Council to place the draft Privacy Management Plan on public exhibition to allow for community input.

The most significant change since the last update is to include the provisions for the Mandatory Notification of Data Breach (MNDB) Scheme. This ensures compliance with the new IPC requirements which require the Plan to include provisions relating to *"the procedures and practices used by the agency to ensure compliance with the obligations and responsibilities set out in Part 6A for the MNDB scheme."*

In addition, the following improvement changes are proposed:

- Addition of clauses 16.10-16.11 – handling of sensitive information and an example of how Council is particularly careful with sensitive Personal Information;
- Addition of clauses 16.12-16.16 – accessing adjoining property information – dividing fences;
- Minor amendments to clause 24 (Rangers) to clarify Council's practices;
- Addition of clause 27 – handling of personal information by the governing body and the administration;
- Expansion of clause 30.20 to allow for administrative changes to the Plan to occur without a Council resolution and examples of what constitutes an administrative change are provided; and
- Minor wording changes to improve policy context and content; amendments to legislation references, abbreviations, job titles and removal of duplicates; update to the policy administration part and clarification of authorised functions in the policy authorisations part of the Plan.

**OPTIONS**

Council could decide not to adopt the revised Plan and instead retain its current version which contains information regarding voluntary notification of data breaches. This is not recommended as it would likely mean that Council is not compliant with the new section 33(2)(c1) of the PPIP Act and may be open to penalties under section 68 of the PPIP Act.

**CONSULTATION**

Governance Team  
Management Team  
IT Manager  
Records Management Coordinator  
Privacy Commissioner

## **STRATEGIC LINKS**

### **a. Delivery Program**

Adopting the Plan is consistent with the community's desired outcome of *Civic Leadership and Effective Governance* and in particular Objective 5.3 *Ensuring Council is accountable and responsive to the community*.

### **b. Other Plans**

N/A

## **IMPLICATIONS**

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

Internal administrative procedures will be updated to support implementation of the Plan.

### **b. Financial Implications**

N/A

### **c. Legislative Implications**

The Plan operates in accordance with the following:

- [Privacy and Personal Information Protection Act 1998 \(NSW\)](#)
- [Government Information Public Access Act 2009 \(NSW\)](#)
- [Health Records and Information Privacy Act 2002 \(NSW\)](#)
- [Privacy Code of Practice for Local Government](#)

Unlike most legislation whereby the power to govern is usually given to elected Council to sub-delegate to the General Manager, section 59ZJ of the PIPP Act expressly authorises the General Manager as the head of the agency to manage breaches in accordance with Act.

### **d. Risk Implications**

Council could potentially be at risk of legal action if it breaches any of its obligations under the PPIP Act and this could lead to reputational risks and loss of confidence in Council.

### **e. Environmental Implications**

N/A

### **f. Other Implications**

Relevant training on how to comply with the upcoming legislating amendments will be provided to Council Officials in due course. Council has already commenced implementing awareness raising strategies with Council Officials.

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### **CONCLUSION**

Council is required by legislation to adopt a Plan to ensure that personal information is collected, stored and used in accordance with the PPIP Act and HRIP Act. The revised Plan reflects the upcoming legislative and best practice guidelines.

### **ENCLOSURES**

[1](#) Privacy Management Plan \_ MNDB scheme \_ 2023 review

**SUBJECT:** *DISCLOSURE OF INTEREST IN WRITTEN RETURNS*  
**RESPONSIBLE OFFICER:** *Chief Finance Officer – Matthew Plumridge*

### **SUMMARY**

The purpose of this report is to table the annual written returns received from designated persons and Councillors for the period of 1 July 2022 – 30 June 2023.

### **RECOMMENDATION**

**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.**

### **BACKGROUND**

Part 4 of the Code of Conduct (the Code) governs matters concerning pecuniary interests and disclosures of interests in written returns. The General Manager must keep a register of returns lodged by Councillors and designated persons, and table the register at a meeting of Council.

### **REPORT/PROPOSAL**

Clause 4.8 of the Code provides that designated persons are:

- (a) *The General Manager;*
- (b) *Senior staff for the purposes of section 332 of the Act;*
- (c) *A person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions under this or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest;*
- (d) *A person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions under this or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.*

The Code requires:

- i) designated persons to lodge a written return (disclosing certain pecuniary interests) by 30 September each year for the prior financial year;
- ii) the General Manager to table the register of returns at the first Ordinary Council Meeting held after the 30 September; and

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- iii) the General Manager to make the register of written returns accessible in accordance with the *Government Information (Public Access) Act 2009* (NSW) (GIPA Act).

Following the Council meeting, the register of written returns is available for public inspection on request to Council.

**OPTIONS**

N/A

**CONSULTATION**

Designated persons were provided the Self-Help Guide from the NSW Office of Local Government to assist them in the completion of their written returns.

**STRATEGIC LINKS**

**a. Delivery Program**

Completion of the written returns for the period links to the community's desired outcome of "*Civic Leadership and Effective Governance*", and in particular, it links to:

- Strategic direction 5.3.7 within the Delivery Program 2022-2026 – *continue to manage Council governance functions and statutory requirements*, and
- Strategic action 5.3.7b within the Operational Plan 2023-2024 – *carry out governance functions, provide advice and conduct education programs to comply with legislation and best practice including in relation to delegations, legislative interpretation, compliance, complaints, UCCs, GIPA, PPIPA, Copyright, PIDs, Fraud and Corruption Prevention, policies, etc.*

**b. Other Plans**

N/A

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Clause 4.24 of the Code requires the General Manager to keep a register of returns lodged by Councillors and designated persons. Clause 4.25 of the Code requires the General Manager to table such returns at the first meeting of Council after the last day the returns are required to be lodged.

**b. Financial Implications**

N/A

**c. Legislative Implications**

N/A



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**d. Risk Implications**

Failure by a Councillor or designated person to lodge a written return of interest may constitute a breach of the Code.

**e. Environmental Implications**

N/A

**f. Other Implications**

Tabling the register of written returns and allowing access to it demonstrates Council's commitment to openness and transparency, and is a crucial element of Council's civic leadership and effective governance.

***CONCLUSION***

Tabling of the register of returns satisfies Council's requirements under the Code.

***ENCLOSURES***

There are no enclosures for this report.

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

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

## **SUMMARY**

Evaluation and selection of Tender - T372324HUN Supply and Delivery Road Base Materials.

### **RECOMMENDATION**

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.

## **BACKGROUND**

Regional Procurement called an open Panel Source Tender for participating Councils in the Hunter Region regarding requirements for the Supply & Delivery of Road Base Materials.

## **REPORT**

Council utilises different types of material for Road construction. This tender was called to commit a schedule of rates and compliance with legislation due to the high usage and expenditure for materials, with estimated spend of \$2.55m for the three-year term of the tender.

In recent months restrictions on quarry limits by the EPA, availability of product due to larger construction contracts in the region and state projects has made the sourcing of these products under a tender challenging. The suppliers on the original tender T272021HUN Supply and Delivery of Road Base Materials were unable or refused to support the tender due to the high demand of the raw materials especially gravel.

This report identifies that the renewal will not support Councils operations or the compliance to legislative spend thresholds for tenders.

### **Request for Tender**

The Request for Tender (RFT) documents were prepared by Regional Procurement and reviewed by the Council staff before tenders were called. The form of contract selected was *Hunter Council Regional Procurement Hybrid Contract Suite*. The RFT called for a Schedule of Rates tender for the Supply and Delivery of Raw materials.

### **Invitation**

Tenders were invited on 15 August 2023 on Regional Procurements, Tenderlink Portal

**Closure**

Tenders closed 10:00 am Tuesday 5 September 2023.

**Evaluation of Tenders**

**Tender Evaluation Team:** The evaluation was conducted in accordance with the Local Government Tendering Guidelines, Regional Procurement Tendering Code of Conduct and Tendering Evaluation Principles and Process. Confidentiality and probity were maintained throughout the process:

**The tender evaluation was conducted on 18 September 2023 at Upper Hunter Shire Council by:**

- Stores and Purchasing Coordinator – Upper Hunter Shire Council
- Facilitator Manager - Regional Procurement
- Cessnock City Council Works Operations Team and Procurement Team reviewed the tender after the initial evaluation by Regional Procurement

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

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

The evaluation criteria and their weightings were documented in the Tender Evaluation Plan, reviewed by Councils 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      | Boral Resources (NSW) Pty Limited t/a Boral Construction Materials Group Limited | 139 Italia Road<br>Balickera  | On time     |
| 2      | Buttai Gravel Pty Ltd t/a Daracon Quarries                                       | Buttai and Ardglen            | On time     |
| 3      | Regional Quarries Australia Pty Ltd                                              | 260 Merriwa Road, Willow Tree | On time     |
| 4      | Quarry Products (Newcastle) Pty Ltd                                              | Allandale Quarry              | On time     |

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

## 2. Assessment of Conformance

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

| Threshold Criteria |                                |
|--------------------|--------------------------------|
| Criterion 2        | e.g. Acceptable legal entity;  |
| Criterion 3        | e.g. Conformance with the RFT; |

Two of the four Tenderers were deemed non-conforming to threshold Criterion 3; **Tenderer 1** - Boral Resources (NSW) Pty Limited t/a Boral Construction Materials Group Limited were ruled as Non-Conforming as the schedule of rates did not include delivery of the product.

**Tenderer 4** - Quarry Products (Newcastle) Pty Ltd were ruled as Non-Conforming as they failed to price the schedules from the Tender and provided an alternative listing of products not including delivery.

Two tenders were progressed to the next stage of the evaluation.

## 3. Shortlisting

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

## 4. Weighted Evaluation

Tenders were evaluated using the following weighted evaluation criteria:

|             |                                      |
|-------------|--------------------------------------|
| Criterion 4 | Schedule of Rate Price               |
| Criterion 5 | Referee                              |
| Criterion 6 | Quality Assurance                    |
| Criterion 7 | WHS                                  |
| Criterion 8 | Customer Service                     |
| Criterion 9 | Ecologically Sustainable Development |

To assess tenders against the evaluation criteria, the TET used information obtained from the tender documents. An evaluation matrix containing full details of the tender evaluation is provided as confidential **Enclosure 1**.

With only two tenders progressing being Daracon and Regional Quarries Australia Pty Ltd, Council's Evaluation team deemed the tender unsuitable to support councils works operation as only one tenderer had submitted pricing for DGB20 and was outside the Hunter region.

## 5. Evaluation Result

The Council Evaluation team recommends declining to accept any tender and negotiate with suitable quarries that are able to support Councils operations from within the region as per the *Local Government (General) Regulations 2021*.

This is due to the two suppliers nominated by the Regional Procurement tender unable to support Councils operational requirements especially in relation to specific road construction material DGB20.

## 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.*

## OPTIONS

**Option 1:** Decline to accept any offers and negotiate with other service providers. This is the preferred option.

**Option 2:** Accept the tenders from Daracon and Regional Quarries Australia Pty Ltd. This is not the preferred option as it will negatively impact on Councils operational works program.

## CONSULTATION

The following officers were consulted during the tender process: • Procurement Coordinator

- Works and Operation Manager
- State Maintenance Coordinator
- Construction South Coordinator
- Construction North Coordinator
- Maintenance South Area Coordinator
- Maintenance North Area Coordinator

## STRATEGIC LINKS

### a. Delivery Program

Acceptance of the recommendation will contribute to achieving the following objectives of: *2022-2026 Delivery Program:* Objective 4.2: Improving the 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

N/A

**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)*:

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

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### **CONCLUSION**

The Tender called by Regional Procurement gives no benefit to Council and does not support operations. Rejection as per the *Local Government (General) Regulation 2021* section 7 clause 178(e), will allow for council to negotiate with the quarries and suppliers to achieve a competitive and sustainable agreement for raw material when required.

### **ENCLOSURES**

- 1** T372324HUN Road Base Material Evaluation Matrix Regional Procurement - *This matter is considered to be confidential under Section 10A(2) (dj) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.*

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**SUBJECT:** *RESOLUTIONS TRACKING REPORT*  
**RESPONSIBLE OFFICER:** *Chief Finance Officer - Matthew Plumridge*

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## **SUMMARY**

The enclosure contains pending actions from previous meetings as well as completed actions for period 12 September 2023 to 10 October 2023.

## **RECOMMENDATION**

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

## **ENCLOSURES**

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



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**SUBJECT:** *INVESTMENT REPORT - SEPTEMBER 2023*

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

### **SUMMARY**

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

### **RECOMMENDATION**

**That Council receives the Investment Report for 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.**

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

- *Many central banks are warning that they could still raise rates further. More central banks left rates on hold over the month than hiked but most retain a tightening bias with several signalling expectations that rates would remain higher for longer than originally projected.*

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- *Global share markets had another poor September, not as bad as Sep 2022, but still a reasonable retreat.*

Domestic issues noted within Prudential's report include:

- *Latest GDP data showed a slow down to 2.1%yoy, but the result was stronger than the RBA's forecast of 1.6%yoy. Much of the growth last quarter came from strong population growth, public spending and energy exports, while interest rate sensitive parts of the economy remain under pressure. Economists expect a further slowing in GDP growth as consumer spending tips negative, dwelling investment continues to fall, business investment slows and recent strength in public spending and exports moderate with slowing global growth.*

At its September meeting the RBA board noted that inflation was still too high and was expected to remain so for an extended period. They kept the cash target unchanged at 4.10% but indicated that another rate raise may be required.

In summarising Council's portfolio Prudential advises, "*Council's investment portfolio posted a marked-to-market return of 3.56%pa for the month versus the bank bill index benchmark return of 4.18%pa. Over the past 12 months, Council's portfolio has returned 3.52% versus the benchmark's 3.56%. The poor results in the bond and share markets, triggered by ongoing recession fears and sluggish economic growth, filtered through to the NSW TCorpIM Medium Term Fund with a return of -1.26% (actual) for the month. The fund's result brought Council's overall return below benchmark for the month on a marked-to-market basis.*

*Without marked-to-market influences, Council's investment portfolio yielded 4.76%pa for the month, up from 4.59%pa in August. 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 September, Council had \$9m of deposits mature across a range of 12, 16 and 24 month terms paying an average of 2.75%pa. Council reinvested the \$9m between two new 12 month TDs paying an average of 5.32%pa. Council has a well-diversified portfolio invested predominantly among a range of term deposits from highly rated Australian banks. Council also has exposure to a wide range of asset classes, including international and domestic shares via the NSW TCorp Medium Term Growth Fund. It is expected that Council's portfolio will achieve above benchmark returns over the medium/long term with prudent investment selection."*

**Investment Portfolio Information**

**Table 1** Total cash and investments held by Council as at 30 September 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%               | 6,560            |
|              | Commonwealth Bank                          | At Call     |                      |           | 4.10%               | 41               |
|              | Commonwealth Bank                          | At Call     |                      |           | 0.25%               | 56               |
| 1243         | AMP Bank                                   | At Call     |                      |           | 2.10%               | 509              |
| 1483         | Commonwealth Bank                          | TD          | 533                  | 12-Oct-23 | 2.81%               | 4,000            |
| 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            |
| 1463         | Treasury Corporation                       | Growth Fund |                      |           |                     | 3,889            |
| <b>TOTAL</b> |                                            |             |                      |           |                     | <b>74,055</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%                 | 13,000        | 19.44%         |
| Westpac Bank            | AA-           | 40%                 | 16,000        | 23.92%         |
| National Australia Bank | AA-           | 40%                 | 28,000        | 41.86%         |
| Suncorp Bank            | A+            | 40%                 | 6,000         | 8.97%          |
| Treasury Corporation    | Unrated       | 10%                 | 3,889         | 5.81%          |
| <b>TOTAL</b>            |               |                     | <b>66,889</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.

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The preliminary September 2023 unrealised return was a loss of \$49,771 or -1.26% (-0.02% 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 September 2023 is not yet available at the time of this report. The fund performance summary as at 31 August 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                        | 4.17              | 3.55             | 2.46             | 5.35        | 1.24      | 0.32         |
| Benchmark: CPI + 2.0% p.a. (over rolling 5 years) | 4.58              | 4.77             | 6.35             | 7.26        | 0.92      | 0.46         |
| Return above benchmark p.a.                       | (0.41)            | (1.22)           | (3.89)           | (1.91)      | 0.32      | (0.14)       |

**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      | 63,000        | 85.07%         |
| Cash/At Call Deposits | Low             | Low      | 7,166         | 9.68%          |
| Capital Growth Fund   | Medium          | Medium   | 3,889         | 5.25%          |
| <b>TOTAL</b>          |                 |          | <b>74,055</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) | 3.56%       | 1.50%       |
| BBSW Average Interest Rate (year to date) *               | 4.35%       | 1.69%       |
| Actual Investment Interest Earned (for the current month) | \$278,481   | \$118,885   |
| Actual Investment Interest Earned (year to date) ^        | \$783,526   | \$278,912   |
| Revised Budget Investment Interest (year to date)         | \$345,031   | \$95,031    |
| Original Budget Investment Interest (annual)              | \$1,380,122 | \$380,122   |
| Revised Budget Investment Interest (annual)               | \$1,380,122 | \$1,680,122 |
| TCorp unrealised movement (year to date)                  | -0.02%      | 0.02%       |

| Investment and Cash Balances (Par Value) # | This Year    | Last Year    |
|--------------------------------------------|--------------|--------------|
| Opening Balance as at 1 July               | \$73,085,190 | \$73,415,666 |
| Closing Balance as at 30 September         | \$74,054,683 | \$85,050,255 |

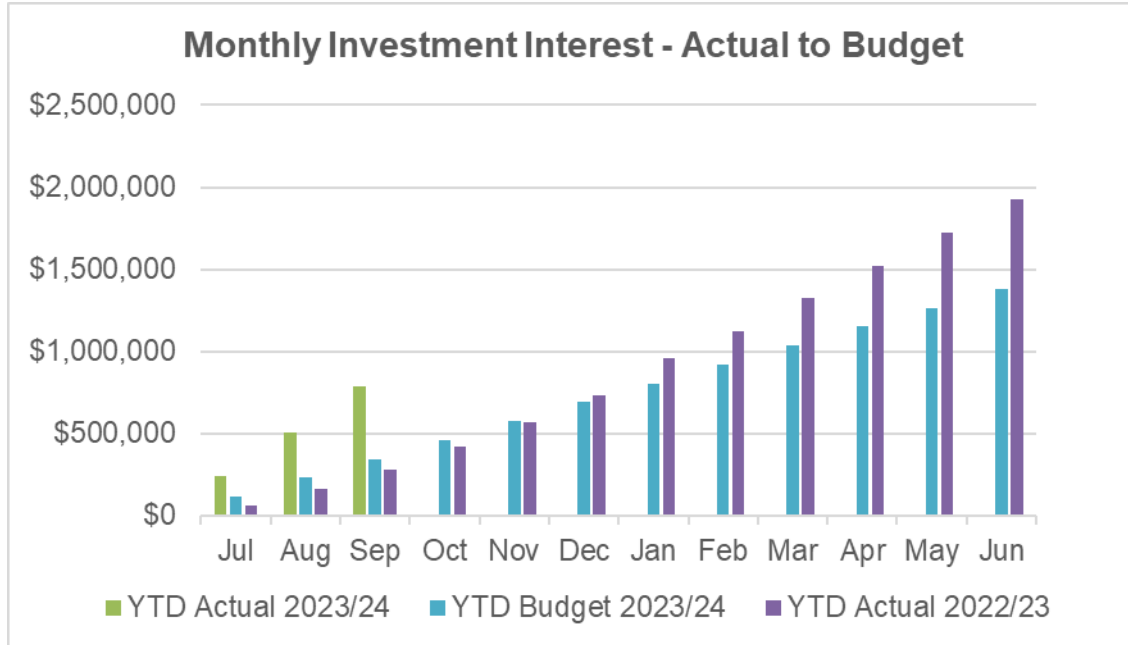
\* BBSW 90 day Bank Bill Reference Rate (performance measure as per Council's Investment Policy)

^ Excludes TCorp unrealised returns

# Excludes Section 355 Committee cash held



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



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

| Month End Totals \$'000             | Sep 2023*     | Aug 2023*     | July 2023*    | June 2023*    | May 2023      | April 2023    | March 2023    |
|-------------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Developer contributions             | 29,824        | 28,432        | 28,432        | 28,432        | 29,473        | 28,479        | 28,095        |
| Committed developer contributions   | 3,459         | 3,370         | 3,370         | 3,370         | 2,412         | 2,711         | 3,592         |
| RMS contributions                   | 182           | 182           | 182           | 182           | 182           | 182           | 182           |
| Specific purpose unexpended grants  | 6,906         | 5,647         | 5,647         | 5,647         | 7,514         | 8,489         | 8,359         |
| Domestic waste management           | 430           | 430           | 430           | 430           | 430           | 430           | 430           |
| Stormwater management               | 1,103         | 1,504         | 926           | 926           | 1,038         | 922           | 923           |
| <b>External Restrictions</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> | <b>41,581</b> |
| Plant and vehicle replacement       | 2,400         | 2,400         | 2,794         | 2,794         | 2,982         | 2,949         | 3,016         |
| Employees leave entitlement         | 2,519         | 2,519         | 2,519         | 2,519         | 2,446         | 2,446         | 2,446         |
| Carry over works                    | 586           | 385           | 385           | 385           | 548           | 783           | 934           |
| Bridge replacement                  | 295           | 314           | 346           | 346           | -             | 118           | 372           |
| Insurance provisions                | 761           | 761           | 761           | 761           | 896           | 896           | 896           |
| Miscellaneous and property          | 809           | 809           | 734           | 734           | 859           | 862           | 857           |
| Grant Fund Leverage                 | 82            | 82            | 82            | 82            | 90            | 90            | 90            |
| Energy efficiency                   | 95            | 95            | 95            | 95            | 98            | 94            | 89            |
| Operations and programs             | 472           | 473           | 473           | 473           | 444           | 429           | 431           |
| Property investment fund            | 3,095         | 3,227         | 3,112         | 3,112         | 3,256         | 3,041         | 3,056         |
| Civil Works                         | 0             | 20            | 95            | 95            | 730           | 748           | 716           |
| Waste depot and rehabilitation      | 13,626        | 12,448        | 12,448        | 12,448        | 9,454         | 9,454         | 9,454         |
| Committed projects (SRV)            | 690           | 717           | 214           | 214           | 642           | 747           | 889           |
| Security deposits and bonds         | 3,948         | 4,155         | 4,144         | 4,144         | 4,077         | 4,060         | 4,085         |
| Unexpended Loan Funds#              | 2,125         | 2,125         | 2,129         | 2,129         |               |               |               |
| <b>Internal Restrictions</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>27,331</b> |
|                                     |               |               |               |               |               |               |               |
| <b>Unrestricted</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>6,893</b>  |
| <b>Total Cash &amp; Investments</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> | <b>75,805</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 and September) 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.

#Out of the \$4.3m new loan received from TCorp, \$2m was applied to the Airport works, and the remaining is for footpath and drainage/floodplain works

**CONSULTATION**

Director Corporate and Community Services  
 Chief Financial Officer  
 Finance staff

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## **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.

**SUBJECT:** *LGA WIDE COAL MINING HERITAGE STUDY*  
**RESPONSIBLE OFFICER:** *Infrastructure Manager - Cameron Clark*

### **SUMMARY**

The purpose of this report is to propose a Local Government Area (LGA) wide Coal Mining Heritage Study to be completed prior to the possible creation of the Coal Miners Memorial Walk on Maitland Road between Duffie Drive and East Cessnock School.

### **RECOMMENDATION**

**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.**

### **BACKGROUND**

At its meeting of 19 April 2023, Council are considered a Remembering our Coal Miners Walk report and resolved as follows:

- *That the General Manager investigate the possibility of creating a Coal Miners Memorial Walk between Cessnock and Abermain. The walk should include:*
  - 1) *A large sign similar to the Aluminium Smelter on Hart Road to show the start of the memorial when entering Cessnock from Neath.*
  - 2) *Plaques and stories of those that have lost their lives in the industry*
  - 3) *History of our heritage in the coal mining industry*
  - 4) *Council will consider consultation with the Sir Edgeworth David Memorial Museum and the Mining and Energy Union.*
- *The report be returned to Council.*

### **REPORT/PROPOSAL**

It is proposed to engage the services of a heritage consultant that can facilitate a specialist investigation in the history of Cessnock and in particular significant coal mining events to formulate a comprehensive LGA wide study. The purpose of this report is to ensure that appropriate events and persons involved are suitable to include in any Council endorsed memorial or tribute. It is also essential that the opportunity is inclusive of the entire Cessnock LGA and activities associated to coal mining to ensure equal participatory opportunities. A key outcome of the study will be to confirm the information is accurate, respectful and sensitive to the history and experiences of our local community.



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The coal mining industry has played a significant role in shaping our community's identity and history. As such, it is imperative that the information portrayed on the memorial accurately reflects the struggles, achievements, and sacrifices of our coal miners throughout the years. By ensuring accuracy, we can honor their legacy with integrity and create a space of reverence that resonates with the entire community.

**Cultural Sensitivity:**

Our community is a diverse tapestry of cultures and experiences. To ensure that any proposed recognition has a positive message free from controversial or discriminatory issues that may have occurred in our community, it is essential that the heritage report examines the historical context of coal mining and its impact on different groups of people. This includes understanding the experiences of minority groups, Indigenous communities, and other marginalised populations who may have been affected by the coal mining industry.

**CONSULTATION**

The report was commissioned by the Infrastructure team and consultation with the Community and Cultural team has occurred in order to ensure the engagement of a Heritage Consultant is within the interest of the local community and Council's core values.

The heritage report will require an in-depth examination of historical records, oral histories, photographs, and other archival materials related to our coal mining history. It will also involve consultations with local historians, community members, and relevant experts who can provide valuable insights into the experiences of coal miners and their families.

**STRATEGIC LINKS**

**a. Delivery Program**

This report aligns with the Cessnock Delivery Program 2022-26:

- Objective 1.1 - working together to achieve inclusivity and reconciliation
  - Cultural development
  - Economic development. – Employing local services such as historians, heritage consultant, librarians ensure we are continuing to implement economic development strategies outlined in the plan
  
- Objective 1.2 - Strengthening community culture. Involving the local community members to provide valuable insights into the experiences of coal miners and their families will strengthen the community culture as outlined in the plan.

**b. Other Plans**

This report aligns with the Operational Plan 2023/24:

- Objective 5.2 Encouraging more community participation in decision making. Involving the local community members to provide valuable insights into the experiences of coal miners and their families will strengthen the community culture as outlined in the plan.

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**IMPLICATIONS**

**a. Policy and Procedural Implications**

This report has been created in conjunction with the following policies and procedures:

- Cessnock City Council Records Management Policy Date Adopted 20/04/22 Revision: 3
- Cessnock City Council Records Naming Convention Protocol Date Adopted: 14-10-2022 Revision: 5

If this proposal is approved, the tender process will be carried out in accordance with:

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

**b. Financial Implications**

An estimate has been advised of \$25,000 - \$30,000 (This covers the initial desktop investigation only, further stages will be required), with the extent of the consultations being a key factor – how much support Council would be able to provide in identifying key people/groups to be involved in consultations/advertising community EOIs, number of face to face consultations, any digital recordings, etc.

**c. Legislative Implications**

NIL

**d. Risk Implications**

| <b>Risk</b>                                                                                                                                                                                                                                                                                                                        | <b>Risk Ranking</b> | <b>Proposed Treatment</b>  | <b>Proposed Risk Ranking</b> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|----------------------------|------------------------------|
| There is a risk of reputational damage if accuracy is not prioritised in the information displayed on the walk or does not align with community expectations. The community may take to social media any inaccurate and/or missing information and that Council neglected to consult the community in the creation of the memorial | Medium              | Approve the recommendation | Low                          |

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**e. Environmental Implications**

NIL

**f. Other Implications**

NIL

***CONCLUSION***

By commissioning a heritage study for the proposed Coal Miners Memorial, the Council demonstrates a commitment to preserving our shared history and honoring the contributions of the coal miners who have shaped our community. Such a study will not only honor the legacy of coal miners but also ensure their contributions to the community are remembered and appreciated by future generations.

The failure of the Council to conduct a heritage study prior to constructing the Coal Miners Memorial Walk may result in significant reputational damage. This oversight may lead to accusations of negligence and insensitivity towards the history and contributions of coal miners. The absence of a heritage study might challenge the authenticity and historical accuracy of the memorial, causing community members and heritage preservation advocates to question the Council's commitment to honoring the miners' legacy. This situation could also trigger negative media coverage and public backlash, potentially lower the trust in the Council's decision-making processes and diminish its standing within the community.

***ENCLOSURES***

There are no enclosures for this report

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

**RESPONSIBLE OFFICER:** *Traffic Engineering Officer - Nathan Goodbun*

**RECOMMENDATION**

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.

**MINUTES OF LOCAL TRAFFIC COMMITTEE MEETING OF CESSNOCK CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ANTE ROOM ON MONDAY, 18 SEPTEMBER 2023**

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

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

**IN ATTENDANCE:** Mr Warren Jeffery – Principal Engineer, Traffic & Transport  
Mr Nathan Goodbun – Engineering Officer, Traffic & Transport  
Ms Felicity Pankhurst – Senior Business Support Officer,  
Infrastructure

**APOLOGIES**

Nil

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## **CONFIRMATION OF MINUTES**

**NOTED** that the Minutes of the Cessnock Local Traffic Committee held on 21 August 2023, as circulated, were previously confirmed as a true and correct record.

## **DISCLOSURES OF INTEREST**

Nil

## **BUSINESS ARISING FROM PREVIOUS MINUTES**

Nil

## **LISTED MATTERS**

**SUBJECT:** **VARIOUS STREETS, CESSNOCK CBD  
TEMPORARY REGULATION OF TRAFFIC  
STOMP FESTIVAL**

**REPORT NO.:** **TC47/2023**

**REFERENCE:** **46/2023/9/1**

**MATTER:** Council has received an application for the temporary regulation of traffic in connection with an existing development approval for the Cessnock Stomp Festival, and has assessed the application along with the associated Traffic Management Plan (TMP) and Traffic Control Plans (TCP's).

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

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

- It was noted the Traffic Management Plan (TMP) submitted to Council and the Road Occupancy Licence (ROL) conditioned by TfNSW did not include a closure of Hall Street, as indicated on the submitted application form. At the time of the meeting, no further correspondence had been received from the applicant. As such, the proposed Hall Street closure was not considered.
- It was confirmed by the NSW Police Representative that police had no concerns with the operation of the TCP and conduct of the event last year.

## **RECOMMENDATION**

**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.**

**SUPPORT: Unanimous**

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**SUBJECT:**            **VARIOUS ROADS, POKOLBIN  
TEMPORARY REGULATION OF TRAFFIC  
GRAPEVINE GATHERING**

**REPORT NO.:**        **TC48/2023**

**REFERENCE:**        **46/2023/8/1**

**MATTER:**            Council has received an application for the temporary regulation of traffic in connection with an existing development approval for the Grapevine Gathering, and has assessed the application along with the associated Traffic Management Plan (TMP) and Traffic Control Plans (TCP's).

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

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

- It was noted that Bimbadgen Estate will be hosting an event on the same day, with bump out times approximately 45 minutes apart – as noted in Local Traffic Committee Meeting Minutes of 21 August 2023 [TC42/2023].
- It was advised that the NSW Police representative received notice that projected ticket sales for the event have decreased from 12,000 to 6,000 with approximately 4,000 ticket sales recorded to date. Bimbadgen Estate event ticket sales of approximately 11,500 to date.

#### **RECOMMENDATION**

**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.**

**SUPPORT: Unanimous**

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**SUBJECT:** VINTAGE DRIVE, POKOLBIN  
REGULATORY SIGNAGE AND LINE MARKING

**REPORT NO.:** TC49/2023

**REFERENCE:** 4/2020/20936/2

**MATTER:** Development consent (8/2020/20936/1) has been provided for the construction of a residential development off Claret Ash Drive, Pokolbin. Included in the conditions of consent is the construction of an extension to Vintage Drive, including a three-way roundabout intersection. Approval is sought for the regulatory signage and line marking associated with the development.

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

- It was noted that discussions had occurred between the developer and Rover Coaches regarding bus routes within the development;
- It was also noted that the Bus Zone is not suitable for the parking of coaches. Notation of such is to be included in the approval provided to the developer.
- It was noted that the approval will include the provision of appropriate warning signage on approach to all pedestrian refuges.

#### **RECOMMENDATION**

**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.**

**SUPPORT:** Unanimous

### **CLOSURE**

*The Meeting Was Declared Closed at 10:01am*

#### **ENCLOSURES**

[1](#) Vintage Drive Pokolbin \_ Signage & Line Marking Diagram