



Vincent Street
CESSNOCK

10 October 2023

ORDINARY MEETING OF COUNCIL

WEDNESDAY, 18 OCTOBER 2023

ENCLOSURES

PAGE NO.

PLANNING AND ENVIRONMENT

PE34/2023 Reclassification of Lot at Harle Street Post Exhibition Report

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September 2023**

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Response to Submissions: Harle Street Playground

Submission No.	Submission	Response	Change
Private Submission No. 1	I would like to see the block repurposed to add to the existing playground. We need an upgrade on many playgrounds within the cessnock region	Council has allocated funding to the upgrade of the playground through the 2022/23 Capital Works Program. Works are expected to commence in early 2024.	Nil
Private Submission No. 2	New play equipment and seating for parents and guardians	As above.	Nil
Private Submission No. 3	This is a great idea making the park community land. Living in Harle Street for over 38 years have seen kids in the area using this area . This park should be set up for all to enjoy great work CCC.	Noted.	Nil
Private Submission No. 4	I object to the reclassification of the lot! I live across the road from this park and my 3 kids play there just about everyday. There is kids playing in that park everyday of the week. It's not as if it's an abandoned park, as there is always people there. It's a nice community park for our children, it's convenient and keeps the kids happy and active playing in that park. If things were to change then our kids will not have a little community park, they will get lazy and this will bring more kids hanging around the streets doing the wrong thing. Please do the right thing for our kids and keep our little community park. Spend the money on upgrading the park for the kids instead of destroying it.	The land is currently classified as Operational Land. The reclassification to Community Land will ensure that the land remains used for community purposes, i.e. a local playground. The playground is a recognised need for the local community.	Nil
Private Submission No. 5	I am in support of reclassification to match the rest of the park, I am a big supporter of keeping playgrounds available for current and future kids. I would also like to see this park upgraded with new play equipment, and possibly some static exercise equipment similar to peace park in chinamans hollow.	Council has allocated funding to the upgrade of playground through the 2022/23 Capital Works Program. Works are expected to commence in early 2024.	Nil
Private Submission No. 6	Please keep this lot zoned as community land. We need to keep these spaces for the community to use. Would love to see an upgrade to the equipment also.	The land is currently classified as Operational Land.	Nil

		<p>The reclassification to Community Land will ensure that the land remains used for community purposes, i.e. a local playground. The playground is a recognised need for the local community.</p> <p>Council has allocated funding to the upgrade of Harle St Park through the 2022/23 Capital Works Program. We are expecting works to commence on site by January 2024.</p>	
Private Submission No. 7	<p>A playground revamp and upgrade would be an ideal start here. We have an abundance of kids in the area and it's that dilapidated it can't even be used safely! New equipment and some decent grounds care would be a great contribution to the community. Get some native bushes and gardens going and new equipment for our youngsters to enjoy. If you could fix the roads surrounding the area it would make for a great environment for our community</p>	<p>Council has allocated funding to the upgrade of playground through the 2022/23 Capital Works Program. Works are expected to commence in early 2024.</p>	Nil
Private Submission No. 8	<p>Upgrade the playground for the kids in the area. New equipment and some decent grounds care would be a great contribution to the community.</p>	As above.	Nil
Private Submission No. 9	<p>This land should remain as parkland for the locals to utilise. A playground upgrade and maintenance would be excellent for the young children who live in the area.</p>	<p>The land is currently classified as Operational Land.</p> <p>The reclassification to Community Land will ensure that the land remains used for community purposes, i.e. a local playground. The playground is a recognised need for the local community.</p> <p>Council has allocated funding to the upgrade of Harle St Park through the 2022/23 Capital Works Program. We are expecting works to commence on site by January 2024.</p>	Nil
Private Submission No. 10	<p>How about doing work that needs doing in harle street like fixing the drainage problem we have! Leave the park for the local kids.</p>	<p>Funding and timing for the delivery of drainage works are defined by Council's Delivery Program.</p>	Nil

		<p>The land is currently classified as Operational Land.</p> <p>The reclassification to Community Land will ensure that the land remains used for community purposes, i.e. a local playground. The playground is a recognised need for the local community.</p> <p>Council has allocated funding to the upgrade of Harle St Park through the 2022/23 Capital Works Program. We are expecting works to commence on site by January 2024.</p>	
Private Submission No. 11	<p>I believe it is a shame that this park has just been forgotten about. Considering there a lot of kids on this street alone that deserve a playground and shade/ bbq area</p>	<p>Council has allocated funding to the upgrade of playground through the 2022/23 Capital Works Program. Works are expected to commence in early 2024.</p>	Nil
Private Submission No. 12	<p>I'd love to suggest that the park is simply upgraded! I live directly across the road from the park, even in its current state kids from all parts of our street still use it and play in it every day! There are two schools within walking distance and an abundance of children in the street who so deserve the park upgraded, even after the slide was removed and never replaced, they still play. Please don't take a park away from our kids that is still being used, instead give them a park to be proud of.</p>	<p>As above</p>	Nil



REV	AMENDMENT	ISSUED	DATE
A	DA ISSUE	DV	18/01/2021
B	DA ISSUE	DV	15/03/2021
C	DA ISSUE	DV	20/04/2021
D	UPDATED FOR COUNCIL COMMENTS	DV	28/04/2021
E	REVISED NETWORK AND TABLE DRAIN	908	15/05/2023

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Client: **CESSNOCK CITY COUNCIL**

**CRUICKSHANK, BELLBIRD HEIGHTS
 STORMWATER FLOOD MITIGATION WORKS**

PROPOSED DRAINAGE - STAGE 2 PLAN - SHEET 1

Designed: DV
 Drawn: DV
 Checked: SB

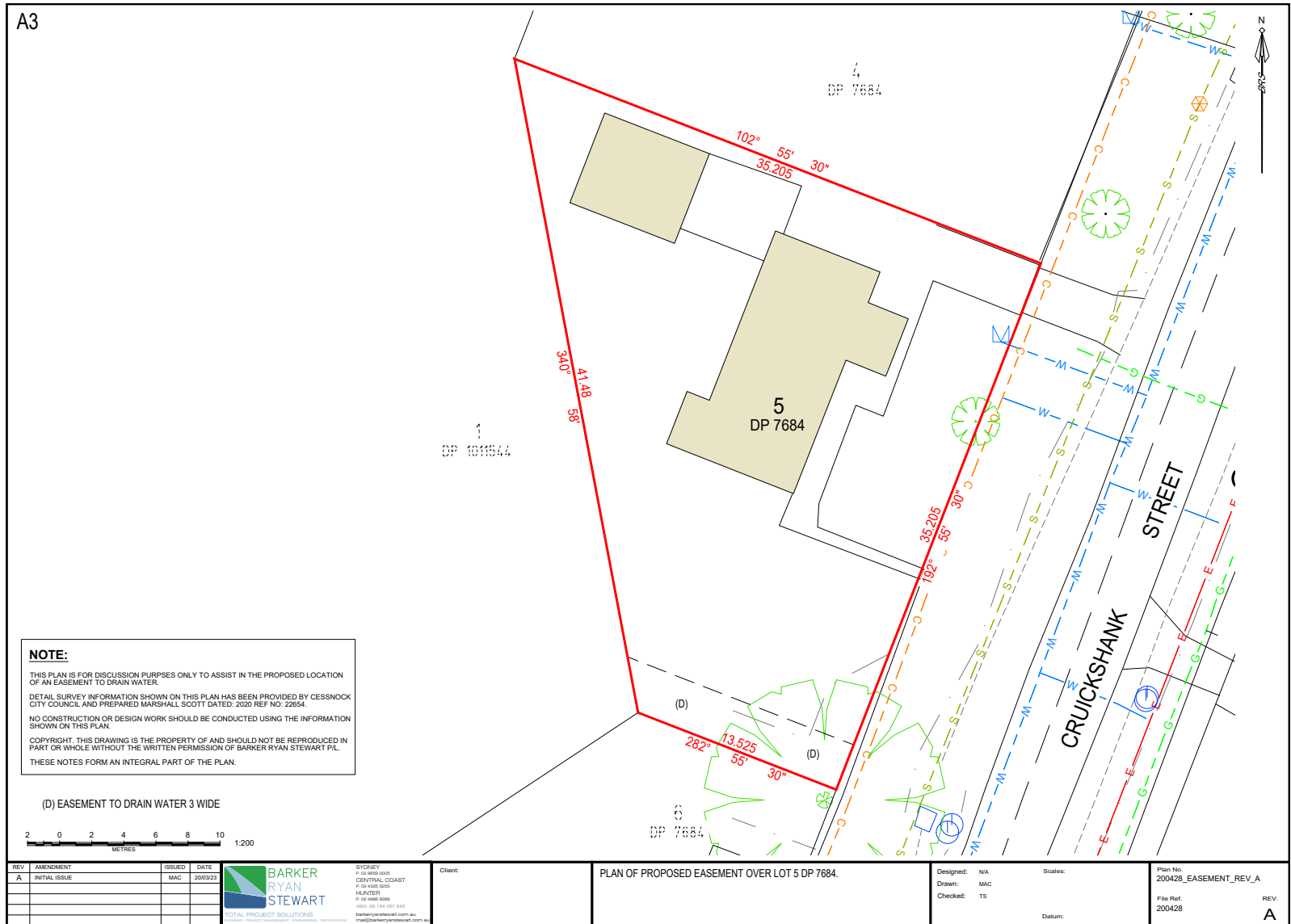
Scale: Plan 1:500
 Horiz. -
 X-Section -

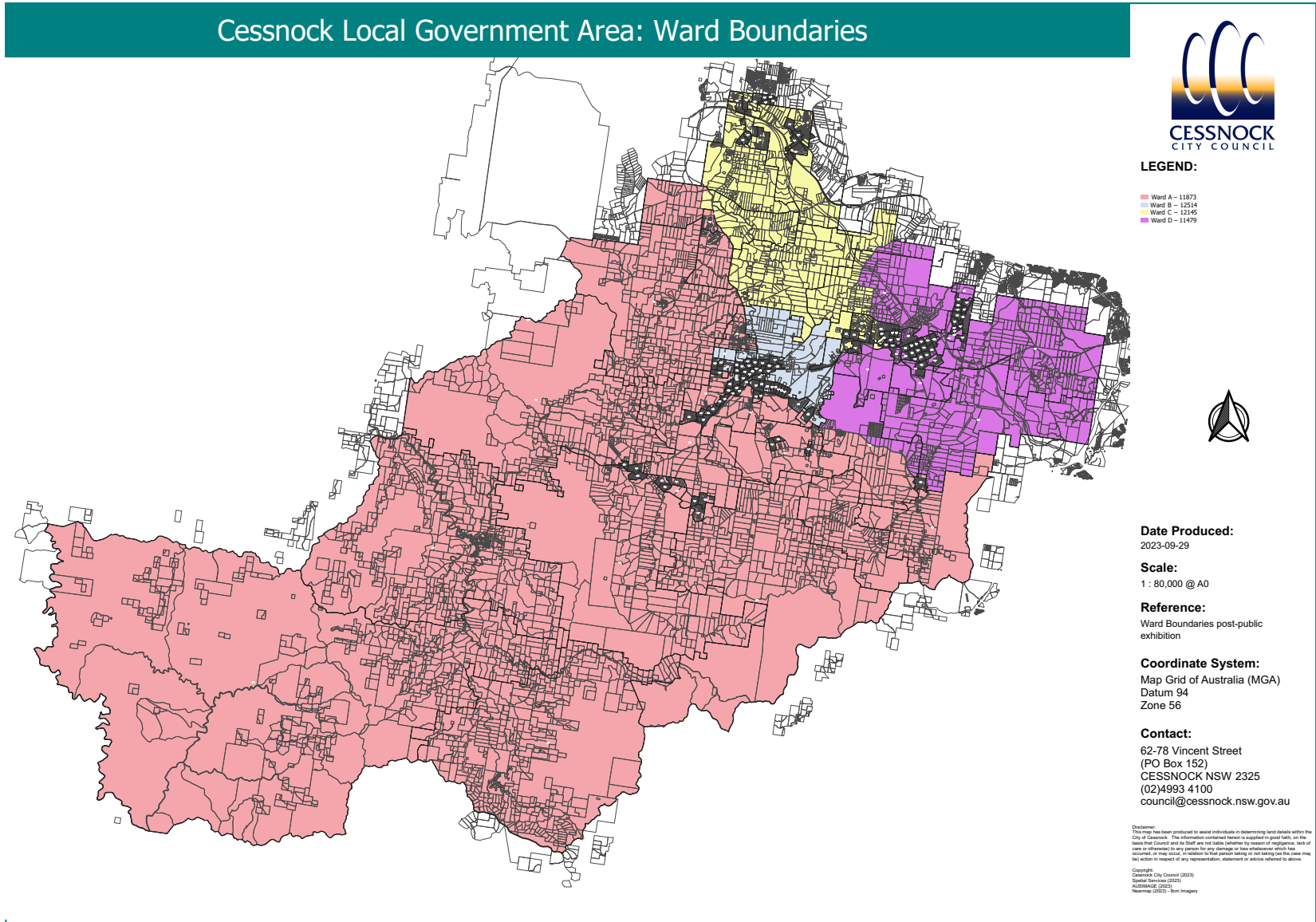
Date: A.H.D.

Plan No: **200428-01-121**

File Ref: 200428

REV. **E**







Integrity, Respect, Teamwork, Accountability and Excellence

Cessnock City Council Public Interest Disclosure Policy

Date Adopted: **18/09/2023** (pending Council resolution) Revision: **4**

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ORGANISATIONAL COMMITMENT

At Cessnock City Council we take reports of wrongdoing seriously. We are committed to building a 'speak up' culture where public officials are encouraged to report any conduct that they reasonably believe involves wrongdoing.

The integrity of Council relies upon our staff, volunteers, contractors and subcontractors speaking up when they become aware of wrongdoing. Council is committed to supporting and protecting people that report serious wrongdoing. Detrimental action against reporters will not be tolerated.

Everyone at Council has a responsibility to speak up and act in the public interest. This policy documents our commitment to building a speak up culture. Part of that speak up culture is having in place a framework that facilitates public interest reporting of wrongdoing by:

- Protecting those who speak up from detrimental action; and
- Imposing duties on Council to take appropriate action to investigate or otherwise deal with reports of wrongdoing.

All agencies in NSW are required to have a Public Interest Disclosure (**PID**) Policy under section 42 of the *Public Interest Disclosures Act 2022 (PID Act)*. Our policy sets out:

- How Council will support and protect you if you come forward with a report of serious wrongdoing;
- How we will deal with the report and our other responsibilities under the PID Act;
- Who to contact if you want to make a report;
- How to make a report; and
- The protections which are available to you under the PID Act.



PART A – ABOUT THIS POLICY

1. POLICY OBJECTIVES

1.1. The objectives of this policy are to:

- 1.1.1. facilitate the disclosure by Public Officials of serious wrongdoing in or affecting Council by establishing an internal reporting system for Public Officials to report wrongdoing without fear of reprisal,
- 1.1.2. clearly state who can receive reports of wrongdoing in Council, what can be reported and how reports of wrongdoing will be dealt with,
- 1.1.3. complement normal communication channels between supervisors and staff,
- 1.1.4. encourage Public Officials to raise matters of concern at any time with their supervisors, but also have the option of making a report about a public interest issue in accordance with this policy and the Public Interest Disclosures Act 2022 (NSW) (PID Act),
- 1.1.5. align with existing processes in place to detect serious wrongdoing;
- 1.1.6. strengthen public perceptions about the integrity of Council and the public sector in general,
- 1.1.7. identify management practices or procedures that need improving, and
- 1.1.8. avoid embarrassment for the government, Council and our staff.

2. POLICY SCOPE

2.1. This policy applies to:

- 2.1.1. Councillors;
- 2.1.2. Council staff (permanent, temporary or casual, full-time or part-time);
- 2.1.3. individual contractors working for Council;
- 2.1.4. employees of contractors providing services on behalf of Council;
- 2.1.5. other people who perform Council official functions whose conduct and activities could be investigated by an investigating authority, including volunteers.

2.2. This policy also applies to Public Officials of another council or agency, who do not work for Cessnock City Council, may use this policy to report wrongdoing relating to Cessnock City Council.

2.3. This policy does not apply to complaints made by the general public. Complaints about Cessnock City Council can be made through Council's Complaint Handling Policy and Procedure.

2.4. This policy cannot be used for staff grievances, which should be raised through the Workplace Grievance Notification Form. If a staff member makes a report under this policy which is determined to be a grievance, the matter will be referred to the People and Culture team to be dealt with in accordance with the Workplace Grievance Notification Form.

2.5. This policy should be read in conjunction with Council's Code of Conduct, documents articulating Council's values and principles, internal policies on



grievance handling, misconduct matters, and dealing with internal fraud and corruption.

3. POLICY GUIDANCE

3.1. This Policy will provide you with information on the following:

- 3.1.1 ways you can make a voluntary PID to Council under the PID Act (refer to section 4);
- 3.1.2 the names and contact details for the nominated Disclosure Officers in Council (refer to Appendix A);
- 3.1.3 the roles and responsibilities of people who hold particular roles under the PID Act and who are employees of council (refer to section 8);
- 3.1.4 what information you will receive once you have made a voluntary PID (refer to section 9);
- 3.1.5 protections available to people who make a report of serious wrongdoing under the PID Act and what we will do to protect you (refer to section 5);
- 3.1.6 Council procedures for dealing with disclosures (refer to Part D);
- 3.1.7 Council procedures for managing the risk of detrimental action and reporting detrimental action (refer to section 5 and 6);
- 3.1.8 Council record-keeping and reporting requirements (refer to section 13); and
- 3.1.9 How Council will ensure it complies with the PID Act and this policy (refer to section 13).

3.2. If you require further information about this policy, how public interest disclosures will be handled and the PID Act you can:

- 3.2.1 Confidentially contact a nominated Disclosure Officer within Council (see list at Appendix A);
- 3.2.2 contact the PID Advice Team within the NSW Ombudsman by phone: (02) 9286 1000 or email: pidadvice@ombo.nsw.gov.au; or
- 3.2.3 access the NSW Ombudsman's PID guidelines which are available on its website.

3.3. If you require legal advice with respect to the PID Act or to your obligations under the PID Act, you may need to seek independent advice.

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PART B – PUBLIC INTEREST DISCLOSURES

4. REPORTING A SERIOUS WRONGDOING

- 4.1.1. When a Public Official reports suspected or possible wrongdoing in the public sector, their report will be a PID if it has certain features which are set out in the PID Act.
- 4.1.2. Some internal complaints or internal grievances may also be PIDs, as long as they have the features of a PID. If an internal complaint or grievance is a report of serious wrongdoing, we will consider whether it is a PID. If it is a PID, we will deal with it as set out in this policy, but we will also make sure we follow our other policies if they are relevant.
- 4.1.3. It is important that we quickly recognise that we have received a PID. This is because once a PID is received, the person who has made the report is entitled to certain protections and we have certain decisions that we have to make on how we will deal with the PID and how we will protect and support the person who has made the report.

4.2. When will a report be a PID?

4.2.1. There are three types of PIDs in the PID Act. These are:

- a) **Voluntary PID:** This is a PID where a report has been made by the Public Official because they decided, of their own accord, to come forward and disclose what they know.
- b) **Mandatory PID:** This is a PID where the Public Official has made a report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.
- c) **Witness PID:** This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

4.3. Voluntary PIDs

- 4.3.1. This policy mostly relates to making a voluntary PIDs and how we will deal with voluntary PIDs. People who make a mandatory PID or a witness PID are still entitled to protection. More information about protections is available in section 5 of this policy.
- 4.3.2. You can find more information about mandatory and witness PIDs in the Ombudsman's guidelines 'Dealing with mandatory PIDs' and 'Dealing with witness PIDs'.
- 4.3.3. Voluntary PIDs are the kind of PIDs most people have in mind when they think about public interest reporting and 'whistleblowing'.
- 4.3.4. They involve a Public Official making a report because they have information that they believe shows (or tends to show) serious wrongdoing, where they are not under a legal obligation to make that report and where it is not an ordinary part of their role to report such wrongdoing.
- 4.3.5. A report is a voluntary PID if it has the following five features, which are set out in sections 24 to 27 of the PID Act:
 - a) A report is made by a Public Official;



- b) It is made to a person who can receive voluntary PIDs (refer to the list of nominated disclosures officers at Appendix A);
- c) The Public Official *honestly and reasonably believes* that the information they are providing shows (or tends to show) serious wrongdoing; and
- d) The report was made orally or in writing, and
- e) The report is voluntary (meaning it is not a mandatory or witness PID).

If the report has all five features it is a voluntary PID.

- 4.3.6. You will not be expected to prove that what you reported actually happened or is serious wrongdoing. You *do* have to honestly believe, on reasonable grounds, that the information you are reporting shows or tends to show serious wrongdoing.
- 4.3.7. Even though you do not have to prove the serious wrongdoing happened or provide evidence, a mere allegation with no supporting information is unlikely to meet this test.
- 4.3.8. If we make an error and do not identify that you have made a voluntary PID, you will still be entitled to the protections under the PID Act.
- 4.3.9. If you make a report and believe we have made an error by not identifying that you have made a voluntary PID, you should raise this with a nominated Disclosure Officer or your contact officer for the report. If you are still not satisfied with this outcome, you can seek an internal review or we make seek to conciliate the matter. You may also contact the NSW Ombudsman. Further information on rights to internal review and conciliation is found in section 12 of this policy.

4.4. Who can make a voluntary PID?

- 4.4.1. Any Public Official can make a voluntary PID – see 'Who this policy applies to'. You' are a Public Official if:
 - a) You are employed by Cessnock City Council,
 - b) You are a Councillor elected to the Cessnock City Council,
 - c) You are a contractor, subcontractor or volunteer who provides services, or exercises functions, on behalf of Council,
 - d) You work for an entity (such as a non-government organisation) who is contracted by the Council to provide services or exercise functions on behalf of the Council – if you are involved in undertaking that contracted work.
- 4.4.2. Council sometimes engages consultants to assist Council with our work. These consultants are not considered Public Officials under the PID Act.
- 4.4.3. A Public Official can make a PID about serious wrongdoing relating to any agency, not just the agency they are working for. This means that we may receive PIDs from Public Officials outside Council. It also means that you can make a PID to any agency, including an integrity agency like the Independent Commission Against Corruption (ICAC) and the NSW Ombudsman. Annexure B of this policy has a list of integrity agencies.

4.5. What is serious wrongdoing?

- 4.5.1. Reports must be of one or more of the following categories of *serious wrongdoing* to be a voluntary PID (in addition to having the other features set out here). Serious wrongdoing is defined in the PID Act as:
 - a) *Corrupt conduct* — such as a Public Official accepting a bribe;



- b) *Serious maladministration* — such as Council systemically failing to comply with proper recruitment processes when hiring staff;
- c) *A government information contravention* — such as destroying, concealing or altering records to prevent them from being released under a Government Information Public Access application;
- d) *A local government Pecuniary Interest contravention* — such as a senior Council staff member recommending a family member for a Council contract and not declaring the relationship;
- e) *A privacy contravention* — such as unlawfully accessing a person's personal information on Council's database; and
- f) *A serious and substantial waste of public money* — such as Council not following a competitive tendering process when contracting with entities to undertake Council work.

4.5.2. When you make your report, you do not need to state to Council what category of serious wrongdoing you are reporting or that you are reporting serious wrongdoing.

4.6. Who can I make a voluntary PID to?

4.6.1. For a report to be a voluntary PID, it must be made to certain Public Officials.

Making a report to a Public Official who works for The Council

4.7. You can make a report inside Council to:

- 4.7.1. the General Manager;
- 4.7.2. the Disclosures Coordinator;
- 4.7.3. a nominated Disclosure Officer for Council — a list of nominated Disclosure Officers for Council and their contact details can be found at Annexure A of this policy; and
- 4.7.4. Your Manager — this is the person who directly, or indirectly, supervises you. It can also be the person who you directly, or indirectly, report to. You may have more than one manager. Your Manager will make sure that the report is communicated to a Disclosure Officer on your behalf or may accompany you while you make the report to a Disclosure Officer.

Note 1: For the purposes of making a PID, a 'Manager' may be different to the person Council has identified as your immediate supervisor or business unit manager. For example, this may include a shift supervisor.

Note 2: For a Public official who is a person providing services or exercising functions on behalf of Council (including a contractor, subcontractor or volunteer) or an employee, partner or officer or an entity that provides services on behalf of Council or exercises functions on behalf of Council – your Manager is taken to be the Public Official in Council who oversees those services or functions, or who manages the relevant contract or volunteering arrangement. For example, a section 355 Committee volunteer should consider the relevant Committee Facilitator their 'Manager' for the purposes of making a PID.

Making a report to a recipient outside of The Council

4.8. You can also make your report to a Public Official in another agency (meaning an agency you do not work for) or an integrity agency. These include:



- 4.8.1. The *head of another agency* — this means the head of any public service agency;
- 4.8.2. An *integrity agency* — a list of integrity agencies is located at Annexure B of this policy;
- 4.8.3. A *Disclosure Officer for another agency* — ways to contact Disclosure Officers for other agencies is located in an agency's PID policy which can be found on their public website; and
- 4.8.4. A *Minister or a member of a Minister's staff* but the report *must be made in writing*.
 - 2.5.1.1. If you choose to make a disclosure outside of Council it is possible that your disclosure will be referred back to Council so that appropriate action can be taken.

Making a report to a Member of Parliament or Journalist

- 4.9. Disclosures to MPs or journalists are different to other reports. You can only disclose a report of wrongdoing as a voluntary PID to an MP or journalist in the following circumstances:
 - 4.9.1. You must have first made substantially the same disclosure (described here as a 'previous disclosure') to someone who can receive disclosures;
 - 4.9.2. The previous disclosure must be substantially true;
 - 4.9.3. You did not make the previous disclosure anonymously;
 - 4.9.4. You did not give a written waiver of your right to receive information relating to your previous disclosure; and
 - 4.9.5. You did not receive the following from Council:
 - a) notification that Council will not investigate the serious wrongdoing and will also not refer the previous disclosure to another agency; or
 - b) the following information at the end of the investigation period:
 - i. notice of Council decision to investigate the serious wrongdoing;
 - ii. a description of the results of an investigation into the serious wrongdoing; and
 - iii. details of proposed or recommended corrective action as a result of the previous disclosure or investigation.
 - 4.9.6. Investigation period means:
 - a) After six months from the previous disclosure being made; or
 - b) After 12 months if you applied for an internal review of Council's decision within six months of making the disclosure.
 - 4.9.7. If all the above requirements are met, your disclosure to an MP or journalist may be a voluntary PID.
- 4.10. What form should a voluntary PID take?
 - 4.10.1. You can make a voluntary PID:
 - a) *In writing* — this could be an email or letter to a person who can receive voluntary PIDs.



- b) *Orally*— have a private discussion with a person who can receive voluntary PIDs. This can be face-to-face, via telephone or virtually.
- c) *Anonymously* — write an email (to publicofficer@cessnock.nsw.gov.au) or letter or call a person who can receive PIDs to make a report without providing your name or anything that might identify you as the maker of the report. A report will only be considered anonymous if there is no reasonable or practical way of communicating with the person making the report. Even if you choose to remain anonymous, you will still be protected under the PID Act. It may be difficult, however, for Council to investigate the matter(s) you have disclosed if we cannot contact you for further information.

4.11. What should I include in my report?

4.11.1. You should provide as much information as possible so we can deal with the report effectively. The type of information you should include is:

4.11.2. Date, time and location of key events;

4.11.3. Names of person(s) involved in the suspected wrongdoing, their role, title and how they are involved;

4.11.4. Your relationship with the person(s) involved, such as whether you work closely with them;

4.11.5. Your explanation of the matter you are reporting;

4.11.6. How you became aware of the matter you are reporting;

4.11.7. Possible witnesses; and

4.11.8. Other information you have that supports your report.

4.12. What if I am not sure if my report is a PID?

4.12.1. You should report all wrongdoing you become aware of regardless of whether you think it is serious wrongdoing. It is important for Council to understand what is or may be occurring.

4.12.2. We are then responsible for making sure your report is handled appropriately under the PID Act, or if it is not a PID, in line with our other procedures. Even if your report is not a PID, it may fall within another one of Council's policies for dealing with reports, allegations or complaints.

4.13. Deeming that a report is a voluntary PID

4.13.1. The Disclosures Coordinator can, in certain circumstances, determine that a report is a voluntary PID even if the report does not otherwise have all the features of a voluntary PID. This is known as the 'deeming power'.

4.13.2. By deeming that a report is a voluntary PID, it ensures that reporters are provided with protections under the PID Act.

4.13.3. If you make a report that has not met all the requirements of a voluntary PID, you can refer your matter to Council to request that they consider deeming your report to be a voluntary PID.

4.13.4. A decision to deem a report to be a voluntary PID is at the discretion of the Disclosures Coordinator. For more information about the deeming power, see the Ombudsman's guideline 'Deeming that a disclosure is a voluntary PID'.

4.14. Who can I talk to if I have questions or concerns?

4.14.1. You can contact the Disclosures Coordinator, or the Governance and Council Support Coordinator to provide further information so that concerns can be



addressed. You can contact them confidentially by using the contact details at Annexure A.

5. PROTECTIONS

- 5.1. How is the maker of voluntary PID protected? When you make a voluntary PID you receive special protections under the PID Act.
 - 5.1.2. We are committed to taking all reasonable steps to protect you from detriment as a result of having made a PID. We are also committed to maintaining your confidentiality as much as possible while the PID is being dealt with.
 - 5.1.3. We will not tolerate any type of detrimental action being taken against you because you have made a report, might make a report or are believed to have made a report.
 - 5.1.4. The maker of a voluntary PID is protected in the following ways:
 - a) Protection from detrimental action
 - i. A person cannot take detrimental action against another person because they have made a voluntary PID or are considering making a PID. Detrimental action includes bullying, harassment, intimidation or dismissal.
 - ii. Once we become aware that a voluntary PID by a person employed or otherwise associated with Council that concerns serious wrongdoing relating to Council has been made, Council will undertake a risk assessment and take steps to mitigate the risk of detrimental action occurring against the person who made the voluntary PID.
 - iii. It is a criminal offence for someone to take detrimental action against a person because they have made or may make a voluntary PID. It is punishable by a maximum penalty of 200 penalty units or imprisonment for five years or both.
 - iv. A person may seek compensation where unlawful detrimental action has been taken against them.
 - v. A person can apply for a court order (injunction) where detrimental action is threatened or has occurred (for example, an order to prevent dismissal or to require reinstatement).
 - vi. Note that a person who makes a PID can still be subject to reasonable management action (such as ordinary performance reviews and performance management). Provided such action is not taken because of the PID, it is not detrimental action under the PID Act.
 - b) Immunity from civil and criminal liability
 - i. Some Public Officials are often subject to a duty of confidentiality that prevents them disclosing certain information that they obtain or become aware of at work. Sometimes, in order to make a PID, Public Officials will need to breach or disregard such confidentiality duties. If that happens, a Public Official cannot be disciplined, sued or criminally charged for breaching confidentiality.
 - c) Confidentiality



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- i. Public Officials and agencies must not disclose information tending to identify a person as the maker of a voluntary PID unless doing so is permitted by the PID Act.
- d) Protection from liability for own past conduct
 - i. The Attorney General can give the maker an undertaking that a disclosure of their own past conduct will not be used against them if a person discloses their own wrongdoing or misconduct while making a report. This undertaking can only be given on application by an integrity agency to the Attorney General.

- 5.2.1. Apart from PIDs that are made voluntarily by Public Officials, there are other types of reports that are recognised as PIDs under the PID Act:
- 5.2.2. *A mandatory PID:* This is a PID where the Public Official has made the report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.
- 5.2.3. *A witness PID:* This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.
- 5.2.4. Protections for makers of mandatory and witness PIDs are detailed in the table below.

Protection	Mandatory PID	Witness PID
Detrimental action — It is an offence to take detrimental action against a person based on the suspicion, belief or awareness that a person has made, may have made or may make a PID.	Yes	Yes
Right to compensation — A person can initiate proceedings and seek compensation for injury, damage or loss suffered as a result of detrimental action being taken against them.	Yes	Yes
Ability to seek injunction — An injunction can be sought to prevent the commission or possible commission of a detrimental action offence against a person. For example, an order to prevent dismissal or to require reinstatement.	Yes	Yes
Immunity from civil and criminal liability — a person will not incur civil or criminal liability if the person breaches a duty of confidentiality while making a disclosure. This means that legal action cannot be taken against a person for: <ul style="list-style-type: none"> • breaching a duty of secrecy or confidentiality, or • breaching another restriction on disclosure. 	Yes	Yes

6. REPORTING DETRIMENTAL ACTION

- 6.1. If you experience adverse treatment or detrimental action, such as bullying or harassment, you should report this immediately to the Disclosures Coordinator or a nominated disclosures officer. You can report any experience of adverse treatment or detrimental action directly to Council, or to an integrity agency. A list of integrity agencies is located at Annexure B of this policy.



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7. **GENERAL SUPPORT** Council will allocate to you a person who will be your key contact person and who will take steps to protect your interests; for example, if you are at risk of detrimental action.

7.2. You may also contact Council's Employee Assistance Program for support:

AusPsych

P: 02 4926 1688

E: admin@auspsych.com.au

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PART C – ROLES AND RESPONSIBILITIES OF CESSNOCK CITY COUNCIL

8. ROLES AND RESPONSIBILITIES

- 8.1. Fostering a workplace culture where reporting is encouraged;
- 8.2. Receiving disclosures from Public Officials;
- 8.3. Ensuring there is a system in place for assessing disclosures;
- 8.4. Ensuring Council complies with this policy and the PID Act;
- 8.5. Ensuring that Council has appropriate systems for:
 - 8.1.1. overseeing internal compliance with the PID Act;
 - 8.1.2. supporting Public Officials who make voluntary PIDs, including by minimising the risk of detrimental action;
 - 8.1.3. implementing corrective action if serious wrongdoing is found to have occurred;
 - 8.1.4. complying with reporting obligations regarding allegations or findings of detrimental action; and
 - 8.1.5. complying with yearly reporting obligations to the NSW Ombudsman.

Disclosures Coordinator

- 8.6. Receiving reports from Public Officials;
- 8.7. Receiving reports when they are passed on to them by Managers and nominated Disclosure Officers;
- 8.8. Ensuring reports are dealt with appropriately, including by referring the matter to the appropriate complaint unit (if relevant); and
- 8.9. Ensuring that any oral reports that have been received are recorded in writing.

Disclosure Officers

- 8.10. Receiving reports from Public Officials;
- 8.11. Receiving reports when they are passed on to them by Managers;
- 8.12. Ensuring reports are dealt with appropriately, including by referring the matter to the Disclosures Coordinator; and
- 8.13. Ensuring that any oral reports that have been received are recorded in writing.

Managers

- 8.14. Receiving reports from persons that report to them or that they supervise; and
- 8.15. Passing on reports they receive to a Disclosure Officer or the Disclosures Coordinator.

All Employees

- 8.16. Report suspected serious wrongdoing or other misconduct;



- 8.17. Use their best endeavours to assist in an investigation of serious wrongdoing if asked to do so by a person dealing with a voluntary PID on behalf of Council;
- 8.18. Treat any person dealing with or investigating reports of serious wrongdoing with respect; and
- 8.19. All employees must not take detrimental action against any person who has made, may in the future make, or is suspected of having made, a PID.

Governance team

- 8.20. Ensure this policy is available on Council's publicly available website as well as on the intranet.

People and Culture team

- 8.21. Ensure a copy of the policy is sent to all staff of Council on their commencement.

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PART D – DEALING WITH PIDS

9. HOW WE WILL DEAL WITH VOLUNTARY PIDS

How Council will acknowledge that we have received a report and keep the person who made it informed

9.1. When a Disclosure Officer in Council receives a report which is a voluntary PID, or looks like it may be a voluntary PID, the Disclosure Officer will refer the matter to the Disclosures Coordinator. The Disclosures Coordinator will ensure that the person who made the report will receive the following information:

9.1.1. You will receive an acknowledgment that the report has been received. This acknowledgment will:

- a) State that the report will be assessed to identify whether it is a PID;
- b) State that the PID Act applies to how Council deals with the report;
- c) Provide clear information on how you can access this PID policy; and
- d) Provide you with details of a contact person and available supports.

9.1.2. If the report is a voluntary PID, we will inform you as soon as possible how we intend to deal with the report. This may include:

- a) That we are investigating the serious wrongdoing;
- b) That we will refer the report to a different agency (if appropriate) to deal with the voluntary PID. If we do this, we will provide you with details of this referral; and
- c) If we decide to not investigate the report and to not refer it to another agency for it to be investigated, we will tell you the reasons for this decision. We will also notify the NSW Ombudsman of this decision.

9.1.3. If we decide to investigate the serious wrongdoing, we will provide you with updates on the investigation at least every three months. During this time, if you would like more frequent updates, you should contact the contact person who was nominated when you made the report.

- a) If we investigate the serious wrongdoing, we will provide you with the following information once the investigation is complete:
 - i. A description of the results of the investigation — that is, we will tell you whether we found that serious wrongdoing took place.
 - ii. Information about any corrective action as a result of the investigation/s — this means we will tell you what action we took in relation to the person who engaged in the serious wrongdoing or if the serious wrongdoing was by Council, what we have put in place to address that serious wrongdoing.
- b) Corrective action could include taking disciplinary action against someone or changing the practices, policies and procedures that we have in place which led to the serious wrongdoing.

9.1.4. There may be some details about both the findings made as a result of the investigation and the corrective action taken that cannot be revealed to you.



We will always balance the right of a person who makes a report to know the outcome of that report, with other legal obligations we have.

- 9.1.5. If you have made an anonymous report, in many cases we may not be able to provide this information to you.

9.2. How the Council will deal with voluntary PIDs

- 9.2.1. Once a report that may be a voluntary PID is received Council will look at the information contained in the report to see if it has the features of a voluntary PID. This assessment is undertaken to identify whether the report is a voluntary PID or another type of disclosure, and to make sure that the right steps are followed. If it is a voluntary PID, we will ensure that we comply with the requirements in the PID Act.

10. REPORT NOT A VOLUNTARY PID

- 10.1. Even if the report is not a voluntary PID, it will still need to be dealt with in a manner consistent with our processes for receiving reports of wrongdoing or through an alternate process.
- 10.2. If the report is not a voluntary PID, we will let you know that the PID Act does not apply to the report and how we will deal with the concerns raised in the report.
- 10.3. If you are not happy with this assessment or otherwise disagree with it, you can raise it with the person who has communicated the outcome with you or a Disclosure Officer, request an internal review or request that the matter be conciliated. Council can, but do not have to, request the NSW Ombudsman to conciliate the matter.

11. CEASE DEALING WITH REPORT AS VOLUNTARY PID

- 11.1. Council may stop dealing with a voluntary PID because it is not actually a voluntary PID (meaning it does not have all the features of a PID).

Where the report is a voluntary PID

- 11.2. In most cases we will conduct an investigation to make findings about whether the serious wrongdoing disclosed in the report occurred, who was involved, who was responsible, and whether the people involved, or the agency engaged, in serious wrongdoing. There may be circumstances where we believe an investigation is not warranted — for example, if the conduct has previously been investigated.
- 11.3. There may also be circumstances where we decide that the report should be referred to another agency, such as an integrity agency. For example, reports concerning possible corrupt conduct may be required to be reported to the ICAC in accordance with section 11 of the *Independent Commission Against Corruption Act 1988*.
- 11.4. Before referring a matter, we will discuss the referral with the other agency, and we will provide you with details of the referral and a contact person within the other agency.
- 11.5. If we decide not to investigate a report and to not refer the matter to another agency, we must let you know the reasons for this and notify the NSW Ombudsman.
- 11.6. How the Council will protect the confidentiality of the maker of a voluntary PID
- 11.6.1. We understand that people who make voluntary PIDs may want their identity and the fact that they have made a report to be confidential.



- 11.6.2. Under the PID Act, information tending to identify a person as the maker of a voluntary PID (known as identifying information) is not to be disclosed by a Public Official or an agency.
- 11.6.3. There are certain circumstances under the PID Act that allow for the disclosure of identifying information. These include:
- a) Where the person consents in writing to the disclosure;
 - b) Where it is generally known that the person is the maker of the voluntary PID because of their voluntary self-identification as the maker;
 - c) When the Public Official or [we/agency] reasonably considers it necessary to disclose the information to protect a person from detriment;
 - d) Where it is necessary the information be disclosed to a person whose interests are affected by the disclosure;
 - e) Where the information has previously been lawfully published;
 - f) When the information is disclosed to a medical practitioner or psychologist for the purposes of providing medical or psychiatric care, treatment or counselling to the individual disclosing the information;
 - g) When the information is disclosed for the purposes of proceedings before a court or tribunal;
 - h) when the disclosure of the information is necessary to deal with the disclosure effectively; and
 - i) If it is otherwise in the public interest to disclose the identifying information.
- 11.6.4. We will not disclose identifying information unless it is necessary and authorised under the PID Act.
- 11.6.5. We will put in place steps to keep the identifying information of the maker and the fact that a report has been made confidential. It may not be possible for us to maintain complete confidentiality while we progress the investigation, but we will do all that we practically can to not unnecessarily disclose information from which the maker of the report can be identified. We will do this by:
- a) Limiting the number of people who are aware of the maker's identify or information that could identify them;
 - b) If we must disclose information that may identify the maker of the PID, we will still not disclose the actual identity of the maker of the PID, unless we have their consent to do so;
 - c) We will ensure that any person who does know the identity of the maker of a PID is reminded that they have a legal obligation to keep their identity confidential;
 - d) We will ensure that only authorised persons have access to emails, files or other documentation that contain information about the identity of the maker;
 - e) We will undertake an assessment to determine if anyone is aware of the maker's identity and if those persons have a motive to cause detrimental action to be taken against the maker or impede the progress of the investigation; and
 - f) We will provide information to the maker of the PID about the importance of maintaining confidentiality and advising them how best to protect their



identity, for example, by telling them not to discuss their report with other staff.

11.6.6. If confidentiality cannot be maintained or is unlikely to be maintained, Council may:

- a) advise the person whose identity may become known;
- b) update Council's risk assessment and risk management plan;
- c) implement strategies to minimise the risk of detrimental action;
- d) provide additional support to the person who has made the PID; and
- e) remind persons who become aware of the identifying information of the consequences for failing to maintain confidentiality and that engaging in detrimental action is a criminal offence and may also be a disciplinary matter.

11.7. How the Council will assess and minimise the risk of detrimental action

11.7.1. Council will not tolerate any detrimental action being taken by any person against a person who has made a PID, investigators, witnesses or the person the report is about.

11.7.2. Council will assess and take steps to mitigate detrimental action from being taken against the maker of a voluntary PID, the person whose conduct is the subject of a PID, investigators and witnesses.

11.7.3. Council will take steps to assess and minimise the risk of detrimental action by:

- a) explaining that a risk assessment will be undertaken, and a risk management plan will be created (including reassessing the risk throughout the entirety of the matter);
- b) providing details of the unit/role that will be responsible for undertaking a risk assessment;
- c) explaining the approvals for risk assessment and the risk management plan, that is, rank or role of the person who has final approval;
- d) explaining how Council will communicate with the maker to identify risks;
- e) listing the protections that will be offered, that is, Council will discuss protection options with the maker which may including remote working or approved leave for the duration of the investigation;
- f) outlining what support will be provided; and
- g) Further information on assessing the risk of detrimental action is found in the Ombudsman's guideline 'Agencies — assessing and managing the risk of detrimental action'.

11.7.4. Detrimental action against a person is an act or omission that causes, comprises, involves or encourages detriment to a person or a threat of detriment to a person (whether express or implied). Detriment to a person includes:



- a) Injury, damage or loss;
- b) Property damage;
- c) Reputational damage;
- d) Intimidation, bullying or harassment;
- e) Unfavourable treatment in relation to another person's job;
- f) Discrimination, prejudice or adverse treatment;
- g) Disciplinary proceedings or disciplinary action; or
- h) Any other type of disadvantage.

11.7.5. Detrimental action does not include:

- a) Lawful action taken by a person or body to investigate serious wrongdoing or other misconduct;
- b) The lawful reporting or publication of a finding of serious wrongdoing or other misconduct;
- c) The lawful making of adverse comment, resulting from investigative action;
- d) The prosecution of a person for a criminal offence; and
- e) Reasonable management action taken by someone in relation to a person who made or may make a PID. For example, a reasonable appraisal of a PID maker's work performance.

11.8. How the Council will deal with allegations of a detrimental action office

11.8.1. If Council become(s) aware of an allegation that a detrimental action offence has occurred or may occur, Council will:

- a) take all steps possible to stop the action and protect the person(s);
- b) Take appropriate disciplinary action against anyone that has taken detrimental action;
- c) Refer any evidence of a detrimental action offence to the Commissioner of Police and the ICAC or the Law Enforcement Conduct Commission (whichever is applicable); and
- d) Notify the NSW Ombudsman about the allegation of a detrimental action offence being committed.

11.9. What the Council will do if an investigation finds that serious wrongdoing has occurred

11.9.1. If, after an investigation, it is found that serious wrongdoing or other misconduct has occurred, Council will take the most appropriate action to address that wrongdoing or misconduct. This is also known as corrective action.

11.9.2. Corrective action can include:



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- a) A formal apology;
- b) Improving internal policies to adequately prevent and respond to similar instances of wrongdoing;
- c) Providing additional education and training to staff where required;
- d) Taking employment action against persons involved in the wrongdoing (such as termination of employment, relocation, a caution or reprimand); and
- e) Payment of compensation to people who have been affected by serious wrongdoing or other misconduct.

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PART E – PID ADMINISTRATION

12. REVIEW AND DISPUTE RESOLUTION

Internal Review

- 12.1. People who make voluntary PIDs can seek internal review of the following decisions made by Council:
- 12.1.1. That Council is not required to deal with the report as a voluntary PID;
 - 12.1.2. To stop dealing with the report because Council decided it was not a voluntary PID;
 - 12.1.3. To not investigate the serious wrongdoing and not refer the report to another agency; and
 - 12.1.4. To cease investigating the serious wrongdoing without either completing the investigation or referring the report to another agency for investigation.
- 12.2. Council will ensure internal reviews are conducted in compliance with the PID Act.
- 12.3. If you would like to make an application for an internal review, you must apply in writing within 28 days of being informed of Council decision. The application should state the reasons why you consider Council decision should not have been made. You may also submit any other relevant material with your application.

Voluntary Dispute Resolution

- 12.4. If a dispute arises between Council and a person who has made a report which is, or may be, a voluntary PID, we may request the NSW Ombudsman to conciliate the dispute. Conciliation is a voluntary process and will only be suitable for disputes where Council and the maker of the report are willing to resolve the dispute.

13. OTHER AGENCY OBLIGATIONS

Record-Keeping Requirements

- 13.1. Council must keep full and accurate records with respect to all information received in connection with the PID Act. This ensures that Council complies with its obligations under the *State Records Act 1998*.

Report of voluntary PIDs and the Council Annual Return to the Ombudsman

- 13.2. Each year Council provide an annual return to the NSW Ombudsman which includes:
- 13.2.1. Information about voluntary PIDs received by Council during each return period (yearly with the start date being 1 July);
 - 13.2.2. Action taken by Council to deal with voluntary PIDs during the return period; and
 - 13.2.3. How Council promoted a culture in the workplace where PIDs are encouraged.

How the Council will ensure compliance with the PID Act and this policy

- 13.3. It is important for Council to have mechanisms in place for monitoring the effectiveness of our PID policy and for ensuring compliance with the PID Act. Council ensures compliance by:



13.3.1. Ensuring the General Manager has oversight arrangements in place including measures to address non-compliance and

13.3.2. Regular reporting to Council's Audit and Risk Committee.

Complaints

13.4. Complaints regarding any aspect of this policy should be lodged in accordance with Council's Complaints Handling policy.

13.5. When a complaint is lodged it is first assessed by administrative staff to determine the nature of the complaint and the appropriate Council Official to consider matter.

13.5.1. This assessment can occur prior to the specified addressee receiving the complaint unless a complaint is clearly marked '*confidential and for the addressee only*'.

13.6. If you wish to make a complaint regarding the handling of your personal information this should be lodged as a privacy complaint in accordance with Council's Privacy Management Plan.

13.7. Complaints lodged in accordance with Council's Complaints Handling policy may still be assessed and deemed to be a privacy complaint.

13.7.1. Such deemed privacy complaints will be referred to the appropriate Council Official and dealt with in accordance with Council's Privacy Management Plan.



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14. POLICY DEFINITIONS AND ABBREVIATIONS

Act	means the <i>Local Government Act 1993</i> (NSW).
Agency	means public service agencies, local government authorities, public universities, integrity agencies, statutory bodies and local aboriginal land councils.
Council	means Cessnock City Council.
Council Official	includes Councillors, members of staff (permanent, casual or temporary), Council advisors, administrators, Council committee members, volunteers and delegates of Council.
Public Official	includes: <ul style="list-style-type: none"> • A person employed in or by an agency or otherwise in the service of an agency; • A person having Public Official functions or acting in a Public Official capacity whose conduct or activities an integrity agency is authorised by another Act or law to investigate; • An individual in the service of the Crown; • A statutory officer; • A person providing services or exercising functions on behalf of an agency, including a contractor, subcontractor or volunteer; • An employee, partner or officer of an entity that provides services, under contract, subcontract or other arrangement, on behalf of an agency or exercises functions of an agency, and are involved in providing those services or exercising those functions; • A judicial officer; • A Member of Parliament (MP), including a Minister; • A person employed under the <i>Members of Parliament Staff Act 2013</i>
Government Information Public Access application	means the and application made in accordance with the <i>Government Information (Public Access) Act 2009</i> (NSW).
Manager	means the person who directly, or indirectly, supervises you. It can also be the person who you directly, or indirectly, report to. You may have more than one Manager. Your Manager will make sure that the report is communicated to a nominated Disclosure Officer on your behalf or may accompany you while you make the report to a nominated Disclosure Officer.
Pecuniary Interest	means interest(s) that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.



15. POLICY ADMINISTRATION

Business Group	Corporate and Community Services
Responsible Officer	General Manager
Author	Governance and Council Support Coordinator
Policy Review Date	Three years from date of adoption unless legislated otherwise
File Number / Document Number	DOC2022/123222 (previously known under DOC2018/093182)
Relevant Legislation (reference specific sections)	<p><i>Public Interest Disclosures Act 2022</i> (NSW)</p> <p>Section 11, <i>Independent Commission Against Corruption Act 1988</i> (NSW)</p> <p><i>Government Information (Public Access) Act 2009</i> (NSW)</p>
Relevant desired outcome or objectives	<p><i>Civic leadership and effective governance</i></p> <p>Objective 5.3 Making Council more responsive to the community</p>
Related Policies / Protocols / Procedures / Documents (reference document numbers)	<ul style="list-style-type: none"> ▪ Code of Conduct (DOC2018/086716) ▪ Procedures for the Administration of Code of Conduct (DOC2018/086682) ▪ Workplace Grievance Notification Form (DOC2013/046519) ▪ Records Management Policy (DOC2019/038769) ▪ Complaints Handling Policy (DOC2018/048382)

16. POLICY AUTHORISATIONS

No.	Authorised Function	Authorised Business Unit / Role(s)
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	<ol style="list-style-type: none"> 1. Appoint Council's Disclosures Coordinator and Alternate Disclosures Coordinator in accordance with this policy. 2. Appoint staff members as nominated Disclosure Officers. 3. Assess reports of suspected wrongdoing received to determine whether or not they are public interest disclosures, and decide how the reports will be dealt with, in accordance with this policy. 	General Manager
	<p>Assess reports of suspected wrongdoing received to determine whether or not they are public interest disclosures, and decide how the reports will be dealt with (either under delegation or in consultation with the General Manager), in accordance with this policy.</p>	Disclosures Coordinator / Alternate Disclosures Coordinator
	<ol style="list-style-type: none"> 1. Receive reports of suspected wrongdoing in accordance with this policy. 2. Forward reports to the Disclosures Coordinator for assessment, in accordance with this policy. 	Disclosure Officers

17. POLICY HISTORY

Revision	Date Approved / Authority	Description Of Changes
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1	19 October 2011 (PM60/2011 – 1773)	New policy adopted
2	16 November 2011 (PM71/2011 – 1825)	Amended
3	18 September 2013 (PM91/2013 – 581)	Reviewed
4	31 August 2016 (DOC2014/005250)	[no information provided]
5	18/09/2019 (CC79/2019-994)	Significant review
6	18/10/2023 (DO2022/123222)	New policy adopted. The Policy is based on the NSW Ombudsman Model Public Interest Disclosures Policy and replaces the Internal Reporting – Public Interest Disclosures Policy (2019). The new policy reflects the <i>Public Interest Disclosures Act 2022</i> (NSW) which superseded the <i>Public Interest Disclosures Act 1994</i> (NSW).



18. APPENDIX A

Names and contact details of Disclosure Officers for Cessnock City Council:

Note: This list is only external version of the policy. The internal version of the policy provides names and contact details of Disclosure Officers.

Position title	Role
General Manager	Head of agency
Director Corporate and Community Services	Disclosures Coordinator
Governance and Council Support Coordinator	Alternate Disclosures Coordinator
The following positions are appointed as disclosures officers (and includes those persons acting in those positions from time to time):	
Remaining Executive Leadership Team Members	
Managers at Level 3 RAA	
Senior Legal and Governance Officer	
Human Resources Operations Coordinator	
Risk and Safety Coordinator	
Internal Auditor	
Most senior person at permanent worksite: Depot	
Most senior person at permanent worksite: Libraries (Cessnock and Kurri Kurri)	
Most senior person at permanent worksite: Swimming pools	
Most senior person at permanent worksite: PACC (Performing Arts Centre Cessnock)	
Most senior person at permanent worksite: CYCOS	
Most senior person at permanent worksite: Visitor Information Centre	
Most senior person at permanent worksite: Waste Management Facility	



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19. APPENDIX B

List of integrity agencies

Integrity Agency	What they Investigate	Contact Information
The NSW Ombudsman	Most kinds of serious maladministration by most agencies and Public Officials (but not NSW Police, judicial officers or MPs)	Telephone: 1800 451 524 between 9am to 3pm Monday to Friday Writing: Level 24, 580 George Street, Sydney NSW 2000 Email: info@ombo.nsw.gov.au
The Auditor-General	Serious and substantial waste of public money by auditable agencies	Telephone: 02 9275 7100 Writing: GPO Box 12, Sydney NSW 2001 Email: governance@audit.nsw.gov.au
Independent Commission Against Corruption	Corrupt conduct	Telephone: 02 8281 5999 or toll free on 1800 463 909 (callers outside Sydney) between 9am and 3pm, Monday to Friday Writing: GPO Box 500, Sydney NSW 2001 or faxing 02 9264 5364 Email: icac@icac.nsw.gov.au
The Inspector of the Independent Commission Against Corruption	Serious maladministration by the ICAC or the ICAC officers	Telephone: 02 9228 3023 Writing: PO Box 5341, Sydney NSW 2001 Email: oiicac_executive@oiicac.nsw.gov.au
The Law Enforcement Conduct Commission	Serious maladministration by the NSW Police Force or the NSW Crime Commission	Telephone: 02 9321 6700 or 1800 657 079 Writing: GPO Box 3880, Sydney NSW 2001 Email: contactus@lecc.nsw.gov.au
The Inspector of the Law Enforcement Conduct Commission	Serious maladministration by the LECC and LECC officers	Telephone: 02 9228 3023 Writing: GPO Box 5341, Sydney NSW 2001 Email: oilcc_executive@oilcc.nsw.gov.au
Office of the Local Government	Local government pecuniary interest contraventions	Email: olg@olg.nsw.gov.au
The Privacy Commissioner	Privacy contraventions	Telephone: 1800 472 679 Writing: GPO Box 7011, Sydney NSW 2001 Email: jpcinfo@ipc.nsw.gov.au
The Information Commissioner	Government information contraventions	Telephone: 1800 472 679 Writing: GPO Box 7011, Sydney NSW 2001 Email: jpcinfo@ipc.nsw.gov.au



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Cessnock City Council Privacy Management Plan

Date Adopted xx/xx/2023 Revision: 4

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PART A – INTRODUCTION

1. OBJECTIVES

1.1. To inform the community:

- 1.1.1. about how your Personal Information will be used, stored and accessed after it is collected by Council; and
- 1.1.2. who you should contact with questions about the information collected and retained by Council, how to access and amend your stored information and what to do if you believe Council has breached the [Privacy and Personal Information Protection Act 1998 \(NSW\) \(PIIP Act\)](#) or [the Health Records and Information Privacy Act 2002 \(NSW\) \(HRIP Act\)](#).

1.2. To inform Council Officials of their obligations in relation to handling Personal Information and when they can and cannot disclose, use or collect it, in accordance with the PPIP Act, HRIP Act, the *Government Information (Public Access) Act 2009* (NSW) (**GIPA Act**), and the Privacy Code of Practice for Local Government (December 2019).

2. SCOPE

- 2.1. This Privacy Management Plan (**Plan**) applies to all Council Officials, including committee members, when collecting, receiving, using, storing, accessing, disclosing, archiving and/or destroying Personal Information.
- 2.2. This Plan covers requirements outlined in section 33(2) of the PPIP Act including:
 - 2.2.1. Information about how Council develops policies and practices in line with the State's information and privacy Acts;
 - 2.2.2. How Council disseminates these policies, protocols and practices within the organisation and educates Council Officials in their use;
 - 2.2.3. Council's internal review procedures; and
 - 2.2.4. Any other matter Council considers relevant to the Plan in relation to privacy and the Personal Information it holds.
- 2.3. In this Plan, a reference to Personal Information is also a reference to Health Information.

3. STATEMENT

As a government agency, Council is required to have a Privacy Management Plan in accordance with section 33 of the PPIP Act. Council is committed to supporting the broad object of the GIPA Act to advance a system of responsible and representative government that is open, accountable, fair and effective. Council is committed to ensuring that the community can access information Council holds easily and at the lowest reasonable cost.



4. WHAT IS PERSONAL AND HEALTH INFORMATION

About Personal Information

- 4.1. Personal Information is defined in section 4 of the PPIP Act as any information or opinions about a person where that person's identity is apparent or can reasonably be ascertained.

About Health Information

- 4.2. Health Information is a more specific type of Personal Information and is defined in section 6 of the HRIP Act. Health Information can include information about a person's physical or mental health such as a psychological report, blood test or an x-ray, results from drug and alcohol tests, and information about a person's medical appointments. It can also include some Personal Information that is collected to provide a health service, such as a name and telephone number.

General exclusions

- 4.3. The following are general categories of information that are excluded from the scope of both the PPIP Act and HRIP Act:
- 4.3.1. Information about someone who has been deceased for more than 30 years;
 - 4.3.2. Information about someone that is contained in a publicly available publication such as information which is published in newspapers, books or on the Internet (including social media platforms), broadcast on radio or television or made know at a public event such as a community presentation;
 - 4.3.3. Information or an opinion about a person's sustainability for employment as a public sector official.

5. INFORMATION PRIVACY PRINCIPLES AND HEALTH PRIVACY PRINCIPLES

Privacy Principles

- 5.1. The [Information Privacy Principles \(IPPs\)](#) are 12 legal obligations contained in the PPIP Act that Council must comply with in handling Personal Information.
- 5.2. The [Health Privacy Principles \(HPPs\)](#) are 15 legal obligations contained in the HRIP Act and only relate to Health Information.
- 5.3. Privacy complaints or requests for reviews must relate to a breach of one or more of the IPPs or HPPs;
- 5.4. The IPPs and HPPs have exemptions and you should make yourself aware of these prior to making a privacy complaint to Council or requesting a review.

Collection

- 5.5. When collecting Personal Information Council must ensure that the information is collected for a lawful purpose (IPP 1, HPP 1), that it is collected directly from the individual (IPP 2, HPP 3), that the individual is informed that their information is being collected and why (IPP 3, HPP 4), and that the information collected is relevant and accurate (IPP 4, HPP 2).

Note: See Part D below for Council's practice when collecting Personal Information.



Storage

- 5.6. When storing Personal Information Council must ensure that it is secure (IPP 5, HPP 5).

Access and Accuracy

- 5.7. Council must advise an individual of their rights to access their Personal Information, what information they are storing and why (IPP 6, HPP 6).
- 5.8. Council must also provide an individual with access to their Personal Information, however Council can charge reasonable fees for this (IPP 7, HPP 7).
- 5.9. Council must also allow an individual to correct or amend incorrect Personal Information (IPP 8, HPP 8).

Note: To see Council's specific processes for ensuring accuracy and permitting access see Part B below.

Use

- 5.10. Council should ensure your information is accurate before using it (IPP 9, HPP 9).
- 5.11. Council should only use Personal Information for the purpose they advised under IPP 3 (IPP 10, HPP 10), unless:
- 5.11.1. the individual consents;
 - 5.11.2. the purpose is directly related to the advised purpose and a reasonable person would expect their Personal Information to be used in such a manner; or
 - 5.11.3. to prevent or lessen a serious or imminent threat to any person's health or safety.
- 5.12. HPP 10 has further exemptions for the use of Health Information that are unlikely to be relevant to Council activities, however you should review these before making a privacy complaint or requesting a review.

Note: To see how Council uses Personal Information see Part E below.

Disclosure

- 5.13. Council should only disclose Personal Information with the consent of the individual (IPP 11, HPP 11) unless:
- 5.13.1. the individual was notified under IPP 3 when the information was collected that it would be so disclosed; or
 - 5.13.2. the purpose is directly related to the advised purpose and there is no reason to believe the individual would object to the disclosure; or
 - 5.13.3. the individual was notified under IPP 3 when the information was collected that information of that kind is usually disclosed; or
 - 5.13.4. to prevent or lessen a serious or imminent threat to any person's health or safety.
- 5.14. HPP 11 has further exemptions for the disclosure of Health Information such as compassionate grounds or to find a missing person, you should review these before making a privacy complaint or requesting a review.
- 5.15. Council cannot disclose information about an individual's ethnic origin, race, sexual activities, trade union membership, political opinions, and religious or philosophical



beliefs unless the individual consents or to deal with an imminent and serious threat to any person's health or safety (IPP 12).

Note: Council's procedures relating to disclosure, and the types of entities Council normally discloses to can be found in Part E below.

Anonymity

- 5.16. When providing health services, unique identifiers should only be used if it is reasonably necessary to carry out functions efficiently (HPP 12).
- 5.17. Individuals should be given the option of receiving services anonymously where it is lawful and practicable to do so (HPP 13).

Sharing and Linking Health Data and Information

- 5.18. Council staff must not share Health Information with agencies and organisations outside of the jurisdiction of New South Wales (HPP 14) unless the Governance Team has confirmed in writing:
 - 5.18.1. Such an organisation is subject to a law upholding principles substantially similar to the HPPs; or
 - 5.18.2. The individual has consented; or
 - 5.18.3. The transfer is necessary to implement pre-contractual measures in response to an individual's request; or
 - 5.18.4. The transfer is necessary to perform a contract with the individual; or
 - 5.18.5. The transfer is reasonably necessary to lessen or prevent a serious and imminent threat to the life, health or safety of a person, or a serious threat to public health or safety; or
 - 5.18.6. The transfer is permitted or required by an Act of New South Wales or the Australian Commonwealth or any other law.
- 5.19. Council is not bound by any direct requirements regarding the linkage of health records (HPP 15).



PART B – HOW TO ACCESS AND REVISE YOUR INFORMATION

6. AMENDING OR ACCESSING YOUR PERSONAL INFORMATION

- 6.1. Everyone has the right to access their Personal Information Council holds about them. Council does not require individuals to complete a specific form to request confirmation of whether Council holds their Personal Information – individuals can write to Council, via email or letter, enquiring about the nature of the information, the main purpose for which Council collected that information and their right of access pursuant to section 14 of the PPIP Act.
- 6.2. Individuals also have the right to amend their own Personal Information Council holds, for example, updating their contact details. There are two ways in which you can amend your Personal Information:
 - 6.2.1. By completing the relevant form on Council's [website](#) to amend your customer details such as your preferred name, email address or phone number; or
 - 6.2.2. By completing the relevant form on Council's website to amend more specific Personal Information, such as medical history or specialty reports.
- 6.3. Council is required to provide you with access to the Personal Information it holds and allow you to amend this information without excessive delay or expense.
- 6.4. There is no fee to amend your Personal Information however Council can charge a fee for you to access your Personal Information in accordance with Council's Fees and Charges.
- 6.5. Council will provide individuals with access to records containing their Personal Information in accordance with clauses 12.4-12.6 and provided the individual can confirm their identity by producing one or more of the following pieces of identification:
 - 6.5.1. Valid driver's license;
 - 6.5.2. Birth certificate or birth extract;
 - 6.5.3. Valid pension card or healthcare card issued by the Australian Government;
 - 6.5.4. Valid Medicare card;
 - 6.5.5. Valid student photo identification card (issued by an Australian tertiary education institution);
 - 6.5.6. Current and valid passport.

Amending your customer details

- 6.6. To amend your name, your address and contact details, ownership details, gender details, regardless of whether you are acting in a personal or business capacity, complete the relevant form on Council's website, which can also be emailed to council@cessnock.nsw.gov.au or posted to 62-78 Vincent Street, Cessnock, NSW, 2325.
- 6.7. Council treats such requests with priority and will have them actioned **within 3 business days** of having received them.



Amending specific Personal Information

- 6.8.** To amend specific Personal Information such as your employment details, records displaying your religious practices, etc, please complete the relevant [form](#) on Council's website which can also be emailed to council@cessnock.nsw.gov.au or posted to 62-78 Vincent Street, Cessnock, NSW, 2325.
- 6.9.** Council treats such requests with priority and will have them actioned within **5 working days** of having received them.

Accessing your Personal Information

- 6.10.** To access any records Council holds containing your Personal Information, please complete the "Access my Personal Information" form on our website. This form can also be emailed to council@cessnock.nsw.gov.au or posted to 62-78 Vincent Street, Cessnock, NSW, 2325.
- 6.11.** In order for your application to be valid, the application should:
- 6.11.1. include your name and contact details, including your postal address, telephone number and your email address;
 - 6.11.2. explain what Personal Information you want to access or amend; and
 - 6.11.3. explain how you want to access your information or amend it.
- 6.12.** Council will acknowledge your application and advise you if it is valid or not **within 5 working days** of receiving your application. Where applications are invalid, we will provide assistance in how these can become valid.
- 6.13.** Council typically responds in writing to applications for accessing Personal Information **within 20 working days**. Council will contact you if your request is likely to take longer than expected.
- 6.14.** If you believe Council is taking an unreasonable amount of time to respond to your application for Personal Information, you are encouraged to contact Council to ask for an update or progress of your application.
- 6.15.** If Council decides not to provide access to or amend your Personal Information, the reason will be clearly explained to you in writing or over the telephone, in accordance with Council's established practices or legislative requirements.
- 6.16.** You also have the right to make a formal application to access information under the GIPA Act. For more information, please refer to Council's [website](#).

Accessing or amending other people's information

- 6.17.** The PPIP Act and the HRIP Act gives people the right to access their own information; the Acts generally do not give people the right to access someone else's information.
- 6.18.** However, section 26 of the PPIP Act allows a person to give consent to Council to disclose his or her Personal Information to someone else that would not normally have access to it.
- 6.19.** Likewise, under section 7 and section 8 of the HRIP Act, an 'authorised person' can act on behalf of someone else. The HPPs also contain information regarding other reasons Council may be authorised to disclose Health Information, such as in the event of a serious and imminent threat to the life, health and safety of the individual, in order to help find a missing person, or for compassionate reasons.



6.20. If none of the above scenarios are relevant, a third party can consider making an application for access to government information under the GIPA Act.



PART C – YOUR RIGHTS AND OFFENCES

7. REQUEST AN INTERNAL REVIEW

- 7.1. You have the right to seek an internal review under the PPIP Act if you believe Council has not processed your application or privacy complaint under the PPIP or HRIP Act properly, or you believe Council has breached the PPIP Act or HRIP Act relating to your Personal Information. Council welcomes the opportunity to discuss any privacy issues you may have. You are encouraged to try to resolve privacy issues with Council informally before lodging an internal review. You can raise your concerns by contacting the Privacy Contact Officer, making a privacy complaint directly to the [Privacy Commissioner](#) or using Council's complaint handling process.

The contact details for the NSW Privacy Commissioner are:

Email | ipcinfo@ipc.nsw.gov.au

Phone | 1800 472 679

Address | Level 15, McKell Building, 2-24 Rawson Place, Haymarket NSW 2000

Postal | GPO Box 7011, Sydney NSW 2001

Website | www.ipc.nsw.gov.au

- 7.2. You cannot seek an internal review for a breach of someone else's privacy, unless you are the authorised representative of the other person.
- 7.3. Complaints that refer to an individual's privacy in addition to other matters will be dealt with as a privacy complaint to the degree an individual's privacy is alleged to be affected. The other matters will be concurrently dealt with in accordance with [Council's Complaints Handling Policy](#), or any other policy of the same effect, and may require the use of Personal Information contained in the complaint and held by Council.
- 7.4. You can request an internal review by filling out the Internal Review form (see Appendix 1) available on Council's website which can be emailed to council@cessnock.nsw.gov.au or posted to 62-78 Vincent Street, Cessnock, NSW, 2325 including any relevant information.
- 7.5. **Applications for an internal review** must be made **within six months** from when you first became aware of the breach. However, depending on circumstances, Council may also consider a late application for an internal review.
- 7.6. Council will **acknowledge receipt of an internal review request within 5 working days** and **complete an internal review within 60 calendar days**. The Privacy Contact Officer will inform the applicant of the progress of the review and will respond in writing **within 14 calendar days** of determining the internal review.
- 7.7. The Privacy Contact Officer reserves the discretion to conduct the internal review or delegate this function to someone else. If the privacy complaint or review is about the conduct of the Privacy Contact Officer, the General Manager will appoint someone else within Council to conduct the internal review or refer the matter as discussed in clause 7.9.
- 7.8. Council must notify the Privacy Commissioner when an internal review is being conducted and also inform the Privacy Commissioner of the findings of the review and of the action proposed to be taken by Council in relation to the matter. The Privacy Commissioner is entitled to make submissions to Council with his or her view on the matter.



7.9. Council may refer an internal review to the Privacy Commissioner under section 54(3) PIPP Act to be undertaken by the Privacy Commissioner. This may occur due to a lack of resources, the privacy complaint being concurrent with another type of complaint as discussed in clause 7.3, or if the complaint relates to actions of senior Council Officials or the Privacy Contact Officer.

7.10. If you disagree with the outcome of the internal review or you are not notified of an outcome as outlined in clause 7.6, you have the right to seek an external review.

8. REQUESTING AN EXTERNAL REVIEW

8.1. You have **28 calendar days** from the date of the internal review decision to seek an external review by NSW Civil and Administrative Tribunal (**NCAT**), pursuant section 53 of the *Administrative Decisions Review Act 1997* (NSW).

8.2. To request an external review, you must apply directly to the [Administrative and Equal Opportunity Division](#) of the NCAT, which has the power to make binding decisions on an external review. You can contact NCAT:

Website: <http://www.ncat.nsw.gov.au>
 Phone: (02) 9377 5711
 Visit/post: Level 9, John Maddison Tower,
 86-90 Goulburn Street, Sydney NSW 2000

9. OFFENCES

9.1. The following table summarises offences for certain conduct:

Offence	Maximum penalty	Legislative provision
It is a criminal offence for a public sector official to corruptly disclose and use Personal Information	Fine of up to 100 penalty units (\$11,000), or Imprisonment for two years, or both	Section 62 of the PPIP Act; section 68 of the HRIP Act
It is a criminal offence for a person to offer to supply Personal Information that has been disclosed unlawfully	Fine of up to 100 penalty units (\$11,000), or Imprisonment for two years, or both	Section 63 of the PPIP Act; section 69 of the HRIP Act
It is a criminal offence for a person – by threat, intimidation or misrepresentation – to persuade or attempt to persuade an individual: <ul style="list-style-type: none"> ▪ to refrain from making or pursuing a request to access Health Information, a complaint to the Privacy Commissioner or NCAT, or an application for an internal review; or ▪ to withdraw such a request, complaint or application. 	Fine of up to 100 penalty units (\$11,000)	Section 70(1) of the HRIP Act
A person must not – by threat, intimidation or misrepresentation – require another person to give consent under HRIP Act, or require a person to do, without consent, an act for which consent is required.	Fine of up to 100 penalty units (\$11,000)	Section 70(2) of the HRIP Act



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<p>It is a criminal offence for a person to:</p> <ul style="list-style-type: none"> ▪ wilfully obstruct, hinder or resist the Privacy Commissioner or a member of the staff of the Privacy Commissioner ▪ refuse or wilfully fail to comply with any lawful requirement of the Privacy Commissioner or a member of the staff of the Privacy Commissioner, or ▪ wilfully make any false statement to or mislead, or attempt to mislead, the Privacy Commissioner or a member of the staff of the Privacy Commissioner ▪ in the exercise of their functions under PPIPA or any other Act 	<p>Fine of up to 10 penalty units (\$1,100)</p>	<p>Section 68(1) of the PPIP Act</p>
<p>It is a criminal offence to access or modify restricted data held in a computer where authorisation has not been provided</p>	<p>2 years imprisonment</p>	<p>Section 308H of the Crimes Act</p>



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PART D – HOW COUNCIL COLLECTS PERSONAL INFORMATION

10. PERSONAL INFORMATION PROVIDED TO COUNCIL

- 10.1.** Individuals may provide Council with Personal Information when they make an application for employment, make enquiries and when Council delivers services to them. This can include but is not limited to names, contact details, opinions, health conditions, family relationships, housing or tenancy information, work and education details. Individuals may also provide Council with Personal Information about other people.
- 10.2.** If an individual writes to Council, a full copy of whatever is sent is generally kept by Council in its electronic document management system or in a hard copy file. However, if someone calls over the phone and gives a lot of background information, Council may decide not to record all the Personal Information if it is irrelevant to the enquiry.

For example: a Council staff member might make a general note, such as ‘concerned about employer disclosing details of an illness’ without recording details about the illness itself.

- 10.3.** The provision of any Personal Information to Council is generally voluntary though it can be required by law in some circumstances. Council can also collect unsolicited Personal Information in situations where it has been voluntarily provided by the individual, or from another source where Council is lawfully authorised or required to do so, or where it is permitted under an Act or any other law.
- 10.4.** Council is not required to deal with individuals who wish to remain anonymous beyond the provision of health services and then only in a manner that is lawful and practicable (HPP 13). However, Council recognises that some people may wish to remain anonymous and will endeavour to enable this where practicable. Council will provide clear information on the consequences of remaining anonymous and will likely give the individual a letter designation (such as “X”) in place of a name or identifying information.

For example: Council may be limited in considering personal factors under the GIPA Act or may not be able to properly investigate or review a complaint if there is no sufficient Personal Information about the matter. In such cases, it is up to the person who contacted Council to decide if they want to continue with the enquiry.

- 10.5.** Council’s telephones to the contact centre will display the number of the person who called, except for private/silent numbers. Telephone numbers that display are stored and can be extracted from Council’s phone system for reporting purposes. Telephone conversations conducted on Council’s main contact number (4993 4100) are documented and saved in Council’s document management system. From 2020/21, telephone conversations are electronically recorded for quality and assurance purposes, however customers have the option to opt out of call recording. Calls transferred from Council’s contact centre to other Council extension numbers or facilities cease to be electronically recorded the moment they are transferred.
- 10.6.** Council’s web-chat records the name of the person and an email contact, which will be stored in Council’s phone system for quality and assurance purposes, conversation details can be extracted and referenced.



- 10.7. If someone has an enquiry that cannot be answered straight away, a Council staff member may offer to take the person’s name and telephone number so that Council can provide a response.
- 10.8. Contractors acting on behalf of Council may also collect Personal Information. Council includes clauses in its contracts that require contractors to comply with relevant privacy obligations.

11. HOW COUNCIL COLLECTS INFORMATION

11.1. Council must collect Personal Information in accordance with the PPIP Act, HRIP Act, and the Privacy Code of Practice for Local Government. Below is a summary of such requirements:

PPIP Act	Privacy Code	HRIP Act
<p>IPP1 – Lawful (section 8) Personal Information must be collected for a lawful purpose which is directly related to Council’s functions or activities and necessary for that purpose.</p>	N/A	<p>HPP1 - Lawful (section 1 of Schedule 1) Health Information must be collected for a lawful purpose which is directly related to Council’s functions or activities and is necessary for that purpose.</p>
<p>IPP4 – Relevant (section 11) Personal Information collected must be relevant, accurate, up to date, complete and not excessive. The collection should not unreasonably intrude into the individual’s Personal affairs.</p>	Council can collect Personal Information indirectly if collecting it is reasonably necessary when an award, prize, benefit or similar form of Personal recognition is intended to be, or may be, conferred upon the person to whom the information relates.	<p>HPP2 - Relevant (section 2 of Schedule 1) Health Information collected must be relevant, accurate, up to date, complete and not excessive. The collection should not unreasonably intrude into the individual’s personal affairs.</p>
<p>IPP2 - Direct (section 9) Personal Information must be collected directly from the individual concerned unless the individual has authorised collection of the information from someone else, or from a parent or guardian if that person is under the age of 16 years.</p>	Council can collect Personal Information indirectly if collecting it is reasonably necessary when an award, prize, benefit or similar form of personal recognition is intended to be, or may be, conferred upon the person to whom the information relates.	<p>HPP3 - Direct (section 3 of Schedule 1) Health Information must be collected directly from the individual concerned unless it is unreasonable or impracticable to do so and in accordance with guideline issued by the Privacy Commissioner issued for the purposes of the Privacy Principle.</p>



<p>IPP3 - Open (section 10)</p> <p>An individual must be informed as to why their Personal Information is being collected, what Council will do with it, who may have access to it, whether supply is required by law or is voluntary, and if there are any rights of access to the information. If someone else is collecting the Personal Information on behalf of Council, the individual needs to be informed the name and address of the agency collecting and holding the information.</p>	<p>N/A</p>	<p>HPP4 - Open (section 4 of Schedule 1)</p> <p>An individual must be informed as to why their Health Information is being collected, what Council will do with it, and who may have access to it.</p> <p>If Health Information is collected about an individual from someone else, reasonable steps must be taken to ensure that the individual has been notified of the above, unless making the individual aware would impose a serious threat to their health or life, or the collection of their Health Information was in accordance with guidelines issued by the Privacy Commissioner.</p>
<p>Exemptions</p> <p>Council does not have to comply with the Privacy Principles about collection as outlined in:</p> <ul style="list-style-type: none"> ▪ section 23(2); ▪ section 23(6A); ▪ section 26(1); ▪ section 27A; ▪ section 27B; 	<p>Exemptions</p> <p>N/A</p>	<p>Exemptions</p> <p>Council does not have to comply with the Privacy Principles about collection as outlined in section 4(4) of Schedule 1.</p>

11.2. Unsolicited information does not meet the definition of Personal Information and does not need to be handled in accordance with the IPPs or HPPs. However, if unsolicited information is used by Council or recorded for an administrative purpose, it will be deemed as being 'collected' and be treated as Personal Information from that point.

11.3. Council performs a range of functions and some of those functions assist the carrying out of certain services (see Chapters 5-8, 11-13, 15-17 of the *Local Government Act 1993* (NSW) (**LG Act**)). The LG Act also outlines functions that may be imposed pieces of legislation or directives. Functions requiring or involving the collection of Personal Information, include but are not limited to:

- 11.3.1. Levying and collecting rates;
- 11.3.2. Providing services, for example libraries and waste collection;
- 11.3.3. Consultation with the community, visitors, businesses, committees (both Council and external) and other stakeholders;
- 11.3.4. Assessing development and major project applications;
- 11.3.5. Recording, investigating, and managing complaints and allegations, including but not limited to unreasonable customer conduct;
- 11.3.6. Site inspections and audits (both internal and external);
- 11.3.7. Incident management;



- 11.3.8. Enforcing regulations and legislation;
- 11.3.9. Issuing approvals, consents, licences and permits;
- 11.3.10. Providing funding grants;
- 11.3.11. Maintaining the non-residential register of electoral information;
- 11.3.12. Employment; and
- 11.3.13. Fitness for work.

11.4. When collecting Personal Information, Council Officials should consider Council's functions. Information can only be collected if the purpose of collection is directly related to Council's functions/services and the collection is necessary for those purposes.

For example: Collecting details of an individual's trade associations membership is unlikely to be necessary for the levying and collection of rates. Collecting information about their pensioner or veteran status may however be necessary, if this information impacts the individual's entitlements/concessions.

11.5. Council may collect Personal Information in any of the following ways:

- 11.5.1. Incident reports and statements (including witness statements);
- 11.5.2. Photographs;
- 11.5.3. Written correspondence, including emails;
- 11.5.4. File notes;
- 11.5.5. Medical assessment reports;
- 11.5.6. Submissions;
- 11.5.7. Application forms;
- 11.5.8. CCTV footage and call recordings;
- 11.5.9. Public registers;
- 11.5.10. Survey Booking platforms such as MailChimp, SurveyMonkey, etc;
- 11.5.11. Financial transaction records;
- 11.5.12. Contracts, legal agreements, deeds, undertakings and other documents alike;
- 11.5.13. Over the phone and online chat enquiries;
- 11.5.14. Counter enquiries; and Council online services.

11.6. Information cannot be collected by "unlawful means".

For example: Information cannot be collected through recording a conversation without a person's consent, as this would breach laws relating to listening devices in NSW.

11.7. Council functions/services and the Council Officials performing/offering them should be sensitive to, and take all reasonable steps to minimise, intrusion on the people from which they collect Personal Information. Particular care should be taken when it is clear the information may be personal, distressing or embarrassing to the individual concerned.



For example: information about a customer's family member that has passed away is requested while standing in the open reception area of Council's Administration Centre so that the staff member can assist with the customer's enquiry and reason for visit. Other customers waiting to be served can hear the discussion clearly and the individual is uncomfortable. Council staff should seek to collect the information in an environment where the potential for other people to overhear details is minimised or in an environment where the collections would not be perceived as intrusive or excessive, for example, using another room if available or taking them aside to discuss privately.

For example: a customer comes into the open reception area of Council's Administration Centre to report a dog attack on them and their dog while walking past a nearby property. Given the urgency of the situation, it may be appropriate for staff to obtain Personal Information, regardless of the fact that other people may overhear.

- 11.8.** When it is unreasonable or impracticable for Personal Information to be collected directly from an individual, Council Officials can collect the information from someone other than the individual. The following are examples of when such collection would be appropriate:
- 11.8.1. Collecting 'next-of-kin' information during a recruitment process for emergency purposes;
 - 11.8.2. Cessnock Youth Centre Outreach Service (**CYCOS**) staff collecting an individual or family medical history for customers, where CYCOS staff require information about family illness or family domestic violence to assist with providing appropriate services/care for the individual;
 - 11.8.3. When a customer lacks capacity and that lack of capacity impairs their ability to give necessary information, Council Officials may collect it from an authorised representative;
 - 11.8.4. Where the information is provided by another agency as part of an inter-agency request.
- 11.9.** When Council collects Personal Information from an individual such as their name, address, telephone number or email address, Council must make them aware of:
- 11.9.1. the purposes for which the information is being collected,
 - 11.9.2. the intended recipients of the information,
 - 11.9.3. whether the supply of the information is required by law or is voluntary,
 - 11.9.4. any consequences for the individual if the information (or any part of it) is not provide,
 - 11.9.5. ways the individual can access and correct the information, and
 - 11.9.6. the name and address of the Council business unit that is collecting the information and the Council business unit that is to hold the information.
- 11.10.** To ensure Council complies with the PPIP Act, a Privacy Notice will be included on all forms, letters and documents that collect Personal Information from individuals, informing them of information outlined in clause 11.6.
- 11.11.** Where it is lawful and practicable, people can obtain general information about Council, without identifying themselves.



Council staff and recruitment

- 11.12.** Council collects Personal Information from its staff members (including volunteers, work experience personnel and work placement students) as part of the recruitment process. Council will not ask for more Personal Information than is required for that purpose.
- 11.13.** During the recruitment process and throughout employment, information (including Personal Information) is collected from staff members for various reasons, such as leave management, workplace health and safety and to help Council operate with transparency and integrity.
- 11.14.** In the exercise of its functions, Council collects and manages Personal Information about its staff including but not limited to:
- 11.14.1. Medical conditions and illnesses;
 - 11.14.2. Next of kin and contact details;
 - 11.14.3. Education;
 - 11.14.4. Performance and development information;
 - 11.14.5. Family and care arrangements;
 - 11.14.6. Secondary employment;
 - 11.14.7. Conflicts of interest;
 - 11.14.8. Financial information for payroll purposes
 - 11.14.9. Employment history;
 - 11.14.10. Information collected by Council is retained, to the extent necessary and managed securely.
- 11.15.** Candidates applying for jobs at Council send Personal Information, including their name, contact details, qualifications and work history. Council gives this information to the convenor of the interview panel for that position (as stated in the job advertisement) in electronic or hard copy files.
- 11.16.** The convenor of the panel does not use this Personal Information except for the purposes of the recruitment process. This can include sharing the information within Council's People and Culture team, relevant direct reports and members of the interview panel. Interview panels may include persons not employed by Council. Convenors store this information securely.
- 11.17.** After recruitment is finalised, convenors give all Personal Information back to the People and Culture team and they retain information relating to successful applicants and eligibility lists in accordance with Local Government retention requirements and the *State Records Act 1998* (NSW).
- 11.18.** Successful candidates are invited to fill out various forms in order to commence employment / engagement with Council. These forms require further Personal Information, such as the candidate's bank account details, tax file number, superannuation, emergency contacts and any disabilities that may impact their work.
- 11.19.** These forms also encourage people to provide sensitive Personal Information, such as racial and cultural information in order to collect data about the wider NSW public sector. Disclosing this information is voluntary.



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- 11.20. These forms are sent to the People and Culture team to be used for employment/engagement purposes, such as payroll and setting up personnel files, and keeping copies of this information in secure storage areas.

Committees, groups, panels and other consultative and/or decision-making bodies

- 11.21. Council is committed to promoting community participation in decision-making as it forms an important part of our local democracy. To this end, Council has established committees, groups and/or panels of which community members, Council staff, Councillors or representatives of stakeholder organisations may be members of. Council collects Personal Information in the process of recruiting, selecting and managing membership of these bodies.
- 11.22. Council staff and Councillors are also nominated and sit as representatives on externally constituted committees. Whilst externally constituted committees are subject to their own individual governance arrangements, Council collects Personal Information required for the selection and management of such membership.

Visitors and members of the public

- 11.23. When members of the public visit Council's Administration Building, they sign in their attendance using the visitor sign-in kiosk which records the names, company, phone number and email of people who enter the office beyond the public area. Visitors are printed an identification label which must be worn while on the premises. Council collects this information for workplace health and safety purposes.
- 11.24. When members of the public visit other Council facilities (i.e. Council's Depot), a visitors' book may be used to record the names of people who enter beyond the public area. This book may be displayed at the entry of each facility and is stored in accordance with Council procedures.

Enquiries to Council

- 11.25. Council handles enquiries from customers and stakeholders about the functions it performs. These enquiries are made by people and organisations:
- 11.25.1. Over the phone (Call Centre, direct call and voicemail services);
 - 11.25.2. In writing (e-mail, letter, fax, online form, e-services, web-chat);
 - 11.25.3. In person (at Council's Administration Building, other Council facilities, and at events including community engagement).
- 11.26. Council decides what level of information is appropriate to be collected for each enquiry on a case-by-case basis, with the understanding that the details collected must contain enough information to be an accurate record of the issue and assistance given, but should not contain unnecessary Personal Information.

Feedback, determinations, assessments, policies and reports

- 11.27. When people give Council feedback on the functions it performs and certain legislation/directives it administers, they may disclose their Personal Information, such as contact details, personal opinions, stories, experiences and backgrounds. They may also disclose Personal Information about other people. Council may ask for further Personal Information but only to clarify the issue being raised.
- 11.28. Council stores this information on its computer network, in an electronic document management system and/or hard copy files.



- 11.29. Council does not disclose Personal Information obtained through feedback, except by consent or as permitted or required by law.
- 11.30. Council also publishes policies and documents to seek feedback on the functions it performs, in particular planning and environment matters, corporate and community issues, and works and infrastructure matters. Council may promote its consultation through various organisations, non-for-profit organisations, other agencies, the media, Council's website and social media channels. Participation is voluntary and Council only collects information that is reasonably necessary or related to the functions it performs.
- 11.31. When new policies, procedures and guidelines are devised, Council is required to refer to this Plan, to ensure compliance with the PPIP and the HRIP Acts. Staff can contact the Governance Team and/or the Privacy Contact Officer for assistance and advice.
- 11.32. Council also provides guidance and advice to the public, other agencies and organisations. Council seeks consent from individuals if any of their Personal Information is contained in guidance or advice documents prior to publishing. Council may publish these documents with Personal Information de-identified if individuals do not consent.
- 11.33. Council is obliged to produce reports and make findings or submissions publicly available. Council takes all practicable steps to not identify individuals in such reports, findings or submissions unless it relates to the purpose for which their information was collected; or the individual has consented.

For example: forms and applications, petitions, submissions to policies and development applications are instances when Council informs individuals how their Personal Information will be handled by containing privacy notices.

- 11.34. We take all reasonable precautions to ensure that the Personal Information we collect or receive, use and disclose is accurate, complete and up-to-date. However, the accuracy of that information depends to a large extent on the information you provide. That is why we recommend you keep us up-to-date with changes to your Personal Information.

Reviews, assessments, complaints and investigations

- 11.35. Council performs a number of activities concerning governance, compliance and enforcement management that may involve the collection of Personal Information including:
- 11.35.1. Processing requests from people seeking a review or making a complaint to Council regarding the functions it performs. Such requests or complaints may be made pursuant to Council's Complaint Handling Policy, Code of Conduct, Unreasonable Customer Conduct policy, Internal Reporting – Public Access Disclosures Policy, clause 37 of the *Local Government State Award 2023* (NSW) in relation to grievances, and in accordance with compliance and enforcement legislation, practices and procedures;
 - 11.35.2. notification of reviews, complaints or investigations from other public agencies conducting them;
 - 11.35.3. people sending their review applications or requests to pass along to other public agencies, organisations or individuals;
 - 11.35.4. people giving Council Personal Information about other people;



- 11.35.5. responding to Council requests for people to send further Personal Information relating to a review, complaint or an investigation;
- 11.35.6. making file notes containing Personal Information;
- 11.35.7. accessing information under the GIPA Act from public sector agencies and other organisations as it relates to Council's functions;
- 11.35.8. Council entering the premises of public sector agencies, other organisations and individuals and accessing their information;
- 11.35.9. handling Information received and collected by Council for legal matters and proceedings, either at the proceedings or from submissions received from the parties.

Subscriber, mailing and contact lists

- 11.36. Council facilitates subscriber, mailing and contact lists that contain Personal Information. Depending on the nature of this communications and stakeholder engagement, Council may use a third party organisation (service provider) to collect, store, and handle information collected. In such instances, people are notified of this and are lead to the service provider's privacy policy and practices for their consideration. Council however does not accept responsibility for the privacy policies or practices of third parties/service providers linked to/from Council's website.
- 11.37. The information generally collected includes names, email addresses and other relevant contact information.
- 11.38. Council must take reasonable steps to ensure the information collected is correct before it is used. Reasonable steps in the circumstances of mailing or contact lists can be as simple as requiring two-step confirmation of details when subscribing, double opt-in communications, or notifications to contact Council if the communication has been received by a person other than the individual named.
- 11.39. The main lists that collect and hold Personal Information are the:
 - 11.39.1. newsletter subscriber list - to email Council's newsletter to those who have requested a subscription;
 - 11.39.2. community stakeholders list - to contact non-government organisations and other members of the community about Council's operations and services, such as economic development, community engagement, booking or cancelling events, refunding tickets, library memberships and activities, etc.
- 11.40. All lists are kept separate from each other and each is used solely for the purpose intended. Council does not disclose individual email addresses when sending out bulk emails (i.e. the same email sent to a number of recipients).
- 11.41. Anyone can subscribe or unsubscribe themselves from the newsletter list or contact the Council to change their details. Council does not destroy these lists; they are kept as long as they remain current. Individual entries are deleted upon request or if an error message is received in response to a Council communication.

Community outreach

- 11.42. Council occasionally holds community events or participates in events held by other agencies or organisations. During these events, Council may collect general information such as the number of visitors to a stall, questions visitors asked, what resources were provided and general demographic information such as gender.



11.43. Depending on the event, Council may collect Health Information or sensitive Personal Information about an individual which may be used for purposes directly related to these events and/or a separate collection purpose.

11.43.1. If a separate collection purpose exists, Council will notify the individual of that purpose before, or as soon as practicable after, collecting their Personal Information.

For example: if Council participates in a session designed for people with disabilities or people from a particular cultural or racial background, it could be deduced that someone has or is likely to have a disability or has a particular cultural or racial background.

11.44. Sometimes, Council seeks voluntary completion of surveys to help us identify current issues. These surveys may collect different kinds of demographic data. Council Officials must ensure any proposed survey or other kind of collection complies with the PPIP Act and HRIP Act.

11.45. Council may also seek feedback from customers accessing Council's operations and services on their experience.

Website publishing, photography, filming and media

11.46. In addition to the main [Council administration website](#), Council owns and maintains the following websites:

Name of Council agency	Functions it performs	Type Personal and Health Information kept
Hunter Valley Visitor Information Centre	Provides information when booking accommodation, tours and experiences, attractions, tickets, services, dining, wineries and cellar doors in the Cessnock Local Government Area (LGA). The gift shop in the centre has an excellent range of local produce such as lavender and honey, handmade goods, artisan products and Hunter Valley souvenirs.	Name, address, phone number, email address, bank account details, credit card details, date of birth, gender, education details, disability and Health Information, personal opinions
Cessnock City Libraries	Provides library services including home delivery; facilitates free computer and wi-fi usage; provides printing, photocopying, faxing and scanning services; facilitates book groups and adult events; hosts touring exhibitions and displays; and provides children and youth services such as reading programs and learning opportunities.	Name, address, phone number, email address, bank account details, credit card details, date of birth, gender, education details, personal opinions
Performance Arts Culture Cessnock	Facilitates live entertainment experiences such as concerts and plays, and leases its facilities for hire such as its meeting rooms.	
Cessnock City Council Building Certifiers	Facilitates fast processing of development approvals & building inspections, construction certificates (CC), complying development certificates (CDC), BCA compliance and alternative solution reports.	Name, address, phone number, email address, details, gender, bank account details, credit card details, date of birth.
Advance Cessnock City	Provides support for local businesses to invest, establish, expand, grow and prosper.	

11.47. These websites are used to promote Council's operations and services, the functions it performs and publish resources to help our customers and stakeholders understand the same. All of these websites facilitate access to this Plan and they do not publish Personal Information without permission.

11.48. Website data is stored on secure servers.



- 11.49. Council may take photos of, or film, events that it holds or participates in and use the images for promotional purposes. Council will seek permission from people before taking photos or filming events and advise them how Council will manage the images and what they will be used for. Those who agree will be asked to sign a consent form. Council will respect the wishes of those who do not wish to be photographed or filmed. Council stores photos and footage electronically on its secure computer network.

12. LINKED LEGISLATION

Commonwealth Privacy Act 1988 (Cth)

- 12.1. Council is not required to comply with the Australian Privacy Principles (**APPs**) in the *Privacy Act 1988* (Cth) (**Privacy Act**) as it is not an 'organisation' within the meaning of that Act. However, Council is a 'file number recipient' for the purposes of the Privacy Act because it holds records of employees and other individuals which contain tax file number information. As such, Council must comply with any rules relating to tax file number information issued under Division 4 of the Privacy Act.

GIPA Act

- 12.2. The operation of the GIPA Act is not affected by the operation of the PPIP and HRIP Acts. Having noted this, the GIPA Act provides access to various government information Council holds to any person subject to the operation of various exemptions under that Act.
- 12.3. Under the PPIP and HRIP Acts, access to information is provided only to the person to whom the information relates.

Healthcare Identifiers Act 2010 (Cth)

- 12.4. Council's default position is not to collect individual healthcare identifiers.
- 12.5. Individuals should be encouraged to not provide Medicare cards, Centrelink healthcare cards, or Department of Veteran's Affairs healthcare cards to Council for any purpose, including to verify their identity.
- 12.6. If an individual has no option but to provide identification that includes an individual healthcare identifier, no record or copy is to be made of that identification beyond a notation that it was sighted by a named Council staff member who affixes their signature to this notation.

13. CONTACTING COUNCIL

- 13.1. Council's Privacy Contact Officer is the **Director Corporate and Community Services or their delegate**. You may contact the Privacy Contact Officer for information regarding:

- 13.1.1. How Council manages Personal Information;
- 13.1.2. Requests for access to and amendment of Personal Information;
- 13.1.3. Guidance on broad privacy issues and compliance.

- 13.2. Contact the Privacy Contact Officer of Council at:

Email: publicofficer@cessnock.nsw.gov.au
 Phone: 4993 4100 Mail: PO Box 152, Cessnock NSW 2325
 Visit: 62-78 Vincent Street, Cessnock NSW 2325



PART E - HOW INFORMATION IS MANAGED BY COUNCIL

14. ACCESS AND ACCURACY OF PERSONAL INFORMATION

14.1. Council must provide access to, and ensure the accuracy of, Personal Information in accordance with the PPIP Act, HRIP Act, and the Privacy Code of Practice for Local Government. Below is a summary of such requirements:

PPIP Act	Privacy Code	HRIP Act
IPP6 - Transparent (section 13) Enough detail must be given about what Personal Information is stored, what purposes it is used for, and what rights an individual has to access it.	N/A	HPP6 - Transparent (section 6 of Schedule 1) Council must advise individuals what Health Information is stored, what purposes it is used for, and what rights an individual has to access it.
IPP7 - Accessible (section 14) At the request of the individual to whom the information relates, Council must allow an individual access to their Personal Information without unreasonable delay or expense.	N/A	HPP7 - Accessible (section 7 of Schedule 1) At the request of the individual to whom the information relates, Council must provide an individual with access to their Health Information without excessive delay or expense.
IPP8 - Correct (section 15) At the request of the individual to whom the information relates, Council must make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the Personal Information is accurate, relevant, up to date and not misleading.	N/A	HPP8 - Correct (section 8 of Schedule 1) At the request of the individual to whom the information relates, Council must make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the Health Information is accurate, relevant, up to date and not misleading.
IPP9 - Accurate (section 16) Council must take reasonable steps to ensure that the Personal Information is relevant, accurate, up to date and complete before using.	N/A	HPP9 - Accurate (section 9 of Schedule 1) Council must ensure that the Health Information held is relevant, accurate, up to date, complete and not misleading before using.
Exemptions Council does not have to comply with the Privacy Principles about access and accuracy of Personal Information as outlined in: <ul style="list-style-type: none"> ▪ Section 23; ▪ Section 24; ▪ Section 25; ▪ Section 26; 	Exemptions N/A	Exemptions Council does not have to comply with the Privacy Principles about access and accuracy of Health Information as outlined in: <ul style="list-style-type: none"> ▪ section 6(2) of Schedule 1; ▪ section 7(2) of Schedule 1; ▪ section 8(4) of Schedule 1.

14.2. When it comes to ensuring the accuracy of Personal Information, Council would generally rely only documents containing or referring to the said Personal Information that have been somehow verified by professional or technical staff, or they have been verified by the individual whose Personal Information is concerned.



For example: in order for Council to process requests for rates assistance due to financial hardship as per Council’s Hardship policy, delegated staff require applicant to provide evidence in support which usually entails the applicant’s Health Information. Council requires that any such evidence is provided in the form of a recent letter signed by a general practitioner.

For example: When taking referral information from service providers, or from young people and/or their guardian, delegated CYCOS staff may receive Health Information such as mental health issues or disability. This information is used by those CYCOS staff that are delegated to do so in tailoring the delivery of services to the young person. The information received would normally be checked only by the young person themselves making a disclosure or their legal guardian/agent.

15. USE OF PERSONAL INFORMATION

15.1. Council must collect Personal Information in accordance with the PPIP Act, HRIP Act, and the Privacy Code of Practice for Local Government. Below is a summary of such requirements:

PPIP Act	Privacy Code	HRIP Act
<p>IPP10 - Limited (section 17)</p> <p>Council may only use Personal Information for the purpose for which it was collected or for a directly related purpose, or if the individual has consented to use the information for another purpose.</p> <p>Council may use Personal Information for another purpose for which it was collected in order to prevent or lessen a serious and imminent threat to that person’s life, health or safety.</p>	<p>Council may use Personal Information for a purpose other than the purpose for which it was collected in the following circumstances:</p> <p>a) Where the use is for the purpose of undertaking Council’s lawful and proper function(s) and Council is satisfied that the Personal Information is reasonably necessary for the exercise of such function(s); or</p> <p>b) Where Personal Information is to be used for the purpose of conferring upon a particular person, an award, prize, benefit or similar form of</p>	<p>HPP10 - Limited (section 10 of Schedule 1)</p> <p>Council may only use Health Information for the purpose for which it was collected (primary purpose) unless the individual in question has consented to the Health Information being used for another purpose (secondary purpose) i.e: the secondary purpose is directly related to the primary purpose and that the individual in question would expect for Council to use the information for that secondary purpose; or the secondary purpose of the information Council can use it for is:</p> <ul style="list-style-type: none"> ▪ to lessen or prevent a serious (and imminent) threat to life, Health or safety of the individual or another person, or to lessen or prevent a serious threat to public Health or public safety (whether the Health Information is genetic or otherwise); or ▪ for the funding, management, planning or evaluation of health services; or ▪ for the training of Council staff; or ▪ research, or the compilation or analysis of statistics, in the public interest; or ▪ for Council to ascertain the whereabouts of an individual who has been reported as a missing person; or ▪ for Council to provide the information to an immediate family member of the individual for compassionate reasons; or ▪ for Council to conduct its investigation into suspected unlawful activity, unsatisfactory professional conduct or breach of discipline; or



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	Personal recognition.	<ul style="list-style-type: none"> ▪ for Council to use it in the exercise of complaint handling functions or investigative functions by investigative agencies; or ▪ for other prescribed circumstances. <p>In addition to the limitations above, which are detailed in the respective subsections of the HRIP Act, there are further exemptions where Council can use Health Information for a secondary purpose. Otherwise Council must seek consent from the individual to use their Health Information for a secondary purpose.</p>
<p>Exemptions</p> <p>Council does not have to comply with the Privacy Principles about use of Personal Information as outlined in:</p> <ul style="list-style-type: none"> ▪ section 23(4); ▪ section 23(6A); ▪ section 24(2); ▪ section 25; ▪ section 27A; ▪ section 27B; ▪ section 28(3); 	<p>Exemptions</p> <p>N/A</p>	<p>Exemptions</p> <p>Council does not have to comply with the Privacy Principles about use of Health Information as outlined in section 10(2) of Schedule 1.</p>

- 15.2.** The meaning of what constitutes ‘use’ should be read with the ordinary English meaning as it is not defined in the relevant legislation.
- 15.3.** Council uses the information it collects to:
- 15.3.1. Perform its functions, conduct its operations and provide services to the community;
 - 15.3.2. Determine the nature of complaints, feedback, submissions, enquiries and other communications, and refer them to relevant Council Officials or other authorities;
 - 15.3.3. Resolve complaints or respond to other forms of communication;
 - 15.3.4. Communicate with individuals;
 - 15.3.5. Conduct or undertake reviews, assessments, investigations or process complaints and refer these to the relevant authority if required;
 - 15.3.6. Request advice, where needed, from oversight bodies, third party service providers including Council’s legal representatives;
 - 15.3.7. Advise Council Officials and stakeholders of recurring trends and issues;
 - 15.3.8. Educate our stakeholders and the community about particular issues through published documents and reports.
- 15.4.** Council Officials must make sure Personal Information is accurate before using it and thus make every reasonable efforts to do so.



For example: As part of their training, Council Officials are advised to do the following to ensure Council records are accurate and complete:

- Information is to be recorded at the time of interaction with customers and individuals, as soon it becomes available, or as soon as it is practicable to do so;
- Council records should generally be made by those collecting the information or are present when the information was collected;
- Information about individuals needs to be recorded against their Name and Address Record (**NAR**) or if the information is about Council Officials, their personnel file.
- Alterations or amendment to an individual's NAR is to be undertaken by authorised Council staff only;
- Check contact details directly with a person to make sure the information is correct and ask people to spell their names where necessary. This is to make sure information and correspondence is sent to the right person.

15.5. Personal Information of Council staff is used by management, or via relevant reporting lines, specific to the staff member. The information may also be forwarded and disclosed to the People and Culture team or to other people management service providers supporting Council. Unless otherwise stated, the Personal Information collected by Council about its staff is used only for workforce management.

15.6. Any other likely uses provided to an individual at the time, or shortly after, Council collects that individual's Personal Information, are also uses in addition to the above.

16. DISCLOSURE OF PERSONAL INFORMATION

16.1. Council must disclose Personal Information in accordance with the PPIP Act, HRIP Act, and the Privacy Code of Practice for Local Government. Below is a summary of such requirements:

PPIP Act	Privacy Code	HRIP Act
<p>IPP11 - Restricted (section 18)</p> <p>Council may only disclose Personal Information to another body or person:</p> <ul style="list-style-type: none"> ▪ With the individual's consent; or ▪ If the individual is likely to have been aware, or has been made aware during collection, that information of that kind is usually disclosed to that other individual; or ▪ If the use is for a directly related 	<p>Council may disclose Personal Information to Public sector agencies or utility providers on the condition that:</p> <ol style="list-style-type: none"> a) The agency or utility provider has approached Council in writing; b) Council is satisfied that the information is to be used by that agency or utility provider; and c) Council is satisfied that the Personal Information is reasonably 	<p>HPP11 - Limited (section 11 of Schedule 1)</p> <p>Council may only disclosure Health Information for the purpose for which it was collected (primary purpose) unless the individual in question has consented to the Health Information being used for another purpose (secondary purpose) i.e: the secondary purpose is directly related to the primary purpose and that the individual in question would expect for Council to use the information for that secondary purpose; or the secondary purpose of the information Council can use it for is:</p> <ul style="list-style-type: none"> ▪ to lessen or prevent a serious (and imminent) threat to life, health or safety of the individual or another person, or to lessen or prevent a serious threat to



<p>purpose and Council considers that the individual would not object; or</p> <ul style="list-style-type: none"> Disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of a person. 	<p>necessary for the exercise of that agency or utility provider's function(s).</p> <p>Council may disclose Personal Information:</p> <ul style="list-style-type: none"> For the purpose of conferring upon a person an award, prize, benefit or similar form of Personal recognition; Where a prospective employer seeks to verify that a current or former staff works or has worked for Council, the duration of their work, and the position they occupied during that time. 	<p>public health or public safety (whether the Health Information is genetic or otherwise); or</p> <ul style="list-style-type: none"> for the funding, management, planning or evaluation of health services; or for the training of Council staff; or research, or the compilation or analysis of statistics, in the public interest; or for Council to ascertain the whereabouts of an individual who has been reported as a missing person; or for Council to provide the information to an immediate family member of the individual for compassionate reasons; or for Council to conduct its investigation into suspected unlawful activity, unsatisfactory professional conduct or breach of discipline; or for Council to use it in the exercise of complaint handling functions or investigative functions by investigative agencies; or for other prescribed circumstances. <p>In addition to the limitations above, which are detailed in the respective subsections of the HRIP Act, there are further exemptions where Council can use Health Information for a secondary purpose. Otherwise Council must seek consent from the individual to use their Health Information for a secondary purpose.</p>
<p>IPP12 - Safeguarded (section 19)</p> <p>Council cannot disclose an individual's sensitive Personal Information (ethnicity or racial origin, political opinions, religious or philosophical beliefs, health matters or sexual orientation, or trade union membership) without their consent, unless:</p> <ul style="list-style-type: none"> Council believes the recipient would receive and handle the information in accordance to principles for fair 	<p>Where Council is requested by a potential employer outside of NSW, Council can verify that:</p> <ul style="list-style-type: none"> A current or former employee works or has worked for Council; The duration of their employment; and The position occupied during their employment. 	<p>HPP12 – Not identified (section 12 of Schedule 1)</p> <p>Council should only identify individuals by using identifiers if it is reasonably necessary to carry out Council functions efficiently.</p>



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<p>handling principles similar to the Privacy Principles; or</p> <ul style="list-style-type: none"> ▪ Council has consent to do so; or ▪ To effect contractual rights and as per request by the individual; or ▪ The disclosure is for the benefit of the individual if they were to consent to it; or ▪ Council believes the disclosure would lessen or prevent a serious and imminent threat to life, health or safety; or ▪ Council has ensured the information will not be handled by the recipient inconsistently with the Privacy Principles; or ▪ The disclosure is permitted or required by any legislation. 		
<p>Council does not have to comply with the Privacy Principles about disclosure as outlined in:</p> <ul style="list-style-type: none"> ▪ section 23(5) and (6); ▪ Section 23A(2); ▪ Section 24(1), (3), (4) and (5); ▪ section 25; ▪ section 26(2); ▪ section 27A; ▪ section 27B; ▪ section 28(3); 	<p>Council cannot disclose an opinion as to a person's suitability to a particular position with any potential employer unless Council is satisfied that the person has provided their consent to provide a reference, which may include an opinion as to that person's suitability for the position they have applied.</p>	<p>N/A</p>

General Identifiers

- 16.2. Council collects general identifiers that are not health identifiers (clause 12.4) from Council Officials, such as Unique Student Identification (**USI**) numbers.

Enquiries



- 16.3. Personal Information is used by Council only when dealing with enquiries related to that person. If Council receives more enquiries, a complaint, or review request from that person, it may look at past enquiries to get background information.
- 16.4. Council does not disclose information about a particular enquiry to anyone outside of its office without the consent of the enquirer.

Reviews, complaints, assessments and investigations

- 16.5. Council may discuss Personal Information with the relevant agency, organisation or individuals when conducting a review, an assessment or investigation, or processing a complaint. To undertake its functions Council may disclose the name of review applicants but only to an agency legally involved in such affairs and for which Council is allowed to do under the PPIP Act and HRIP Act.
- 16.6. Council includes relevant Personal Information in the reports it writes as a result of conducting a review, an assessment or investigation, or processing a complaint. If we decide to share such reports, Council will generally send these reports to the parties associated with the matter or oversight bodies, provided there are no overriding presumptions against such disclosure.
- 16.7. When Council is involved in proceedings, it may disclose Personal Information relevant to that particular case. It may also refer issues to other oversight bodies.
- 16.8. Apart from the above, Council does not disclose Personal Information to anyone not directly involved in a complaint, investigation, assessment or review case unless authorised or required to do so by law.

Sensitive Personal Information

- 16.9. Council is particularly careful when dealing with sensitive Personal Information, namely information relating to an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership or sexual activities, or Health Information.
- 16.10. Given the cultural and generational diversity of individuals Council interacts with, they have different expectations about how some of their Personal Information will be used or disclosed. These expectations can be based on their own cultural background or personal experience, family situation, a feeling that certain information is particularly stigmatising or additional legal restrictions imposed on use or disclosure.
- 16.11. An example of the specific arrangements Council has put in place is in relation to the domestic and family violence support offered to staff and the special restrictions which apply by law to the release of information in these specific circumstances. Council has developed two controlled documents which provide guidance on management of Personal Information in such circumstances (see the Administration part of this Plan) and individuals are advised to access these documents for detailed guidance on the particular area of interest.

Accessing adjoining property information

- 16.12. The *Dividing Fences Act 1991* (NSW) stipulates who is responsible for contributing to the cost of building, repairing or replacing a standard dividing fence between adjoining properties and to what extent. One of the requirements the Act imposes at the start of this process is that a notice, as prescribed in the Act, is served on the adjoining owner seeking the relevant cost apportioned for the fencing work. To do so, one must know who the notice should be addressed to. Sometimes customers request the personal contact details of the owners of the land adjoining their



property because they have been unsuccessful in getting into contact with them themselves, or because the land is not yet occupied or residential.

16.13. In such circumstances, Council requires customers to complete a '*Dividing Fences Application*' form whereby they declare that:

- 16.13.1. they require Personal Information for the purpose of constructing, repairing or replacing a fence,
- 16.13.2. they consent to keep any information provided to them secure and only use it for the purpose provided to them,
- 16.13.3. they will not retain, copy, disseminate or disclose Personal Information for any other purpose and that they are aware that doing so will be in breach of the PPIP Act, and
- 16.13.4. other conditions Council deems appropriate to impose from time to time.

16.14. Council requires proof of identity and proof of ownership/residency to accompany such applications to ensure their validity and Council will provide contact details of adjoining neighbours only once it is satisfied with the legitimacy of such applications.

16.15. Once satisfied, Council will only provide one form of contact information – postal address for the adjoining neighbour. Council relies on the exemption provided by section 25(b) of the PPIP Act to release this information.

16.16. The '*Dividing Fences Application*' form is a request for information pursuant to section 8 of the GIPA Act and as such Council is not obligated to process it, Council can impose any conditions to the information it decides to release it believes appropriate and there are no review or appeal rights attached to it.

Referrals to other oversight bodies

16.17. In accordance with a number of Acts, Regulations and other directives, Council can disclose information to:

- 16.17.1. Agency Heads;
- 16.17.2. Government Ministers;
- 16.17.3. NSW Planning Panels;
- 16.17.4. The NSW Environment Protection Authority (**EPA**);
- 16.17.5. OLG;
- 16.17.6. IPC;
- 16.17.7. NSW Ombudsman;
- 16.17.8. ICAC;
- 16.17.9. NSW Parliament and NSW Parliamentary Committees; and
- 16.17.10. Other NSW Government agencies.

16.18. Council will ensure compliance with the IPPs and HPPs in all such disclosures and only make such disclosures when permitted or required by the relevant Acts, Regulations and other directives.

Requests for Personal Information from other agencies (inter-agency requests)

16.19. When Council receives requests from other agencies such as NSW Police, the EPA and others, we ask that the request is made in writing with enough information to



identify the agency, the legislation they rely on for the provision of the sought information and the purpose for which they intend to use this information.

- 16.20. Most of such requests are forwarded to Council’s Governance Team for checking their validity and auctioning them. Any staff involved in the release of Personal Information in response to requests from other agencies have the relevant delegations and satisfactory training to do so.

GIPA Act

- 16.21. The GIPA Act restricts Council from disclosing any information to an individual or an organisation with respect to Council’s operations and services, undertaking reviews, assessments or investigations, or processing complaints where Council has decided there is an overriding public interest against disclosure. This often includes Personal Information.

Legal Counsel

- 16.22. Council reserves the right to seek legal counsel and may disclose Personal Information of individuals to such legal counsel.
- 16.23. Personal Information disclosed in this manner, and any act of such disclosure, is subject to legal professional privilege and nothing in this Privacy Management Plan constitutes a waiver of this privilege.

17. STORAGE AND SECURITY OF INFORMATION

- 17.1. Council must store Personal Information in accordance with the PPIP Act, HRIP Act, and the Privacy Code of Practice for Local Government. Below is a summary of such requirements:

PPIP Act	Privacy Code	HRIP Act
<p>IPP5 - Secure (section 12)</p> <p>Personal Information must be stored securely, not kept any longer than as required by the General Retention and Disposal Authority for Local Government Records issued by the State Records Authority of NSW, and be disposed of appropriately.</p> <p>Council must take reasonable steps to protect the information from unauthorised access, use, modification or disclosure.</p>	N/A	<p>HPP5 - Secure (section 5 of Schedule 1)</p> <p>Health Information must be stored securely, not kept any longer than as required by the General Retention and Disposal Authority for Local Government Records issued by the State Records Authority of NSW, and be disposed of appropriately.</p> <p>Council must take reasonable steps to protect the information from unauthorised access, use, modification or disclosure.</p>
N/A	N/A	<p>Council does not have to comply with the Privacy Principles about storage of Health Information as outlined in section 5(2) of Schedule 1.</p>

- 17.2. Council stores Personal Information electronically and in hard copy files. Council mostly practices a ‘clean desk’ approach where possible, which means hard copy case files are secured at the end of the day or when not in use where practicable.
- 17.3. Sometimes, Council staff members take files off-site in order to tend to their duties, such as when conducting inspections. Council staff members do not leave sensitive



files unattended and do not let anyone else access them. Encrypted USB devices are used where possible.

- 17.4. Council records details of each enquiry on electronic enquiry registers and stores electronic and hard copies of written enquiries. No one other than Council staff can access these registers.

Systems, databases and information management

- 17.5. Council has a service agreement with the following service providers for the provision of records or information management services:

- 17.5.1. Civica Group;
- 17.5.2. Grace Records Management;
- 17.5.3. Local Government Software Solutions (LGSS);
- 17.5.4. Scout for Recruitment;
- 17.5.5. Vault (volunteers, incident and workers' compensation management system);
- 17.5.6. Pulse (onboarding, compliance and reporting, and delegations management system);
- 17.5.7. Vendor Panel (procurement management system).

- 17.6. All of Council's electronic information is stored securely on Council managed servers in the Council Administration Building or the above service providers.

- 17.7. Council implements the following measures to ensure the credibility and security of the information it holds:

- 17.7.1. Council servers are backed up daily;
- 17.7.2. Council networks are secure and require individual logins;
- 17.7.3. Council staff do not give out passwords to anyone or let anyone else use their computer login;
- 17.7.4. We classify information in accordance with the General Authority 39 – Local Government Records set by NSW State Archives and Records;
- 17.7.5. We follow the directions provided by the State Record legislation and directives.

- 17.8. Council considers and applies privacy compliance advice when considering and implementing new information management systems and software to ensure any new system complies with the PPIP Act and HRIP Act and will take reasonable steps to address any issues identified.

- 17.9. Information collected during the performance of Council's function is held on Council's information management systems; Authority, Pulse Software and Content Manager. These databases are held on secure servers.

- 17.10. Council also contributes Personal Information to a number of online databases/tools or organisations for compliance and reporting purposes, including but not limited to:

- 17.10.1. The GIPA Tool managed by the IPC;
- 17.10.2. Public Interest Disclosures online reporting managed by the NSW Ombudsman;
- 17.10.3. Companion Animals Register managed by the OLG;
- 17.10.4. Revenue NSW in relation to issuing of fines.



Physical security

- 17.11.** Hard copy files are predominantly located in Council's Administration Centre at 62-78 Vincent Street, Cessnock, NSW, 2325. Council staff have key card access to the office. Visitors cannot enter without permission. Council's Administration Centre is locked outside of business hours.
- 17.12.** When not being used, hard copy files and sensitive information are securely stored. Secure printing is used by Council by each staff member having to use individual swipe cards.
- 17.13.** Council staff members have unique user accounts and passwords to access our computer systems. In accordance with Council's *Staff Internet and E-mail Use Protocol*, our staff do not give out passwords to anyone or let anyone else use their computer login.
- 17.14.** Older hard copy files are archived in a secure storage facility in compliance with the *State Records Act 1998* (NSW). For sensitive documents that need to be destroyed, Council uses locked bins from which the documents are securely destroyed.

Private sector companies, government agencies and contractors

- 17.15.** Council may use private sector companies, contractors, or other government agencies for services. If these organisations or individuals have or are likely to have access to Personal Information, Council ensures that Personal Information is managed in line with the PPIP Act, HRIP Act and information security policies. Council might do this by:
- 17.15.1. asking for evidence of their information handling processes, and/or
 - 17.15.2. inserting a privacy clause into our contracts.
- 17.16.** Council will also consider how a private sector company, agency or contractor will manage Personal Information they may have access to before engaging with them.
- 17.17.** An external entity that may manage or collect Personal Information on behalf of the Council includes:
- 17.17.1. The service providers noted in clause 17.5 in providing information technology and systems and support,
 - 17.17.2. a secure shredding company in order to carry out the destruction of sensitive documents,
 - 17.17.3. a marketing company that manages Council's mailing lists and newsletters,
 - 17.17.4. temporary staff procured from providers under government contracts,
 - 17.17.5. event management companies in order to host events and manage registrations,
 - 17.17.6. independent contractors, and
 - 17.17.7. IT contractors.

18. PUBLIC REGISTERS

- 18.1.** The PPIP Act governs how Council should manage Personal Information contained in Public Registers. Before disclosing Personal Information contained in a Public Register, except for the Written Returns Register, Council must be satisfied that the individual requesting access to the Personal Information intends to use the



information for a purpose directly related to the purpose of the Public Register or the Act under which the Register is kept.

- 18.2. An individual may request access to Personal Information contained in a Public Register, except for the Written Returns Register, by completing a statutory declaration stating that the intended use of the information is consistent with the purpose for which Council holds that particular register. An example statutory declaration is provided in Appendix 2.
- 18.3. Council can determine whether to provide a copy of the whole or part of a Public Register depending on whether such disclosure fits with the purpose for which it was collected.
- 18.4. If access to Personal Information which is not contained in a Public Register is requested, then Council will generally process such requests on an informal basis provided it is appropriate to do so. If not, individuals will be encouraged and assisted where possible to complete a formal access application which will be processed in accordance the GIPA Act.
- 18.5. Council's Public Registers include:

Act / Regulation / Directive	Section / Clause of Act / Reg / Directive	Name of Register	Purpose	Access and contact
Local Government Act 1993 (NSW)	Section 53	Land Register	Identify land vested in or under Council's control	Register can be accessed on Council's website Contact Customer Service
	Section 113	Record of Approvals	Identify approvals granted under the LG Act	Register can be accessed on Council's website Contact Customer Service OR Development Services
	Section 328A	Political donations disclosures	Identify donations to Councillors	Register can be accessed on Council's website Contact Customer Service OR Access to Information and Governance Officer
	Sections 377 and 378	Register of Delegations	Identify functions delegated by the General Manager to Council officers	Register can be accessed by informal request under the GIPA Act.
	Section 602	Rates Records	In relation to a parcel of land, identify the value and rate liability, and its owner or lessee	Register can be accessed by informal request under the GIPA Act.



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Code of Conduct	Clauses 4.1 – 5.14	Disclosures in written returns	Identify pecuniary and non-pecuniary interests of the General Manager, Senior Staff, designated persons and Councillors	Contact Customer Service OR Access to Information and Governance Officer
	Part 6	Gifts and Benefits Register	List gifts and benefits Council Officials get offered, receive, decline or are unable to decline	Contact Customer Service OR Access to Information and Governance Officer
<i>Environmental Planning and Assessment Act 1979 (NSW) (EP&A Act)</i>	Section 4.58	Register of Consents and Certificates	Identify approvals, consents and related appeals under the EP&A Act	Register can be accessed on Council's website Contact Customer Service OR Development Services
	Section 6.26	Record of Building Certificates	Identify building certificates	Contact Customer Service OR Building Services Team
<i>Environmental Planning and Assessment Regulation 2021 (NSW) (EP&A Regulation)</i>	Section 206	Planning Agreements Register	Identify planning agreements Council has entered into regarding developments in the LGA	Register can be accessed on Council's website Contact Customer Service OR Strategic Planning
	Section 217	Contributions Register	Identify contributions planned and made regarding developments in the LGA	
	Regulation 121	Register of Modification of Development Consents	Identify modifications to development consents under the EP&A Act	Register can be accessed on Council's website Contact Customer Service OR Development Services
<i>Protection of the Environment Operations Act 1997 (NSW)</i>	Section 308	Public Register of Licences	Identify licences granted under the POEO Act	Contact Customer Service OR Health Environmental Services



(POEO Act)				
<i>Public Spaces (Unattended Property) Act 2021 (NSW) (PSUP Act)</i>	Section 33	Records of possession	Identify property and items taken possession of by Council	Contact Customer Service OR Rangers
<i>Government Information (Public Access) Act 2009 (NSW) (GIPA Act)</i>	Section 6(5)	Records of Open Access Information	Identify government information Council holds that has been determined as 'open access information	Such records can be accessed on Council's website Contact Customer Service OR Access to Information and Governance Officer
	Section 25	Disclosure Log of Access Applications	Identify access applications where there is a public interest in favour of disclosure and Council has determined to provide access to the information	Register can be accessed on Council's website Contact Customer Service OR Access to Information and Governance Officer
	Section 27	Register of Government Contracts	Identify Council contracts that have (or are likely to have) a value of \$150,000 or more	Register can be accessed on Council's website Contact Customer Service OR Access to Information and Governance Officer

18.6. Any person whose Personal Information is recorded in a Public Register has the right to request that their personal details be suppressed. Council will comply with the request if it is satisfied the person's safety or wellbeing would be affected by not suppressing the information. Applications to suppress Personal Information from a Public Register must be made in writing and addressed to the General Manager pursuant to section 739 of the LG Act using the template provided in Appendix 3.

19. SOCIAL MEDIA

- 19.1.** Individuals interact with Council via several social media channels in the full range of methods permitted by each of those channels and in doing so provide Council with Personal Information which is collected.
- 19.2.** Where social media platforms permit, interactions will be moderated to ensure Personal Information is not disclosed or used. This includes actions such as delaying the publishing of interactions such as comments to avoid information that may identify other individuals from being published on a Council page.
- 19.3.** All social media pages, accounts, channels or equivalent account publishing platforms are required to include a privacy notice which links to this Plan and Council's Privacy Statement:



- 19.3.1. Such privacy notices should also include a statement to the effect that interactions that could reasonably identify an individual without their consent will be deleted.
- 19.3.2. Simplified privacy notices can be used where the platform imposes character limitations that prevent a full privacy notice being included.
- 19.3.3. *“When you comment, mention, post or direct message with this social media account, Cessnock City Council collects your personal information for the purpose of communicating with you and receiving your feedback on this platform. You can read Council’s Privacy Management Plan and Privacy Statement on our website.”* is an example of a simplified privacy notice.
- 19.3.4. Where a platform does not permit hyperlinks the full website URLs should be included.
- 19.4. Council does not accept complaints, requests for works or information, or submissions through any social media channel and any individual attempting to communicate such should be reminded of the correct way to do this.
- 19.5. Any direct messages should initially be responded to with a message that includes a reminder to review the account’s simplified privacy notice.

20. CLOSED CIRCUIT TELEVISION (CCTV)

- 20.1. Council installs and maintains CCTV cameras on Council premises and facilities for a number of purposes, including but not limited to:
- 20.1.1. To ensure the safety and security of staff, students and visitors whilst on Council premises or facilities;
- 20.1.2. To protect assets and property of Council and others;
- 20.1.3. To assist in crime prevention and aid in the investigation of criminal activity or other suspected misconduct or wrongdoing; and
- 20.1.4. To assist Council to manage its premises and facilities, such as its car parks, playgrounds, libraries, parks, etc.
- 20.2. Prominent signage notifies all Council staff, contractors, volunteers and members of the public of the use of CCTV and that they may be under surveillance and the cameras are clearly visible.
- 20.3. The installation, use and monitoring of CCTV including the storage, retention, use and disclosure of footage, is governed by appropriate Council policies developed and amended from time to time which take into account the guidelines provided by the [NSW Government policy statement and guidelines for the establishment and implementation of CCTV in public spaces](#).

21. TRANSBORDER DATA FLOW TO STATE OR COMMONWEALTH AGENCIES

- 21.1. Council will only provide your Personal Information to another person or body who is in a jurisdiction outside New South Wales or to a Commonwealth agency, where:
- 21.1.1. It is a legal requirement and upholds the Privacy Principles; or
- 21.1.2. you consent to the transfer, or



- 21.1.3. the transfer is necessary to do something you have requested, or
- 21.1.4. the transfer is reasonably necessary to lessen or prevent serious and imminent threat to the life, health or safety of a person, or
- 21.1.5. we have taken reasonable steps to ensure the Privacy Principles will be complied with; or
- 21.1.6. the transfer is permitted or required by legislation or law or
- 21.1.7. all of the following apply:
 - i. The transfer is for your benefit, and
 - ii. It is impracticable to obtain consent from you, and
 - iii. If it were practicable to obtain consent, you would be likely to give it.

22. DATA BREACHES

- 22.1. A data breach occurs when there is a failure that has caused or has the potential to cause unauthorised access to Council's data which may result in an unauthorised disclosure of Personal Information Council holds. Examples include malware, hacking and data theft, accidental loss of a paper record, laptop, or USB stick, and emails sent to the wrong recipients if they contained classified material or Personal Information.
- 22.2. If Council becomes aware of a data breach, either through the process of an internal review (privacy complaint) or it is identified that something has happened that may have caused a data breach, Council's response will be as outlined in its Data Breach Management Protocol and its corresponding Guideline. These documents outline the procedures and practices used by Council to ensure compliance with the obligations and responsibilities set out in Part 6A of the PPIP Act for the mandatory notification of data breach scheme.

To report a data breach involving Council, please refer to Council's website.

23. CYCOS

- 23.1. CYCOS handles the Personal Information of minors, often in vulnerable positions, and in addition to other provisions in this Plan is guided by the specific provisions in this clause 23.
- 23.2. In providing social services, counselling, and related support services CYCOS is a health service provider and the Council Officials or contractors who work within this service are required to review the statutory guidelines for the HRIP Act published by the IPC during any induction training and on a yearly basis, and in the event new guidelines are published.
 - 23.2.1. In particular, the '[Collection of health information from a third party](#)', the '[Use or disclosure of health information for the management of health services](#)', and the '[Use or disclosure of health information for training purposes](#)' guidelines should be reviewed.
- 23.3. Personal Information provided to CYCOS about an individual who receives services from CYCOS, or subsequent to that provision of information receives services from CYCOS, must be carefully assessed to distinguish if it is Health Information.



23.3.1. For clarity, any information about an individual's behaviour, concerns expressed regarding mental health, or requests for intervention or support that are intended to lead to a better mental health outcome in addition to any social outcome, is presumed to be Health Information unless a clear contraindication exists.

23.4. Personal Information can be collected from third parties by both solicited and unsolicited means. When this information has been provided and is recorded or used by CYCOS it is considered to have been collected as if it were solicited from the individual and the privacy notice requirements of IPP 3 and HPP 4 are triggered.

23.5. There are exceptions to these notice requirements and CYCOS must consider these carefully, in particular:

23.5.1. Whether the individual has expressly consented to not receiving notices (HPP 4(4)(a));

23.5.2. Whether there is a law requiring (HPP 4(4)(b)) or permitting (HPP 4(4)(c)) notices to not be provided;

23.5.3. Whether notifying the individual of the collection would, in the circumstances, prejudice the interests of the individual (HPP 4(4)(d)).

24. RANGERS

24.1. Personal Information collected by Council Rangers (**Rangers**) in connection with law enforcement activities is largely excluded from the application of the IPPs under section 23 of the PPIP Act.

24.2. In all situations where Rangers collect Personal Information, regardless of the application of section 23 of the PPIP Act, privacy notices will be given by Rangers with a verbal referral to this Plan or Council's Privacy Statement on Council's website, if it is practicable to do so.

24.3. Where Personal Information is collected in situations where section 23 of the PPIP Act does not apply, Council acknowledges the obligation to handle that information in accordance with the IPPs and/or HPPs and complies with these requirements.

24.4. Rangers are issued with surveillance devices that are not to be used in breach of the *Surveillance Devices Act 2007* (NSW). Accordingly, Rangers are only to use the surveillance devices in accordance with Council's Surveillance Devices Procedure. Private conversations, private property, and Council staff performing their function in the workplace, shall not be recorded by these devices unless expressly permitted by legislation and only to the extent such legislation permits.

24.5. In the interest of transparency in government information handling and regardless of the operation of section 23 of the PPIP Act, Council commits to the following when Rangers collect Personal Information:

24.5.1. Personal Information will only be collected by Rangers in relation to a lawful purpose;

24.5.2. Personal Information may at times be collected indirectly, such as in the form of witness statements and interviews, however this indirect collection will be limited to that which is relevant to the functions Rangers carry out;



- 24.5.3. Individuals that Rangers collect Personal Information from will be notified by Rangers of this collection occurring and, where it is practicable to do so, refer the individual to this Plan and Council's Privacy Statement on Council's website;
- 24.5.4. Where practicable, the collection of Personal Information will not unreasonably intrude into the personal affairs of an individual;
- 24.5.5. Information collected will be stored securely and de-identified or destroyed when it is no longer necessary or required by law, regulation, or subordinate legislative instruments to be held, regardless of the medium that the information is held on;
- 24.5.6. The rights to access Personal Information, in particular surveillance devices footage, will be regulated by legislation or the relevant Privacy Code. Any request for access will be dealt with as a request under the GIPA Act.

25. ARRANGEMENTS WITH OTHER AGENCIES

25.1. From time to time, Council enters in Memorandums of Understanding (**MOUs**) or other referral arrangements with other agencies about handling Personal Information with respect to specific projects. Each individual arrangement details the impact of the arrangement, and the roles all parties had in the process.

ARRANGEMENT	DESCRIPTION
Data Sharing Protocol with NSW Resilience	<p>Agreement to share information, including Personal Information, in response to the bushfires that occurred in 2019/2020. NSW Resilience requires the data to maintain a list of properties damaged and destroyed within the Cessnock Local Government Area and to assist with facilitating a coordinated outreach and recovery strategy.</p> <p>Agreement outlines the categories of Personal Information that may be shared between the parties, its uses and further disclosure, and security measures that the parties are required to implement to ensure the shared Personal Information is securely handled.</p>
DRIVES Agreement with Transport for NSW	<p>Ongoing agreement allowing Council access to information, including Personal Information, held in their Driver and Vehicle Information System (DRIVES) containing information relating to NSW motor vehicle registrations and driver licensing. The permitted purposes for which Council can access the DRIVES are to ascertain the name and address of a person appeared to have committed an offence under the:</p> <ul style="list-style-type: none"> ▪ <i>Road Rules 2014</i> (NSW) with respect to restrictions on stopping and parking, traffic control devices and traffic related terms; ▪ <i>POEO Act</i> with respect to environmental investigations, notices and offences; ▪ <i>LG Act</i> with respect to offences regarding failure to vote, free parking areas, and liability of vehicle owners; ▪ <i>PSUP Act</i> with respect to offences concerning items taken into possession by Council;



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	<ul style="list-style-type: none"> ▪ <i>Companion Animals Act 1998</i> (NSW) with respect offences against this Act or its regulation; ▪ <i>Biosecurity Act 2015</i> (NSW) with respect to offences prescribed by the Act or its regulation; ▪ <i>Food Act 2003</i> (NSW) with respect to offences prescribed by the Act or its regulation; ▪ <i>Public Health Act 2010</i> (NSW) with respect to offences prescribed by the Act or its regulation; ▪ <i>EP&A Act</i> with respect to offences prescribed by the Act or its regulation. <p>In addition to the permitted purposes, the DRIVES Agreement outlines the terms and conditions of this arrangement, including responsibilities of authorised users, and their local and remote access; Council's security standards and confidentiality practices, liability and indemnity, maintenance of privacy, etc; Council's mandatory requirement to demonstrate compliance to Transport for NSW making the continuation of the DRIVES Agreement provisional on Council's successful compliance; immediate suspension of Council's access to the DRIVES for unauthorised use of the information or for any other breach of the DRIVES Agreement</p>
<p>DA Consultation Protocol with the Hunter Valley Police District of the NSW Police Force</p>	<p>An agreement to facilitate effective consultation on certain types of development applications, which includes the disclosure of Personal Information within. The Protocol outlines the procedure for consultation.</p> <p>In accordance with section 4.15 of the EP&A Act, Council is required to consider and implement Crime Prevention Through Environmental Design (CPTED) principles when assessing development applications and consultation on crime prevention with the District meets this requirement.</p>



PART F – ABOUT COUNCIL

26. THE GOVERNING BODY AND THE ADMINISTRATION

- 26.1. The Councillors, including the Mayor, comprise the governing body of Council and are responsible for the strategic direction of Council. The General Manager is responsible for conducting the day-to-day management of Council's affairs. The General Manager and the staff comprise the administration of Council.
- 26.2. The governing body is required to consult with the General Manager in directing and controlling the affairs of Council. As a result, any information relating to the affairs of Council, including Personal Information, which Councillors receive, must be forwarded to the administration staff for a response, action or notation to achieve the principles of openness and transparency prescribed by the LG Act.
- 26.3. If individuals **do not wish** for Councillors **to forward** their Personal Information onto the administration of Council, they **must make it known, in writing**, that is their request when they are sending correspondence to the Councillors.

27. COUNCIL'S RESPONSIBILITIES

- 27.1. Established in 1860, Council is constituted as a body politic of the State under section 220 of the LG Act and comprises of two parts – the elected Representatives (**Councillors**) and the administration (**staff**).
- 27.2. Council has responsibilities under the LG Act and other Commonwealth and NSW legislation, including but not limited to the EP&A Act, *the Public Health Act 2010* (NSW), the *Companion Animals Act 1998* (NSW), the *Roads Act 1993* (NSW), the PPIP Act, the *State Records Act 1998* (NSW) and the GIPA Act.
- 27.3. Under the LG Act, Council's functions can be grouped into the following categories:
- 27.3.1. To provide for development in the local area;
 - 27.3.2. To provide for local services and facilities that benefit ratepayers, residents and visitors;
 - 27.3.3. To provide for the welfare and wellbeing of the local community;
 - 27.3.4. To establish and support organisations and programs targeting the local community and economy;
 - 27.3.5. To represent and promote the interests of ratepayers and residents;
 - 27.3.6. To protect the environment and improve local amenity;
 - 27.3.7. To attract and provide infrastructure for commerce, tourism and industry;
 - 27.3.8. To engage in long-term strategic planning on behalf of the local community.
- 27.4. In order to exercise the above functions, Council may collect Personal Information from its customers, ratepayers, residents and other third parties contained in the following records:
- 27.4.1. Rates records and records of property ownership;
 - 27.4.2. Development Applications and associated Certificates, Complying Development Certificates and submissions;
 - 27.4.3. Section 68 applications, Building Line Variations, Building Information Certificates, Swimming Certificates of Compliance and driveway applications;



- 27.4.4. Planning Proposals;
- 27.4.5. Road closure applications;
- 27.4.6. Rezoning applications;
- 27.4.7. Customer requests and Complaints made to Council;
- 27.4.8. Membership applications for the Cessnock Performing Arts Centre, Hunter Valley Visitor's Information Centre, Libraries and other Council facilities and events;
- 27.4.9. Right of burial transfer applications;
- 27.4.10. Petitions;
- 27.4.11. Booking systems for community halls, parks and other recreational facilities, tourist operators; and
- 27.4.12. Insurance claims made with Council (various types of Health Information).

27.5. Council also holds information concerning:

27.5.1. **Councillors**, such as:

- i. Personal contact information;
- ii. Complaints and disciplinary matters;
- iii. Pecuniary interest returns;
- iv. Entitlements to fees, expenses and facilities;

27.5.2. **Staff**, such as:

- i. Recruitment material;
- ii. Leave and payroll data;
- iii. Personal contact information;
- iv. Performance management plans;
- v. Disciplinary matters;
- vi. Pecuniary interest returns;
- vii. Secondary employment;
- viii. Wage and salary entitlements; and
- ix. Health Information (medical certificates and workers compensation claims).

28. PROMOTING THIS PLAN

- 28.1. Council promotes the principles of this Plan through its executive leadership team, staff and public awareness.

The Executive Leadership Team (ELT)

- 28.2. ELT is committed to accountability and transparency in relation to Council's compliance with the PPIP Act and HRIP Act.

- 28.3. ELT reinforces transparency and compliance with these Acts by:

- 28.3.1. Endorsing this Plan and making it publicly available on Council's website;
- 28.3.2. Identifying privacy issues when implementing new systems;
- 28.3.3. Ensuring all staff are aware of sound privacy management practices.

Council staff



- 28.4.** Council ensures its staff is aware of and understands this Plan, particularly how it applies to its functions and operations. To this end, Council has developed this Plan in a practical way so that staff members understand what their privacy obligations are, how to manage Personal Information in their work and what to do if they are unsure.
- 28.5.** Council makes its staff, including volunteers and contractors, aware of their privacy obligations by:
- 28.5.1. Publishing this Plan in a prominent place of Council's Intranet and website;
 - 28.5.2. Including this Plan as part of induction and providing training as required;
 - 28.5.3. Providing refresher, specialised and on-the-job privacy training;
 - 28.5.4. Highlighting and promoting this Plan at least once a year (e.g. during Privacy Awareness Week).
- 28.6.** When staff have questions about how to manage Personal Information under this Plan, they may consult their manager, the Governance Team or Council's Privacy Contact Officer (see Part D above). Councillors need to contact the General Manager or Privacy Contact Officer for assistance.

Public Awareness

- 28.7.** This Plan is a guarantee of service to stakeholders on how Council manages Personal Information. Because it is integral to Council's operations, this Plan is easy to access on Council's website and easy to understand. In addition, Council is required to make this Plan publicly available as open access information under the GIPA Act.
- 28.8.** Council promotes public awareness of this Plan by:
- 28.8.1. Writing the Plan in plain English;
 - 28.8.2. Publishing it on Council's website;
 - 28.8.3. Providing hard copies of the Plan free of charge on request;
 - 28.8.4. Referring to the Plan in other policies and protocols;
 - 28.8.5. Telling people about the Plan when answering questions about how Council manages Personal Information.



PART G – ADMINISTRATION

29. ROLES AND RESPONSIBILITIES

General Manager or their delegate

- 29.1. Ensure this Plan is accurate and up to date.
- 29.2. Ensure Council meets its obligations under the PPIP Act, HRIP Act and this Plan.
- 29.3. Appoint a Privacy Contact Officer.
- 29.4. Determine requests for the suppression of Personal Information.
- 29.5. Conduct internal reviews about Council's Privacy Contact Officer or their delegate, or the Mayor in accordance with this Plan, if the Privacy Commissioner is not conducting the review as per clause 10.
- 29.6. Conduct internal reviews in accordance with this Plan where Council's Privacy Contact Officer or their delegate, the Mayor or Councillors were initially involved.

Privacy Contact Officer or their delegate

- 29.7. Assist the General Manager to meet their responsibilities pursuant to the PPIP Act, HRIP Act and this Plan.
- 29.8. Create awareness about this Plan.
- 29.9. Coordinate steps to ensure Council complies with the PPIP Act, HRIP Act and this Plan.
- 29.10. Coordinate requests for the suppression of Personal Information.
- 29.11. Assess and determine applications to access or amend Personal Information.
- 29.12. Conduct internal reviews in accordance with this Plan.
- 29.13. Is responsible for reporting data breaches to the Privacy Commissioner.
- 29.14. Provide advice on matters relating to privacy and Personal Information.

Governance Team

- 29.15. Provide assistance to the Privacy Contact Officer and the General Manager or their delegates as required.
- 29.16. Provide advice on matters relating to privacy and Personal Information.

All Council Officials

- 29.17. Collect, store, access and disclose Personal Information in accordance with this Plan and clauses relating to Personal Information contained in Council's Code of Conduct.
- 29.18. Report data breaches to the Privacy Contact Officer and Governance.
- 29.19. Always include privacy disclaimers/disclosures when collecting Personal Information.

Executive Assistants

- 29.20. Executive assistants (**EAs**) handle large volumes of Personal Information and must ensure they are aware of the IPPs and HPPs.



- 29.21. When receiving confidential correspondence as described in Council’s Privacy Statement, EAs must not perform any task involving such correspondence that would reasonably lead to the EA being made aware of Personal Information.
- 29.22. EAs are only permitted to perform a task involving confidential correspondence that would reasonably lead to the EA being made aware of Personal Information, if that EA’s supervising executive official directs them to do so in writing citing personal resourcing issues that are substantively worse than usually occur.
- 29.23. EAs are not to be held personally responsible or subject to any disciplinary measures if such written direction as discussed in 1.1 is received and competently acted upon.

Compliance, monitoring and review

- 29.24. The Privacy Contact Officer or their delegate is responsible for the compliance, monitoring and review of this Plan.
- 29.25. Administrative changes to this Plan, including its appendices, can be made without needing Council adoption or a resolution. An administrative change is amending the:
 - 29.25.1. name and titles of Council Officials or dignitaries, references to other organisations or bodies; and
 - 29.25.2. layout, numbering, grammar and syntax, spelling and the policy administration part of the Plan.

Reporting

- 29.26. Council reports the number of privacy complaints received in its annual report.

Records management

- 29.27. Staff must maintain all records relevant to administering this policy in accordance with Council’s Records Management Policy.

30. POLICY DEFINITIONS

Collection of Personal Information	means the way in which Council acquires Personal or Health Information, which can include a written or online form, a verbal conversation, a voice recording, or a photograph.
Council	means Cessnock City Council.
Council Official	means Councillors, Council staff, volunteers, consultants and contractors.
Disclosure of Personal Information	occurs when Council makes known to an individual or entity Personal or Health Information not previously known to them.
Health Information	means information or an opinion about a person’s physical or mental Health or disability, or a person’s express wishes about the future provision of his or her Health services or a Health service provided or to be provided to a person; see the definition in section 6 of the HRIP Act.
Personal Information	means information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion, including such things as an individual’s fingerprints, retina prints, body



	<p>samples, or genetic characteristics. Exclusions to the definition of Personal Information are contained in section 4(3) of the PPIP Act and includes Health Information; (see the definition at section 4 PPIP Act and section 4(3) PIPP Act and section 5 of the HRIP Act).</p>
<p>Privacy Principles (IPPs)</p>	<p>The IPPs set out in Division 1 of Part 2 of the PPIP Act and the Health Principles set out in Schedule 1 of the HRIP Act. The Privacy Principles set out the minimum standards for all NSW public sector agencies when handling Personal and Health Information. Within these principles lawful exemptions are provided.</p>
<p>Public Register</p>	<p>means a register of Personal Information that is required by law to be made, or is made, publicly available or open to public inspection (section 3 of the PPIP Act).</p>



31. POLICY ADMINISTRATION

Business Group	Corporate and Community Services
Responsible Officer	Privacy Contact Officer, Director Corporate Community Services
Associated Procedure (if any)	NIL
Policy Review Date	Two years from date of adoption unless legislated or required otherwise
Document Number	DOC2014/005148
Relevant Legislation (reference specific sections)	<ul style="list-style-type: none"> ▪ <i>Privacy and Personal information Protection Act 1998</i> (NSW) ▪ <i>Health Records Information Protection Act 2002</i> (NSW) ▪ <i>Government Information (Public Access) Act 2009</i> (NSW) ▪ <i>State Records Act 1998</i> (NSW) ▪ Privacy Code of Practice for Local Government 2019 (NSW) ▪ <i>Workers Compensation Act 1987</i> (NSW) ▪ <i>Surveillance Devices Act 2007</i> (NSW) ▪ <i>Workplace Surveillance Act 2005</i> (NSW)
Relevant desired outcome or objectives	Civic Leadership and Effective Governance Objective 5.3 Making Council more responsive to the community.
Related Policies / Protocols / Procedures / Documents	<ul style="list-style-type: none"> ▪ Records Management Policy (DOC2019/038769) ▪ Data Breach Protocol (DRAFT) (DOC2020/055613) ▪ Council Fees and Charges ▪ Staff Internet and E-mail Use Protocol (DOC2020/055610); ▪ Body Worn Camera Procedure (DRAFT) (DOC2022/098979); ▪ Domestic and Family Violence Protocol (DOC2018/056136); ▪ Domestic and Family Violence Guideline (DOC2018/078901); Guide – Mandatory Notification of Data Breach Scheme: Guide to managing data breaches in accordance with the PPIP Act (June 2023, IPC) ▪ ‘Collection of health information from a third party’ (IPC); ▪ ‘Use or disclosure of health information for the management of health services’ (IPC); ▪ ‘Use or disclosure of health information for training purposes’ (IPC); ▪ NSW Government policy statement and guidelines for the establishment and implementation of CCTV in public spaces ▪ IPC’s Voluntary Data Breach Notification suite of resources

32. POLICY AUTHORISATIONS

No.	Authorised Function	Authorised Business Unit / Role(s)
	Amend customer details Council holds such as name, address, contact number, email address in accordance with this Plan and relevant legislation	General Manager Privacy Contact Officer Council Services Team Leader or delegate



	Amend specific Personal Information Council holds in accordance with this Plan and relevant legislation	General Manager or delegate Privacy Contact Officer or delegate Governance Team Human Resources Team
	Process and determine applications seeking access to Personal Information under the PPIP and HRIP Act, including seeking access to information contained in Council's Public Registers and CCTV in accordance with this Plan and relevant legislation.	General Manager or delegate Privacy Contact Officer or delegate Governance Team
	Determine requests for the suppression of Personal Information in accordance with section 739 of the LG Act.	General Manager
	Approve requests for Trans-border Data Flow to State or Commonwealth Agencies in accordance with this Plan and relevant legislation.	General Manager or delegate Privacy Contact Officer or delegate Governance Team
	Process and determine requests for internal reviews in accordance with this Plan and relevant legislation.	General Manager or delegate Privacy Contact Officer or delegate Delegated staff
	Liaise with the Privacy Commissioner and other external agencies/bodies in relation to external reviews in accordance with this Plan and relevant legislation.	General Manager or delegate Privacy Contact Officer or delegate Governance Team Delegated staff
	Report data breaches to the Privacy Commissioner in accordance with this Plan and relevant legislation.	General Manager or delegate Privacy Contact Officer or delegate Governance Team Delegated staff

33. POLICY HISTORY

Revision	Date Approved / Authority	Description Of Changes
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Revision 4 | The following amendments were adopted on XX-XX-XXXX (XXXXXX):

- Minor wording changes to improve policy context and content all throughout the Plan;
- Amendments to legislation references, abbreviations, job titles and removal of duplicates all throughout the Plan;
- 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;
- Amendments to clause 22 to incorporate changes to Council's response to upcoming MNDB scheme;
- 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
- Amendments to the policy administration part to reflect changes all throughout the Plan.
- Clarification of authorised functions in the policy authorisations part of the Plan.

Revision 3 | The following amendments were adopted on 18-01-2023 (CC99/2022):

- A summary of the Information Privacy Principles (IPPs) and Health Privacy Principles (HPPs) – clause 5;
- Extension of the timeframe for amending one's 'Name and Address Record' from 24 hours to 3 business days due to changes in organisational systems and processes – clause 6.6;
- Clarification concerning clauses 5.16-5.17, 7.3, 7.9, 10.4, 11.2, 11.6-11.8, 11.34-11.35, 11.39, 12.4-12.6, 15.4, 16.2, 16.8;
- Elaboration around clauses 11.3-11.4, 11.5, 11.22-1.23, 11.36, 11.44, 15, 16.15-16.66, 17.5, 18.5, 19;
- Outline of the operations and provision of services by Cessnock Youth Centre & Outreach Service (CYCOS) in the context of collection, use and disclosure of personal and health information – new clause 23;
- Outline of the functions performed by Rangers (new clause 24) and Executive Assistants (new clause 25) in the context of collection, use and disclosure of personal and health information;
- Outline of the arrangement Council has entered into with other agencies for the exchange, use and disclosure of personal and health information – new clause 26;
- Clarification of when Council may refer an internal review to the Privacy Commissioner under section 54(3) PIPP Act to be undertaken by the Privacy Commissioner. This may occur due to a lack of resources, the privacy complaint being concurrent with another type of complaint, or if the complaint relates to actions of senior Council Officials or the Privacy Contact Officer (new clause 7.9); and
- Updated templates titles, clauses, document categories, timeframes and other references (all throughout the Plan).

Revision 2 | Complete overhaul/review and inclusion of 2019 Privacy Code of Practice for Local Government | Adopted on 17-06-2020 (CC48/2020).



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Revision 1 | New Plan adopted on 06-03-2013 (PM17/2013).
Plan put into a new template on 18-09-2013 with no revisions (PM91/2013 – 581)

34. APPENDICES

- 34.1. APPENDIX 1 – APPLICATION FOR AN INTERNAL REVIEW RELATING TO THE MANAGEMENT OF YOUR PERSONAL INFORMATION FORM
- 34.2. APPENDIX 2 – STATUTORY DECLARATION TO ACCESS PERSONAL INFORMATION CONTAINED IN COUNCIL’S PUBLIC REGISTERS
- 34.3. APPENDIX 3 – REQUEST AND STATUTORY DECLARATION TO SUPPRESS PERSONAL INFORMATION CONTAINED IN COUNCIL’S PUBLIC REGISTERS



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APPENDIX 1 – APPLICATION FOR AN INTERNAL REVIEW RELATING TO THE MANAGEMENT OF YOUR PERSONAL INFORMATION FORM

You can use this form to make a complaint relating to the management of your personal information under:

- Section 53 of the [Privacy and Personal Information Protection Act 1998](#) (PIIP Act); or
- Section 21 of the [Health Records and Information Privacy act 2002](#) (HRIP Act).

The types of complaints may include:

- disclosure of your personal information to another person;
- failure to protect your personal information;
- refusing access to your personal information;
- storage of your personal information; and/or
- accuracy of your personal information.

If you need assistance in filling out this form please visit the Council's [privacy page](#) for more information of visit Council's Administration Building.

Please note: it is not a requirement under the PPIP Act or the HRIP Act that you complete an application form. This form is designed to assist us in correctly identifying the nature of the conduct you are complaining about and determine whether a breach has occurred.

If you choose not to complete this form, you must still make a written request for an internal review and describe the conduct in sufficient detail to allow us to determine if there has been a breach.

Section 1: Applicant's details	
Title	
First name	
Last name	
Postal address	
Telephone number	
Email address	
Is this complaint on behalf of someone else?	<input type="radio"/> YES <input type="radio"/> NO - Go to section 2
Title	
First name	
Last name	
Postal address	
Telephone number	
Email address	



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Relationship to applicant	
Is the person capable of making the complaint by him/herself?	
<input type="radio"/> YES	<input type="radio"/> NO <input type="radio"/> UNSURE
Section 2: Details of the complaint	
1. What is the specific conduct you are complaining about?	
"Conduct" can include an action, a decision, or even inaction by Council. For example the "conduct" in your case might be a decision to refuse you access to your personal information, or the action of disclosing your personal information to another person, or the inaction of a failure to protect your personal information from being inappropriately accessed by someone else.	
2. Please select which of the following information handling practices are relevant to your complaint	
(you may select more than one option): *	
<input type="radio"/>	Collection of my personal or health information
<input type="radio"/>	Security or storage of my personal or health information
<input type="radio"/>	Refusal to allow me access or find out about my own personal or health information
<input type="radio"/>	Accuracy of my personal or health information
<input type="radio"/>	Use of my personal or health information
<input type="radio"/>	Disclosure of my personal or health information
<input type="radio"/>	Other
<input type="radio"/>	Unsure
3. Describe the type of information involved (eg name, age, address, health information etc):	
4. When did the conduct you are complaining about occur? (use dates if possible):	
5. When did you become aware of this conduct:	
6. You need to lodge this application within six months of the date at Q.4. If more than 6 months has passed from the date you became aware of the conduct, you will need to ask for special permission to lodge a late application.	



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7. What effect did the conduct have on you:
8. What effect might the conduct have on you in the future:
9. What would you like to see Council do about the conduct? (for example: an apology, a change in policies or practices, compensation, training for staff etc):

Purpose and signature:

I understand that this form will be used by Council to process my request for an internal review. I understand and accept that details of my application (including my personal information) will be referred to the Privacy Commissioner in accordance with Council's obligation to notify the Privacy Commission under section 54(1) of the *PPIP Act*; or section 21 of the *HRIP Act*; and that the Privacy Commissioner will be kept advised of the progress and outcome of the internal review.

Applicant's name

Applicant's signature

Date: _____

Privacy Notice

Council is committed to safeguarding the privacy of individuals and handling of personal information in accordance with the *PPIP Act* and [Information Privacy Principles](#), the *HRIP Act* and [Health Privacy Principles](#), and any subordinate legislation.

Purpose: The information on this form is being collected for the purpose of processing and handling your request for internal review requested pursuant to section 54 of the *PPIP Act*. The information collected will be used and/or disclosed for the purpose outlined, related administrative functions, compliance and complaint handling, internal auditing, and in accordance with Council's Privacy Management Plan and Privacy Statement which can be found on Council's website.

Intended Recipients: Council staff, Privacy Commissioner and their delegate staff

Supply: The supply of information is voluntary.

Consequence of non-provision: If you do not supply the requested information Council may not be able to process your request for internal review.

Storage: Your personal information will be kept in Council's Information Management System in accordance with the relevant legislation. Council's address is 62-78 Vincent Street CESSNOCK NSW 2325

Access/Correction: You may correct or update your personal information by contacting Council's Privacy Contact Officer on 4943 4100 or by sending an email to council@cessnock.nsw.gov.au.

If you want to know more about Council's obligations regarding your personal information or what rights you have, contact the [Information and Privacy Commission](#) or visit their website ipc.nsw.gov.au.

APPENDIX 2 – STATUTORY DECLARATION TO ACCESS PERSONAL INFORMATION CONTAINED IN COUNCIL’S PUBLIC REGISTERS

Statutory Declaration OATHS ACT 1900 (NSW), NINTH SCHEDULE

I,
[name of declarant]

of
[residence]

do hereby solemnly declare and affirm that I will only use Council’s Public Register for:

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

And I make this solemn declaration, as to the matter (or matters) aforesaid, according to the law in this behalf made – and subject to the punishment by law provided for any wilfully false statement in any such declaration.

Declare at:
.....
[place]

On: Signature:
[date]

In the presence of an authorised witness who states:

I, , a
[name of declarant] [qualification of authorised witness]

Certify the following matters concerning the making of this statutory declaration by the person who made it [*please cross out any text that does not apply]

1. *I saw the face of the person OR *I did not see the face of the person because the person was wearing a face covering but I am satisfied that the person had a special justification for not removing the covering, and
2. *I have known the person for at least 12 months OR I have confirmed the person’s identity using an identification document and the document I relied on was



.....
 .[document relied on]

..... [signature of authorised witness] [date]

PRIVACY NOTICE

Council is committed to safeguarding the privacy of individuals and handling of personal information in accordance with the [Privacy and Personal Information Act 1998 \(NSW\)](#) and [Information Privacy Principles](#), the [Health Records and Information Privacy Act 2002 \(NSW\)](#) and [Health Privacy Principles](#), and any subordinate legislation.

Purpose: The information on the form is being collected for the purpose of processing your request to access to personal information contained in a public register Council holds. The information collected on this form will be used and/or disclosed for the purpose outlined, related administrative functions, compliance and complaint handling, internal auditing, and in accordance with Council's Privacy Management Plan and Privacy Statement which can be found on Council's website.

Intended recipients: staff involved in the processing of your request.

Supply and consequence of non-provision: Completing this form is voluntary, however your request for accessing personal information will not be processed

Storage and security: The form will be kept in Council's document management system in accordance with the relevant legislation.

Access: You may access, correct or update your personal information by visiting Council's website, by contacting Council's Privacy Contact Officer on 4943 4100 or by sending an email to council@cessnock.nsw.gov.au.

If you want to know more about Council's obligations regarding your personal information or what rights you have, contact the Information and Privacy Commission or visit their website ipc.nsw.gov.au.



APPENDIX 3 – REQUEST AND STATUTORY DECLARATION TO SUPPRESS PERSONAL INFORMATION CONTAINED IN COUNCIL’S PUBLIC REGISTERS

To the General Manager, Cessnock City Council

In reference to my personal information:

I, _____ of _____
Full name *Address*

request that my personal details be omitted or removed from Council’s public registers, pursuant to section 739 of the *Local Government Act 1993* (NSW).

The disclosure of my personal information would place or places my personal safety or that of members of my family at risk.

The following are particulars of the relevant risk:

_____ *[signature of applicant]*

_____ *[date]*

Note:

1 Resident electors who wish to have their address or other matter removed from the electoral roll must make an application to the Australian Electoral Commission or the State Electoral Office.

STATUTORY DECLARATION



I _____ of _____,
Full name Address

do solemnly and sincerely declare as follows:

and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1900*.

Declared at: _____

.....on...../...../.....20.....
[signature of declarant] [date]

in the presence of an authorised witness, who states:

I, _____, a Solicitor/Justice of the Peace, certify the following matters
witness name circle one

concerning the making of this statutory declaration by the person who made it:
*[*please cross out any text that does not apply]*

1. *I saw the face of the person OR *I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, and
2. *I have known the person for at least 12 months OR *I have not known the person for at least 12 months, but I have confirmed the person's identity using an identification document and the document I relied on was _____
[insert description of document, for example licence or passport]

.....on...../...../.....20.....
[signature of authorised witness] [date]

<p>PRIVACY NOTICE</p> <p>Council is committed to safeguarding the privacy of individuals and handling of personal information in accordance with the Privacy and Personal Information Act 1998 (NSW) and Information Privacy Principles, the Health Records and Information Privacy Act 2002 (NSW) and Health Privacy Principles, and any subordinate legislation.</p> <p>Purpose: The information on the form is being collected for the purpose of processing your request to suppress personal information in Council's public registers. The information collected on this form will be used and/or disclosed for the purpose outlined, related administrative functions, compliance and complaint handling, internal auditing, and in accordance with Council's Privacy Management Plan and Privacy Statement which can be found on Council's website.</p> <p>Intended recipients: staff involved in the processing of your request.</p> <p>Supply and consequence of non-provision: Completing this form is voluntary, however your request to suppress personal information in Council's public registers will not be processed.</p> <p>Storage and security: This form will be kept in Council's document management system in accordance with the relevant legislation.</p>



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Access: You may access, correct or update your personal information by visiting [Council's website](#), by contacting Council's Privacy Contact Officer on 4943 4100 or by sending an email to council@cessnock.nsw.gov.au. If you want to know more about Council's obligations regarding your personal information or what rights you have, contact the [Information and Privacy Commission](#) or visit their website ipc.nsw.gov.au.

Action Sheets Report	Division:	Ordinary Council	Date From:	
	Committee:		Date To:	
	Officer:		Printed: Tuesday, 10 October 2023 10:11:32 AM	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
BN7/2023 474	Ordinary Council 19/04/2023	Clark, Cameron McLachlan, Paul	Remembering our Coal Miners Walk	30/09/2023	24/04/2023	9/10/2023
<p>24 Apr 2023 3:22pm Meyers, Kristy - Reallocation Action reassigned to Clark, Cameron by Meyers, Kristy - For action.</p> <p>03 May 2023 8:06pm Clark, Cameron Internal consultation has occurred and a proposal to commence the coal mining heritage investigation of the LGA, that includes a significant community consultation piece, report will be prepared and propose to bring back to the July 2023 ordinary council meeting.</p> <p>02 Aug 2023 1:53pm Meyers, Kristy Report to be prepared for funding to undertake an LGA wide Coal Mining Heritage study. Which will include resolution 1-4 and how they can be implemented in conjunction with projects. Report to be presented to September Council meeting.</p> <p>09 Oct 2023 12:05pm Meyers, Kristy - Completion Completed by Meyers, Kristy on behalf of Clark, Cameron (action officer) on 09 October 2023 at 12:05:01 PM - Report being presented to 18/10/23 Council meeting.</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
CC45/2023 550	Ordinary Council 16/08/2023	Neveltsen, Keri Maginnity, Robert	Ward Boundaries - Adjustment to Enrolments	18/10/2023	23/08/2023	10/10/2023
<p>23 Aug 2023 3:51pm Neveltsen, Keri - Target Date Revision Target date changed by Neveltsen, Keri from 13 September 2023 to 13 September 2023 - Public Exhibition due to commence on Monday 28 August 2023, subject to confirmation by NSW Electoral Commission</p> <p>25 Sep 2023 11:58am Neveltsen, Keri Public exhibition closes 5.00pm 25 Sept 2023. Submissions can be received up to 5.00pm 9 Oct 2023.</p> <p>10 Oct 2023 9:56am Anderson, India - Target Date Revision Target date changed by Anderson, India from 13 September 2023 to 18 October 2023 - Ward Boundaries to be presented to Council at the Oct meeting</p> <p>10 Oct 2023 10:01am Neveltsen, Keri - Completion Completed by Neveltsen, Keri (action officer) on 10 October 2023 at 10:01:03 AM - Public exhibition completed. At final date for submissions, 4 submissions received. Follow-up report to be considered at the October Council meeting.</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
CC53/2023 570	Ordinary Council 20/09/2023	Plumridge, Matthew Maginnity, Robert	Election of Deputy Mayor - 2023/2024	18/10/2023	25/09/2023	25/09/2023
<p>25 Sep 2023 11:56am Plumridge, Matthew - Completion Completed by Plumridge, Matthew (action officer) on 25 September 2023 at 11:56:48 AM - Team notified. Payment details updated.</p>						

Action Sheets Report	Division:	Ordinary Council	Date From:	
	Committee:		Date To:	
	Officer:		Printed: Tuesday, 10 October 2023 10:11:32 AM	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 20/09/2023	Walters, Rose-Marie	Display of community notices, community displays & exhibitions and hosting of petitions in Council Libraries Policy - recommendation for revocation	18/10/2023	25/09/2023	25/09/2023
CC54/2023 571		Maginnity, Robert				
<p>25 Sep 2023 1:06pm Walters, Rose-Marie Council resolution 20/9/2023 that:, 1. Council revoke the Display of Community Notices, Community Displays & Exhibitions and Hosting of Petitions in Council Libraries Policy (Policy 26.1)., 2. Petitions cannot be left at any Cessnock City Library branch nor taken around inside the libraries seeking signatures unless approved by resolution of Council</p> <p>25 Sep 2023 1:09pm Walters, Rose-Marie - Completion Completed by Walters, Rose-Marie (action officer) on 25 September 2023 at 1:09:19 PM - 1. Council resolution 20/9/2023, That Council revoke the Display of Community Notices, Community Displays & Exhibitions and Hosting of Petitions in Council Libraries Policy (Policy 26.1)., 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</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 20/09/2023	Waghorn, Peter	Classification of Black Creek Channel Land Acquisitions	18/10/2023	25/09/2023	5/10/2023
CC56/2023 573		Maginnity, Robert				
<p>05 Oct 2023 2:22pm Waghorn, Peter - Completion Completed by Waghorn, Peter (action officer) on 05 October 2023 at 2:22:11 PM - Required notice is scheduled for publishing in the NSW Government Gazette and the matter will be completed.</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 20/09/2023	Waghorn, Peter	Minutes of Strategic Property & Community Facilities Committee Meeting held 9 August 2023	18/10/2023	25/09/2023	5/10/2023
CC58/2023 575		Maginnity, Robert				
<p>05 Oct 2023 2:18pm Waghorn, Peter - Completion Completed by Waghorn, Peter (action officer) on 05 October 2023 at 2:18:33 PM - Required actions noted</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 20/09/2023	Plumridge, Matthew	Related Parties Disclosure Policy	18/10/2023	25/09/2023	5/10/2023
CC59/2023 576		Maginnity, Robert				
<p>05 Oct 2023 11:55am Plumridge, Matthew - Completion Completed by Plumridge, Matthew (action officer) on 05 October 2023 at 11:55:27 AM - Adopted and updated on controlled documents</p>						

Action Sheets Report	Division:	Ordinary Council	Date From:	
	Committee:		Date To:	
	Officer:		Printed: Tuesday, 10 October 2023 10:11:32 AM	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 20/09/2023	Plumridge, Matthew	Financial Statements for the Year Ending 30 June 2023 - Referral for Audit and Council Certification	18/10/2023	25/09/2023	5/10/2023
CC60/2023 577		Maginnity, Robert				
05 Oct 2023 11:55am Plumridge, Matthew - Completion Completed by Plumridge, Matthew (action officer) on 05 October 2023 at 11:55:08 AM - Completed pending final audit signoff.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 20/09/2023	Porter, Kerry	DA 8/2021/22220/1 - Demolition of Existing Buildings, Tree Removal and Construction of a Centre-based Child Care Facility	18/10/2023	25/09/2023	3/10/2023
PE30/2023 562		Mickleson, Peter				
03 Oct 2023 9:45am Blake, Yvonne - Completion Completed by Blake, Yvonne on behalf of Porter, Kerry (action officer) on 03 October 2023 at 9:45:50 AM - Consent forwarded to applicant 29 September 2023.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 19/04/2023	Clark, Cameron	Minutes of the Roads Review Committee Meeting held on 8 March 2023	30/09/2023	24/04/2023	9/10/2023
W110/2023 468		McLachlan, Paul				
03 May 2023 8:14pm Clark, Cameron Action has been allocated to a resource and timing of completion is to be confirmed.						
09 Oct 2023 12:03pm Meyers, Kristy - Completion Completed by Meyers, Kristy on behalf of Clark, Cameron (action officer) on 09 October 2023 at 12:03:09 PM - Actions being undertaken.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 21/06/2023	Harris, Kate	Community Sponsorship and Fee Waiving Policy Review	29/09/2023	27/06/2023	26/09/2023
W119/2023 520		McLachlan, Paul				
28 Jun 2023 10:55am Harris, Kate 1. The Policy is currently on public exhibition, 2. To be completed after item 1.						
28 Jun 2023 10:56am Harris, Kate - Target Date Revision Target date changed by Harris, Kate from 31 July 2023 to 29 September 2023 - The document is currently on public exhibition.						
26 Sep 2023 1:10pm Harris, Kate 1. The Policy was publicly exhibited from 27 July 2023 to 24 August 2023 with no submissions being received., 2. With no submissions received during the exhibition period the Policy is adopted.						
26 Sep 2023 1:12pm Harris, Kate - Completion Completed by Harris, Kate (action officer) on 26 September 2023 at 1:12:10 PM - The Policy has been adopted.						

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Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 16/08/2023	Clark, Cameron	Tender T2023-27 - Wollombi Road Upgrade - Preliminary Engineering	13/09/2023	23/08/2023	19/09/2023
WI27/2023		McLachlan, Paul				
19 Sep 2023 1:32pm Meyers, Kristy - Completion Completed by Meyers, Kristy on behalf of Clark, Cameron (action officer) on 19 September 2023 at 1:32:37 PM - Noted.						

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Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN13/2023	Ordinary Council 20/09/2023	Harris, Kate	Business With Notice	Investigate Sensor Lighting Options for Local Government Area	22/12/2023	
585 MOTION 585 RESOLVED	Moved:	McLachlan, Paul Councillor Grine	Seconded:	Councillor Sander		
<ol style="list-style-type: none"> 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. That Council investigate grant programs or funding opportunities to allow for these upgrades to be included into the delivery program. <p>26 Sep 2023 10:44am Harris, Kate 1. Lighting options are being investigated at Bridges Hill Park and will be incorporated within the draft 204/2025 Operational Plan for Council's consideration., 2. Grant programs and funding opportunities are being investigated.</p> <p>26 Sep 2023 10:46am Harris, Kate - Target Date Revision Target date changed by Harris, Kate from 18 October 2023 to 22 December 2023 - Investigations for lighting works are ongoing.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN14/2023	Ordinary Council 20/09/2023	Clark, Cameron	Business With Notice	Old Buttai Road Prioritisation	18/10/2023	
586 MOTION 586 RESOLVED	Moved:	McLachlan, Paul Councillor Hill	Seconded:	Councillor Grine		
<p>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.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN15/2023	Ordinary Council 20/09/2023	Clark, Cameron	Business With Notice	Heddon Greta Road Rehabilitation Additional Scope	18/10/2023	
587 MOTION 587 RESOLVED	Moved:	McLachlan, Paul Councillor Grine	Seconded:	Councillor Burke		
<p>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.</p>						

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Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN33/2020	Ordinary Council 18/11/2020	Clark, Cameron	Business With Notice	Laneway Access to Units/Granny Flats etc	1/11/2023	
1514 MOTION 1514 RESOLVED	Moved:	McLachlan, Paul Councillor Olsen	Seconded:	Councillor Dunn		
<p>That the General Manager provide a report to Council regarding options that council could change as it relates to development applications for the approval of units, granny flats or houses that will only have access off laneways to have the following conditions included,</p> <ol style="list-style-type: none"> 1. The laneway, if it has no name, be named with all costs to the developer 2. The laneway be sealed by the developer so as not to create dust issues for existing residents 3. All costs to be borne by the developer 4. The Council's preference is for access off existing roads, not laneways <p>23 Nov 2020 11:38am Blake, Yvonne - Reallocation Action reassigned to Kerr, Katrina by: Blake, Yvonne for the reason: This report relates to Council Policy D5.3 - Development Applications Adjacent to Rear Lanes, which is the responsibility of the Roads, Bridges & Drainage Manager in W&I.</p> <p>30 Nov 2020 11:50am Kerr, Katrina Commenced drafting report to Council.</p> <p>13 Apr 2021 9:28am Bates, Kelly Item 1 - Commenced drafting report to Council.</p> <p>10 Aug 2021 9:30am Bates, Kelly - Target Date Revision Target date changed as a result of current resources and competing priorities.</p> <p>31 Jan 2022 1:38pm Benson, Nicole Resources now allow for this task to be completed. Work on the matter is scheduled to recommence in March 2022.</p> <p>02 May 2022 12:59pm Awal, Rabiul - Target Date Revision Will be updated as per the consultation with the Development team.</p> <p>15 Nov 2022 4:37pm Awal, Rabiul - Target Date Revision Due to resourcing issues the target date has changed to November 2023.</p> <p>02 Aug 2023 1:59pm Meyers, Kristy Policy being reviewed and updated to include resolution 1-4. Point 2 - wording will be changed to add specific engineering detail.</p>						

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Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN33/2022	Ordinary Council 16/11/2022	Harris, Kate	Business With Notice	Permanent Security CCTV Cameras - Huntlee District Park	22/12/2023	
351 MOTION 351 RESOLVED	Moved:	McLachlan, Paul Councillor Jurd	Seconded:	Councillor Olsen		
<p>That the General Manager:</p> <ol style="list-style-type: none"> Liaise, support and work alongside LWP (Huntlee), to install a fully operational, CCTV Security Camera System within the new Huntlee District Park (similar to Bridges Hill Park); Research appropriate, relevant grants that may be able to assist in further protecting this community asset with said surveillance technology <p>22 Nov 2022 1:20pm Meyers, Kristy - Reallocation Action reassigned to Harris, Kate by Meyers, Kristy</p> <p>25 Nov 2022 9:44am Harris, Kate - Target Date Revision Target date changed by Harris, Kate from 14 December 2022 to 31 March 2023 - Meeting to be held with LWP.</p> <p>25 Nov 2022 9:45am Harris, Kate 1. Meeting to be organised with LWP before the end of the year, 2. Upon completion of item 1</p> <p>27 Mar 2023 11:22am Harris, Kate 1. Meeting to be organised with LWP , 2. Upon completion of item 1</p> <p>27 Mar 2023 11:22am Harris, Kate - Target Date Revision Target date changed by Harris, Kate from 31 March 2023 to 30 June 2023 - Competing priorities and limited resources</p> <p>28 Jun 2023 11:25am Harris, Kate 1. Advice has been provided from LWP that temporary security camera's are in place., 2. Council officers will continue to investigate grant funding opportunities for a permanent system.</p> <p>28 Jun 2023 11:30am Harris, Kate - Target Date Revision Target date changed by Harris, Kate from 30 June 2023 to 25 August 2023 - Temporary security camera's are in place. Officers to continue to investigate funding opportunities for a permanent system.</p> <p>31 Aug 2023 8:09am Harris, Kate 1. Temporary security camera's are in place., 2. Council officers will continue to investigate grant funding opportunities for a permanent system.</p> <p>31 Aug 2023 8:10am Harris, Kate - Target Date Revision Target date changed by Harris, Kate from 25 August 2023 to 27 October 2023 - Grant funding is being investigated</p> <p>26 Sep 2023 1:18pm Harris, Kate 1. Temporary security camera's are in place., 2. Council officers will continue to investigate grant funding opportunities for a permanent system.</p> <p>26 Sep 2023 1:18pm Harris, Kate - Target Date Revision Target date changed by Harris, Kate from 27 October 2023 to 22 December 2023 - Funding opportunities continue to be investigated.</p>						

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Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN8/2023	Ordinary Council 17/05/2023	Chadwick, Tony	Business With Notice	Proposal for Kurri Curry Festival	29/02/2024	
496 MOTION 496 RESOLVED	Moved:	Mickleson, Peter Councillor Grine	Secoded:	Councillor Hill		
<p>That Council seeks grant funding for business activation in the Cessnock Local Government area by:</p> <ol style="list-style-type: none"> 1. Creating and delivering a new event called the Kurri Curry Festival 2. Designing and installing 3D public street art that compliments the Kurri Kurri Murals, and 3. That the General Manager investigate other business activation opportunities <p>23 May 2023 1:36pm Blake, Yvonne - Reallocation Action reassigned to Chadwick, Tony by Blake, Yvonne - Forwarded to Economic Development & Tourism Manager for action and completion.</p> <p>24 May 2023 8:56am Chadwick, Tony Progress against the resolution actions are as follows:; That Council seeks grant funding for business activation in the Cessnock Local Government area by:; 1. Creating and delivering a new event called the Kurri Curry Festival - Waiting a grant fund to open that allows event development and delivery in the funding guidelines.; 2. Designing and installing 3D public street art that compliments the Kurri Kurri Murals - Staff to investigate options and obtain quotes ready for grant submissions.; 3. That the General Manager investigate other business activation opportunities - Suitable opportunities will be added to grant applications if allowed by the grant fund</p> <p>24 May 2023 9:03am Chadwick, Tony - Target Date Revision Target date changed by Chadwick, Tony from 14 June 2023 to 29 February 2024 - Waiting for a suitable grant fund to open to progress this action.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN8/2023	Ordinary Council 15/03/2023	Harris, Kate	Business With Notice	Permanent Security CCTV Cameras - Peace Park Weston - Miller Park	15/12/2023	
MOTION 1 RESOLVED	Moved:	McLachlan, Paul Councillor Sander	Secoded:	Councillor Hill		
<p>That Council direct the General Manager to:</p> <ul style="list-style-type: none"> • Identify funding opportunities for crime prevention solutions or monitoring (installation of CCTV) where a cost benefit analysis confirms it will provide an operational cost saving. • Consult with NSW Police (Cessnock Local Area Command) in relation to the effectiveness of CCTV and the identification of priority locations across the LGA for potential implementation following grant funding applications. • Consider the development of a CCTV Policy to protect community assets. 						

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20 Mar 2023 2:11pm Lorenzen, Cherie - Reallocation
 Action reassigned to Harris, Kate by Lorenzen, Cherie - Referred to Open Space & Community Facilities Manager for action on behalf of GM per the amended resolution.

27 Mar 2023 11:23am Harris, Kate
 1. Funding opportunities continue to be investigated, 2. Initial engagement has been held with NSW Police (Cessnock Local Area Command), currently awaiting further resources/information to be provided., 3. This to be considered.

30 May 2023 11:52am Harris, Kate
 1. Funding opportunities continue to be investigated, 2. Initial engagement has been held with NSW Police (Cessnock Local Area Command), currently awaiting further resources/information to be provided. This will be followed up again., 3. This to be considered.

30 May 2023 11:53am Harris, Kate - Target Date Revision
 Target date changed by Harris, Kate from 30 June 2023 to 28 July 2023 - Awaiting resources and advice from NSW Police, local area command.

26 Jul 2023 3:39pm Harris, Kate
 1. Funding opportunities continue to be investigated, 2. Initial engagement has been held with NSW Police (Cessnock Local Area Command), currently awaiting further resources/information to be provided. Further meeting to be organised., 3. This to be considered.

26 Jul 2023 3:40pm Harris, Kate - Target Date Revision
 Target date changed by Harris, Kate from 28 July 2023 to 29 September 2023 - Awaiting feedback from Cessnock Local Area Command

26 Sep 2023 1:12pm Harris, Kate
 1. Funding opportunities continue to be investigated, 2. Further engagement has been held with NSW Police (Cessnock Local Area Command). Monthly meetings have been set up with Council Officers and Cessnock Local Area Command to continue sharing information and identify hotspots and solutions to problem areas., 3. This to be considered.

26 Sep 2023 1:17pm Harris, Kate - Target Date Revision
 Target date changed by Harris, Kate from 29 September 2023 to 15 December 2023 - Liaison with local police is ongoing and funds are continuing to be investigated.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC29/2023	Ordinary Council 17/05/2023	Waghorn, Peter	Corporate and Community	Land Acquisition - South Cessnock Bund Wall	30/11/2023	
MOTION 492 RESOLVED	Moved:	Maginnity, Robert Councillor Burke	Seconded:	Councillor Grine		
<p>That Council authorise purchase of land required for the South Cessnock Bund Wall Flood Mitigation Scheme being:</p> <p>With regard to Crown-owned land lot 1 DP 1134371:</p> <ul style="list-style-type: none"> <input type="checkbox"/> That Council proceed with the compulsory acquisition of the land for the purpose of flood mitigation works in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991. <input type="checkbox"/> That Council make an application to the Minister and the Governor for approval to acquire the land by compulsory process under section 186(1) of the Local Government Act. <input type="checkbox"/> That the land will be classified as operational land. <input type="checkbox"/> That Council requests the Minister for Local Government approve a reduction in the notification period from 90 days to 30 days. <p>With regard to private land (part) lots 34;35;36 DP 755215 and (part) lot 1 DP 1145540:</p> <ul style="list-style-type: none"> <input type="checkbox"/> That Council authorises acquisition of the land and/or easements for the purpose of drainage. <input type="checkbox"/> That Council delegates authority to the General Manager to extend a Letter of Offer to the landowner and negotiate voluntary agreement to purchase the land and/or easements in accordance with independent valuation. <input type="checkbox"/> That Council delegates authority to the General Manager to execute all relevant documentation to effect the transaction. 						

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26 May 2023 3:26pm Waghorn, Peter - Target Date Revision
 Target date changed by Waghorn, Peter from 14 June 2023 to 30 July 2023 - Required Crown land must be compulsorily acquired and approved by the Minister for Local Government. An OLG application for approval is in progress. Negotiations to acquire required private land must be conducted in accordance with mandatory timeframes and processes of the Land Acquisition (Just Terms Compensation) Act 1991.

26 Jul 2023 1:34pm Waghorn, Peter - Target Date Revision
 Target date changed by Waghorn, Peter from 30 July 2023 to 30 September 2023 - The Minister for Local Government approved crown land acquisition 28 June 2023 and the acquisition notice has been issued. Commencement of negotiations to purchase required White Energy & Austar land awaiting survey plan of acquisition.

25 Sep 2023 3:48pm Waghorn, Peter
 Awaiting authorisation from NSW Executive Council to publish gazette notice of Crown land compulsory acquisition. Negotiations to secure private land affected by the flood mitigation project are yet to commence following recent engineering design changes.

05 Oct 2023 2:25pm Waghorn, Peter - Target Date Revision
 Target date changed by Waghorn, Peter from 30 September 2023 to 30 November 2023 - NSW Executive Council is scheduled to consider authorisation of Crown land compulsory acquisition gazettal on 11 October 2023. Negotiations to secure private land affected by the flood mitigation project are yet to commence following recent engineering design changes.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC55/2023	Ordinary Council 20/09/2023	Ambrose, Warren	Corporate and Community	Revised Public Art Policy	30/11/2023	
572 MOTION 572 RESOLVED	Moved:	Maginnity, Robert Councillor Dunn	Seconded:	Councillor Sander		
<ol style="list-style-type: none"> That Council places the revised Public Art Policy on public exhibition for a period of 28 calendar days. That Council adopts the revised Public Art Policy the day after the public exhibition period concludes, if no unresolved submissions are received. That Council rescinds the Public Art Policy 2020 from the date the revised Public Art Policy is adopted. 						
05 Oct 2023 4:14pm Ambrose, Warren						
Draft Public Art Policy placed on public exhibition for 28 days from 4 October to 1 November 2023.						
05 Oct 2023 4:19pm Ambrose, Warren						
A report to Council will only be needed if there are unresolved submissions. Council will otherwise adopt the revised Public Art Policy the day after the public exhibition period concludes.						
05 Oct 2023 5:35pm Drage, Natalie - Target Date Revision						
Target date changed by Drage, Natalie from 18 October 2023 to 30 November 2023 - Outcome of public exhibition period will be known after 1 November 2023.						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
GMU10/2022	Ordinary Council 20/04/2022	Chadwick, Tony	General Manager's Unit	Expression of Interest T2022-03 Branxton RV Park	29/03/2024	
71 MOTION 71 RESOLVED	Moved:	Mickleson, Peter Councillor Sander	Seconded:	Councillor Burke		
<ol style="list-style-type: none"> That Council endorses Campervan & Motorhome Club of Australia LTD as the preferred applicant to manage Branxton RV Park subject to community consultation; That Council gives public notice of the Branxton RV Park Management proposal for a period of 28 days; 						

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3. That Council provides public notice of the intention to engage Campervan & Motorhome Club of Australia LTD as the Branxton RV Park Manager subject to consideration of submissions received; and
 4. That the General Manager negotiate a licence agreement for Branxton RV Park Management after considering the public submissions received.
- 03 May 2022 3:28pm Chadwick, Tony - Target Date Revision**
Target date changed by Chadwick, Tony from 18 May 2022 to 29 July 2022 - This allows time for community consultation and agreement negotiation.
- 03 May 2022 3:29pm Chadwick, Tony**
Actions taken as follows: 1. That Council endorses Campervan & Motorhome Club of Australia LTD as the preferred applicant to manage Branxton RV Park subject to community consultation - Noted., 2. That Council gives public notice of the Branxton RV Park Management proposal for a period of 28 days - The public consultation period was completed from 18 May to 15 June 2022. 21 submissions were received., 3. That Council provides public notice of the intention to engage Campervan & Motorhome Club of Australia LTD as the Branxton RV Park Manager subject to consideration of submissions received - Achieved via website and paid advertisement., 4. That the General Manager negotiate a licence agreement for Branxton RV Park Management after considering the public submissions received - The Executive Leadership Team has endorsed licence agreement negotiations following a review of public submissions. , To gain RFS approval under Development Application No. 8/2022/884/1 a Bushfire Consultant identified restrictions that would be required for operating the RV Park. These restrictions limit the financial viability of the RV Park. An internal working group has been established to identify way to reduce these restrictions.
- 28 Jul 2022 11:37am Chadwick, Tony - Target Date Revision**
Target date changed by Chadwick, Tony from 29 July 2022 to 09 September 2022 - Contract negotiations have started and are predicted to be completed in September.
- 04 Oct 2022 3:43pm Chadwick, Tony - Target Date Revision**
Target date changed by Chadwick, Tony from 09 September 2022 to 09 December 2022 - Additional time is required for Council to review DA PAN-262936 submitted by CMCA.
- 25 Nov 2022 9:54am Chadwick, Tony - Target Date Revision**
Target date changed by Chadwick, Tony from 09 December 2022 to 28 February 2023 - Refer Councillor Memo DOC2022/184231.
- 24 Feb 2023 2:02pm Lorenzen, Cherie - Target Date Revision**
Target date changed by Lorenzen, Cherie from 28 February 2023 to 29 March 2024 - Target date revised to allow time for an internal working group to be formed to determine the best future use for Branxton Oval and Branxton RV Park after reviewing site constraints and restrictions. See Councillor Memo DOC2023/030494.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
MM4/2023	Ordinary Council 19/07/2023	Mewing, Jenny	Mayoral Minutes	Amendment of Rural Lands Planning Proposal - Reinstate Dual Occupancies as a Permissible Land Use within the RU2 Rural Landscape Zone	30/11/2023	
525 MOTION 525 RESOLVED	Moved:	Mickleston, Peter Councillor Suvaal				
1.	That Council vary the Rural Lands Planning Proposal (PP-2022-1446) to reinstate dual occupancy development as a permissible land use within the RU2 Rural Landscape Zone, pursuant to Section 3.35(1) of the <i>Environmental Planning and Assessment Act, 1979</i> .					
2.	That Council forward the revised Planning Proposal to the Minister seeking an alteration to the current Gateway Determination pursuant to Section 3.35(2) of the <i>Environmental Planning and Assessment Act, 1979</i> .					
3.	That Council request authorisation from the Minister to utilise its Local Plan Making delegations for the making of the plan, pursuant to Section 3.31 of the <i>Environmental Planning and Assessment Act, 1979</i> .					
4.	That Council undertake additional agency and/or community consultation as directed by an altered Gateway Determination, as issued pursuant to Section 3.34 of the <i>Environmental Planning and Assessment Act, 1979</i> .					
5.	That Council resolve to finalise and make the plan, subject to there being no unresolvable submissions from agency and/or community consultation.					

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26 Jul 2023 4:13pm Lorenzen, Cherie - Reallocation
Action reassigned to Mickleson, Peter by Lorenzen, Cherie - Reallocated to Strategic Planning team to action.

26 Jul 2023 4:19pm Blake, Yvonne - Reallocation
Action reassigned to Johnson, Martin by Blake, Yvonne - Reallocated to Strategic Planning Manager for processing. Please keep the Mayor and EA informed of the progress of this PP.

02 Aug 2023 10:06am Johnson, Martin - Reallocation
Action reassigned to Mewing, Jenny by Johnson, Martin - Project Officer

17 Aug 2023 11:01am Mewing, Jenny
Revised Planning Proposal forwarded to DPE for consideration. Advice received and issued to Parliamentary Counsel to redraft instrument.

17 Aug 2023 11:03am Mewing, Jenny - Target Date Revision
Target date changed by Mewing, Jenny from 16 August 2023 to 30 September 2023 - Revised PC instrument being reviewed

24 Aug 2023 7:18am Mewing, Jenny - Target Date Revision
Target date changed by Mewing, Jenny from 30 September 2023 to 30 November 2023 - Draft instrument being reviewed and mapping amendments being finalised.

21 Sep 2023 8:05am Mewing, Jenny
Awaiting final PC opinion

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
MMS/2023	Ordinary Council 16/08/2023	Clark, Cameron	Deferred Business	Bellbird Mine Disaster 100th Anniversary	20/12/2023	
544 MOTION 544 RESOLVED	Moved:	McLachlan, Paul Councillor Suvaal				
1.	That Council notes that on 1 September 1923, 21 local miners perished as a result of a fire at Bellbird Colliery.					
2.	That Council notes on 1 September 2023 there will be a memorial service commemorating the 100th Anniversary of the Bellbird Mine Disaster held at Bellbird Miners Memorial Park, at the corner of Wollombi Road and Kendall Street, Bellbird commencing at 11am.					
3.	That Council notes various commemorative events are planned by Cessnock Council for the Bellbird disaster centenary.					
4.	That the General Manager investigate the option of naming new streets in the Bellbird area after the 21 miners that lost their lives.					
23 Aug 2023 12:50pm Lorenzen, Cherie - Target Date Revision	Target date changed by Lorenzen, Cherie from 13 September 2023 to 20 December 2023 - 1, 2, & 3. Noted. Item 4, date revised and reassigned to Infrastructure Manager for action.					
23 Aug 2023 12:51pm Lorenzen, Cherie - Reallocation	Action reassigned to Clark, Cameron by Lorenzen, Cherie - Reallocation due to Road Infrastructure item.					

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Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
MM6/2023	Ordinary Council 20/09/2023	Clark, Cameron	Mayoral Minutes	Pool Family Free Days and Entry Vouchers	18/10/2023	
564 MOTION 564 RESOLVED	Moved:	McLachlan, Paul Councillor Suvaal				
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.					

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PE24/2022	Ordinary Council 20/04/2022	Rush, Iain	Planning and Environment	Draft Local Planning Framework for the Cessnock LGA Vineyards District	31/12/2023	
75 MOTION 75 RESOLVED	Moved:	Mickleson, Peter Councillor Burke	Seconded:	Councillor Grine		
1.	That Council requests a Gateway determination in respect of the Cessnock Vineyards District Planning Proposal from the NSW Department of Planning and Environment, pursuant to the <i>Environmental Planning and Assessment Act 1979</i> .					
2.	That Council requests authorisation under Section 3.31 of the <i>Environmental Planning and Assessment Act 1979</i> to act as the local plan-making authority to make the Local Environmental Plan.					
3.	That Council undertakes consultation with public authorities and the community as determined by the Gateway determination.					
4.	That Council exhibits the Draft Cessnock Vineyards District Local Character Statement and Development Control Plan with the Planning Proposal.					
5.	That Council receives a report back on the Planning Proposal and draft local planning framework, following public exhibition.					
27 Apr 2022 12:10pm Rush, Iain - Target Date Revision						
Target date changed by Rush, Iain from 18 May 2022 to 30 December 2022 - Preparing documentation for submission to DPE for Gateway determination.						
21 Jun 2022 3:52pm Rush, Iain						
Planning Proposal submitted for Gateway determination on 10 May 2022. Currently reviewing quotations for 'Tourism Centre' Economic Feasibility Assessment.						
01 Sep 2022 4:24pm Rush, Iain						
Planning Proposal submitted for Gateway determination on 10 May 2022. Hill PDA engaged to prepare 'Tourism Centre' Economic Feasibility Assessment. Work on the Economic Assessment is progressing steadily.						
31 Oct 2022 10:23am Rush, Iain						
Planning Proposal submitted for Gateway determination on 10 May 2022. Hill PDA have provided Draft 'Tourism Centre' Economic Feasibility Assessment to Council for review.						
22 Nov 2022 2:17pm Blake, Yvonne - Target Date Revision						
Target date changed by Blake, Yvonne from 31 January 2023 to 28 February 2023 - Target date revised to allow sufficient time for exhibition and consideration of public submissions. Preparation of materials for public exhibition commenced.						
20 Feb 2023 9:08am Cocking, Tracey						
HRP 2041 requires preparation of Place Strategy. Existing PP and Place Strategy requirements being discussed with DP&E.						
20 Feb 2023 9:09am Cocking, Tracey - Target Date Revision						
Target date changed by Cocking, Tracey from 28 February 2023 to 31 December 2023 - HRP 2041 requires preparation of Place Strategy. Existing PP and Place Strategy requirements being discussed with DP&E						
24 May 2023 3:52pm Blake, Yvonne - Reallocation						
Action reassigned to Mewing, Jenny by Blake, Yvonne - Transferred to Jenny Mewing to continue with and finalise the matter.						
24 May 2023 4:08pm Mewing, Jenny						
Vineyards Place Strategy endorsed by the Urban Development Program Committee (1 May 2023) for the establishment of a Place Delivery Group. Further details from DPE to be obtained to commence this process., Amendments being made to Planning Proposal to reflect requirements of "resubmit" Gateway Determination received in December 2022.						
21 Jun 2023 10:03am Mewing, Jenny						
Meeting held with DPE to discuss relationship between Planning Proposals and Place Strategy. Agreed outcomes and actions pending confirmation with DPE						

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21 Jul 2023 7:27am Mewing, Jenny
 Amendments to Planning Proposal being prepared for resubmission to the DPE prior to 31 July 2023. Draft Principles for the Place Strategy are being prepared concurrently for consideration/endorsement by the DPE.

31 Aug 2023 1:16pm Mewing, Jenny
 Revised Planning Proposal resubmitted to DPE for Gateway Determination (26/7/23)., Place Strategy meeting with DPE requested.

31 Aug 2023 2:15pm Blake, Yvonne - Reallocation
 Action reassigned to Rush, Iain by Blake, Yvonne - Transferred to officer as original officer has resigned.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE25/2023	Ordinary Council 19/07/2023	Rush, Iain	Planning and Environment	Draft Hunter Power Project (Kurri Kurri Power Station) Planning Agreement	31/12/2023	
527 PROCEDURAL MOTION	Moved:	Mickleson, Peter Councillor Hill	Seconded:	Councillor Sander		
527 RESOLVED	That the report is deferred to the next Ordinary Council meeting.					
26 Jul 2023 1:43pm Rush, Iain Snowy Hydro has been approached in relation to the alternative option of directing the contributions funding to the proposed Booth Park Netball Courts in Kurri Kurri. Presently awaiting a formal response from Snowy Hydro.						
23 Aug 2023 2:34pm Rush, Iain - Target Date Revision Target date changed by Rush, Iain from 16 August 2023 to 31 December 2023., Council has approached Snowy Hydro to gauge its support to amend the Draft VPA to reflect the alternative Booth Park Project. Council is awaiting formal confirmation from Snowy Hydro before resubmitting an amended Draft VPA for the councillors consideration. DPE has been contacted to extend the timeframe to enter into the VPA.						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE26/2023	Ordinary Council 19/07/2023	Worthing, Alex	Planning and Environment	Comprehensive DCP Review - Tourist Accommodation on Rural and Environmental Lands - Draft for Exhibition	4/10/2023	
528 MOTION	Moved:	Mickleson, Peter Councillor Hill	Seconded:	Councillor Grine		
528 RESOLVED	<ol style="list-style-type: none"> That Council exhibits the draft DCP Chapter: 'Tourist and Visitor Accommodation in Rural and Environmental Lands' in accordance with clause 13 of the Environmental Planning and Assessment Regulation 2021 and for a period of 28 days. That a further report is brought to Council for determination after the exhibition period is concluded. 					
26 Jul 2023 12:33pm Corken, Robert - Target Date Revision Target date changed by Corken, Robert from 16 August 2023 to 16 November 2023 - Exhibition will be undertaken in August.						
18 Aug 2023 1:48pm Blake, Yvonne - Reallocation Action reassigned to Mewing, Jenny by Blake, Yvonne - Officer resigned from Council. Transferred to Acting Principal Strategic Planner for re-allocation to another Strategic Planning Officer.						

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31 Aug 2023 2:15pm Blake, Yvonne - Reallocation
 Action reassigned to Worthing, Alex by Blake, Yvonne - Transferred to officer as original officer has resigned.
08 Sep 2023 3:32pm Worthing, Alex - Target Date Revision
 Target date changed by Worthing, Alex from 16 November 2023 to 04 October 2023 - Preparing post exhibition report for Council

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE28/2023	Ordinary Council 16/08/2023	Chadwick, Tony	Planning and Environment	Rotary Park Kurri Kurri Coloured Lighting System	22/12/2023	
547 MOTION 547 RESOLVED	Moved:	Mickleson, Peter Councillor Grine	Seconded:	Councillor Hill		
That Council allocates \$50,000 from the Miscellaneous & Property Reserve (Tourism Related Projects Reserve) to install an automated coloured lighting system within Rotary Park, Kurri Kurri.						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE29/2023	Ordinary Council 16/08/2023	Worthing, Alex	Planning and Environment	Comprehensive DCP Review - Draft Chapters: Administration and Legislative Context and Centres - For Exhibition	4/01/2024	
548 MOTION 548 RESOLVED	Moved:	Mickleson, Peter Councillor Burke	Seconded:	Councillor Paynter		
<ol style="list-style-type: none"> That Council place draft Chapters "Introduction and Legislative Context and Development Base Provisions-Centres" of the Cessnock Development Control Plan 2010 on public exhibition for a period of 28 days. That Council receive a further report following the public exhibition of the draft Chapters of Cessnock Development Control Plan 2010. 						
<p>23 Aug 2023 9:28am Larsen, Robyn - Reallocation Action reassigned to Worthing, Alex by Larsen, Robyn - Staff member leaving. 28 Aug 2023 1:14pm Worthing, Alex Public exhibition material being prepared 08 Sep 2023 3:31pm Worthing, Alex - Target Date Revision Target date changed by Worthing, Alex from 13 September 2023 to 13 October 2023 - Public exhibition starts 13/09 25 Sep 2023 12:41pm Worthing, Alex - Target Date Revision Target date changed by Worthing, Alex from 13 October 2023 to 05 January 2024 - Due to go to December council meeting for adoption 27 Sep 2023 2:50pm Worthing, Alex - Target Date Revision Target date changed by Worthing, Alex from 05 January 2024 to 04 January 2024 - Draft DCP chapters will be considered at the December Council meeting</p>						

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PE31/2023	Ordinary Council 20/09/2023	Chadwick, Tony	Planning and Environment	2023 Cessnock Stomp Festival - In Kind Support	26/01/2024	
567 MOTION 567 RESOLVED	Moved:	Mickleson, Peter Councillor Grine	Seconded:	Councillor Moores		
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.					
<p>25 Sep 2023 2:52pm Chadwick, Tony Council staff will liaise with the STOMP event organiser regarding in-kind and financial support.</p> <p>25 Sep 2023 2:58pm Chadwick, Tony - Target Date Revision Target date changed by Chadwick, Tony from 18 October 2023 to 26 January 2024 - The revised date allows Council staff enough time to provide and then report on the support provided.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE32/2023	Ordinary Council 20/09/2023	Worthing, Alex	Planning and Environment	Cessnock Development Control Plan 2010 - Regrowth Kurri Kurri (formerly Hydro) - Post exhibition	20/10/2023	
568 MOTION 568 RESOLVED	Moved:	Mickleson, Peter Councillor Hill	Seconded:	Councillor Grine		
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.					
<p>26 Sep 2023 12:03pm Johnson, Martin - Reallocation Action reassigned to Worthing, Alex by Johnson, Martin - Allocated Project Officer</p> <p>27 Sep 2023 2:51pm Worthing, Alex - Target Date Revision Target date changed by Worthing, Alex from 18 October 2023 to 20 October 2023 - To be uploaded as adopted DCP once minutes are released</p>						

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Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE33/2023	Ordinary Council 20/09/2023	Rush, Iain	Planning and Environment	Draft Hunter Power Project (Kurri Kurri Power Station) Planning Agreement	22/12/2023	
569 MOTION 569 RESOLVED	Moved:	Mickleson, Peter Councillor Hill	Seconded:	Councillor Burke		
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 <i>Environmental Planning and Assessment Act 1979</i> .					
2.	That Council delegate authority to the General Manager to execute the Planning Agreement unless unresolved written objections are received during the exhibition period.					
<p>25 Sep 2023 11:35am Blake, Yvonne - Target Date Revision Target date changed by Blake, Yvonne from 18 October 2023 to 22 December 2023 - Resolved at Ordinary Council Meeting held 20 September 2023 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</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE4/2023	Ordinary Council 15/02/2023	Mewing, Jenny	Planning and Environment	Planning Proposal - Lovedale Integrated Tourist Development	29/10/2023	
MOTION 393 RESOLVED	Moved:	Mickleson, Peter Councillor Dunn	Seconded:	Councillor Burke		
<p>That Council endorse the Planning Proposal in relation to Lots 2-4 DP 869651, Lot 11 DP 1187663 and Lot 1 DP 1233030 as an amendment to Clause 7.11 of Cessnock Local Environmental Plan 2011 as follows:</p> <p>(i) <i>This clause applies to land at Wine Country Drive, Pokolbin, being Lots 2-4, DP 869651, Lot 11, DP1187663 and Lot 1 DP1233030.</i></p> <p>(ii) Development consent must not be granted to any development on land to which this clause applies unless—</p> <p style="margin-left: 20px;">a) The consent authority is satisfied that the development is integrated tourist development, and</p> <p style="margin-left: 20px;">b) the total number of permanent residential dwellings on that land does not exceed 640, and</p> <p style="margin-left: 20px;">c) the total number of tourist and visitor accommodation units on that land does not exceed 300.</p> <p>(iii) Registration of the plan of subdivision for the first 200 residential lots shall not occur until a Compliance Certificate under section 6.4(e)(iv) of the Environmental Planning and Assessment Act 1979 has been issued for the golf course and club house confirming that it is completed in accordance with the concept approval and relevant development consent.</p> <p>(iv) In this clause— integrated tourist development means a development that contains a mix of both permanent residential dwellings and one or more of the following uses: tourist and visitor accommodation; tourist-oriented land uses such as outdoor recreation facilities (e.g., golf courses); food and drink premises; function centres; any development that is ordinarily incidental or ancillary to such uses.</p>						
<p>28 Mar 2023 8:18am Corken, Robert - Target Date Revision Target date changed by Corken, Robert from 15 March 2023 to 15 July 2023 - Council resolution may require an additional report to Council and delayed the drafting of the clause.</p> <p>24 May 2023 2:48pm Corken, Robert - Target Date Revision Target date changed by Corken, Robert from 15 July 2023 to 15 August 2023 - Waiting for Department of Planning and Environment to reissue Gateway Determination.</p>						

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26 Jul 2023 12:32pm Corken, Robert - Target Date Revision
 Target date changed by Corken, Robert from 15 August 2023 to 15 October 2023 - The Department of Planning and Environment is causing significant delays to the finalisation of this project.

18 Aug 2023 1:47pm Blake, Yvonne - Reallocation
 Action reassigned to Mewing, Jenny by Blake, Yvonne - Officer resigned from Council. Transferred to Acting Principal Strategic Planner for re-allocation to another Strategic Planning Officer.

31 Aug 2023 1:19pm Mewing, Jenny
 Revisions to draft instrument in progress in consultation with Parliamentary Counsel

21 Sep 2023 8:02am Mewing, Jenny
 Revisions to draft instrument in progress in consultation with Parliamentary Counsel

21 Sep 2023 8:03am Mewing, Jenny - Target Date Revision
 Target date changed by Mewing, Jenny from 15 October 2023 to 29 October 2023 - Ongoing discussions with PC

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE5/2023	Ordinary Council 15/02/2023	Mewing, Jenny	Planning and Environment	Comprehensive Local Environmental Plan and Development Control Plan Review - Temporary Uses (including Temporary Events)	30/11/2024	
399 MOTION 399 RESOLVED	Moved:	Mickleson, Peter Councillor Hill	Seconded:	Councillor Dunn		
That Council						
<ol style="list-style-type: none"> 1. Request a gateway determination for the Planning Proposal "Temporary Uses" from the Department of Planning and Environment pursuant to the Environmental Planning and Assessment Act 1979. 2. Request authorisation under s3.31 of the Environmental Planning and Assessment Act 1979 to act as the local plan-making authority. 3. Place the draft Planning Proposal on exhibition as determined by the Department of Planning and Environment Gateway determination. 4. Place the draft Cessnock Development Control Plan Chapter "Temporary Uses" on exhibition concurrently with the planning proposal. 5. Receive a report back on the Planning Proposal and Development Control Plan amendment. 						
27 Mar 2023 4:34pm Blake, Yvonne - Target Date Revision						
Target date changed by Blake, Yvonne from 15 March 2023 to 30 November 2023 - As per Council resolution at the Ordinary Council meeting held 15 February 2023, gateway determination to be requested from DPE; request authorisation to act as local plan making authority; PP to be placed on exhibition as well as draft DCP; report back to Council on amendment.						
18 Aug 2023 1:49pm Blake, Yvonne - Reallocation						
Action reassigned to Mewing, Jenny by Blake, Yvonne - Officer resigned from Council. Transferred to Acting Principal Strategic Planner for re-allocation to another Strategic Planning Officer.						
31 Aug 2023 1:20pm Mewing, Jenny						
Request for Gateway Determination from DPE made February 2023. , Planning Proposal updated and resubmitted for Gateway Determination in May 2023						
21 Sep 2023 8:03am Mewing, Jenny						
Gateway Determination still pending						
21 Sep 2023 8:04am Mewing, Jenny - Target Date Revision						
Target date changed by Mewing, Jenny from 30 November 2023 to 30 November 2024 - Gateway Determination not yet issued.						

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PE57/2022	Ordinary Council 21/09/2022	Lewis-Curnoe, Olivia	Planning and Environment	Planning Propsoal to Rezone Land at 532 Main Road, Cliftleigh from RU2 Rural Landscape to R2 Low Density Residential.	23/10/2024	
256 MOTION 256 RESOLVED	Moved:	Mickleson, Peter Councillor Hill	Seconded:	Councillor Grine		
<p>That the report be deferred to allow for structure plan to be submitted to Council prior to its consideration.</p> <p>27 Sep 2022 4:47pm Blake, Yvonne - Target Date Revision Target date changed by Blake, Yvonne from 19 October 2022 to 31 October 2022 - Deferred at ordinary Council meeting held 21 September 2022 to allow for structure plan to be submitted to Council prior to its consideration.</p> <p>05 Oct 2022 11:45am Corken, Robert - Target Date Revision Target date changed by Corken, Robert from 31 October 2022 to 16 February 2023 - Council deferred proposal until a structure plan was prepared for the 'whole of the investigation area.</p> <p>21 Nov 2022 10:44am Corken, Robert - Target Date Revision Target date changed by Corken, Robert from 16 February 2023 to 23 October 2023 - The proposal is currently with the applicants to resolved access arrangements.</p> <p>24 May 2023 2:48pm Corken, Robert - Target Date Revision Target date changed by Corken, Robert from 23 October 2023 to 23 October 2024 - With applicant to resolve access to Main Road with Transport for NSW.</p> <p>18 Aug 2023 1:49pm Blake, Yvonne - Reallocation Action reassigned to Mewing, Jenny by Blake, Yvonne - Officer resigned from Council. Transferred to Acting Principal Strategic Planner for re-allocation to another Strategic Planning Officer.</p> <p>31 Aug 2023 2:13pm Blake, Yvonne - Reallocation Action reassigned to Lewis-Curnoe, Olivia by Blake, Yvonne - Transferred to officer as original officer has resigned.</p> <p>25 Sep 2023 2:02pm Lewis-Curnoe, Olivia Structure Plan/Planning Proposal not yet lodged.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
W12/2021	Ordinary Council 17/02/2021	Waghorn, Peter	Works and Infrastructure	Sale of Land to Bellbird Bowling Club	31/03/2024	
1571 MOTION 1571 RESOLVED	Moved:	Maginnity, Robert Councillor Dunn	Seconded:	Councillor Fitzgibbon		
<ol style="list-style-type: none"> 1. That Council authorises the General Manager to undertake the process to reclassify the seven metre strip of land along the southern boundary of the Bellbird Park Bowling Club from Community to Operational. 2. That Council agrees to sell the subject parcel of land once reclassified to Bellbird Park Bowling Club at the nominal cost of one dollar (\$1.00) provided the Bellbird Park Bowling Club fund associated costs for the land transfer. 3. That Council authorises the General Manager to execute documents related to the reclassification and transfer of land between Cessnock City Council and the Bellbird Park Bowling Club. <p>04 Mar 2021 11:58am Benson, Nicole - Reallocation Action reassigned to Rathborne, Michael by Benson, Nicole - Michael please commence the actions as per the resolution. Liaise with my team if required. Thanks</p> <p>24 Mar 2021 4:49pm Keegan, Robyn - Target Date Revision Target date changed by Keegan, Robyn from 17 March 2021 to 30 June 2021 - Information sent to surveyor for the club to prepare and lodge forms.</p>						

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<p>29 Mar 2021 4:04pm Rathborne, Michael - Target Date Revision Target date changed by Rathborne, Michael from 30 June 2021 to 30 August 2021 - Surveyor preparing documents for registration.</p> <p>28 Apr 2021 10:33am Rathborne, Michael - Target Date Revision Target date changed by Rathborne, Michael from 30 June 2021 to 30 September 2021 - Pending survey and documentation being prepared by surveyor.</p> <p>25 Jun 2021 12:30pm Keegan, Robyn - Target Date Revision Target date changed by Keegan, Robyn from 30 September 2021 to 31 December 2021 - Bellbird Park Bowling Club has taken responsibility for survey registration. Further work by Council Property Services to effect the transfer of land is deferred pending Strategic Property obtaining Council approval for a site-specific planning proposal to reclassify the land.</p> <p>02 Sep 2021 3:11pm Keegan, Robyn - Target Date Revision Target date changed by Keegan, Robyn from 31 December 2021 to 31 December 2021 - Peter Waghorn advised that there is no further update.</p> <p>26 Oct 2021 2:19pm Keegan, Robyn - Target Date Revision Target date changed by Keegan, Robyn from 31 December 2021 to 21 January 2022 - Advised by Chief Financial & Administration Officer no update was available but will investigate.</p> <p>25 Jan 2022 10:12am Waghorn, Peter In accordance with the resolution, Bellbird Park Bowling Club management are responsible for organising and registering the survey of land to be acquired but are yet to do so. A registered plan and reclassification of the land are required before the land transfer can be transacted.</p> <p>29 Mar 2022 7:55am Boughton-Ingham, Petra 28 Mar 2022 Peter Waghorn, [Confidential]: BPBC's Secretary Manager was contacted with an offer of assistance and advised that the club had not sought quotes for land survey work to date due to their financial situation. As the cost of a partial survey is not anticipated to be high, Council Officers contacted a local surveyor on the club's behalf and was told that the previous Board had engaged Marshall Scott Surveyors to prepare a plan and the draft was sent to the club last year. MSS is following up directly with club management.</p> <p>12 Apr 2022 10:21am Keegan, Robyn - Target Date Revision Target date changed by Keegan, Robyn from 21 January 2022 to 15 June 2022 - The Bellbird Park Bowling Club Secretary Manager was contacted with an offer of assistance and advised that the club had not sought quotes for land survey work due to a recent change of voluntary board membership. Council Officers contacted a local surveyor on the club's behalf and were advised that the previous Board had engaged Marshall Scott Surveyors to prepare a plan and the draft was sent to the club last year. Principal of Marshall Scott Surveyors is following up with the new club management directly.</p> <p>28 Apr 2022 3:32pm Waghorn, Peter Mark Scott of Marshall Scott Surveyors is still following up with the new club Secretary Manager regarding a survey plan previously prepared and sent to the Club in draft for their review.</p> <p>26 May 2022 9:22am Waghorn, Peter Bellbird Park Bowling Club officials have confirmed that Marshall Scott Surveyors were engaged by the previous Board to prepare a plan of acquisition. Once the draft plan is provided to Council for review and verification, the process to reclassify the identified portion of Bellbird Park can be commenced. Transfer of the land to the Club can only be effected on gazettal of the reclassification.</p> <p>26 May 2022 9:50am Waghorn, Peter - Target Date Revision Target date changed by Waghorn, Peter from 15 June 2022 to 30 December 2022 - The planning proposal to amend the LEP and reclassify a portion of Bellbird Park is a lengthy process and yet to be commenced. Transferring ownership to the Club is deferred pending gazettal of the land reclassification for Community to Operational land.</p> <p>30 Jun 2022 3:12pm Waghorn, Peter An LEP amendment request to reclassify the portion of Bellbird Park the Club requires has been scheduled with Strategic Planning.</p> <p>28 Jul 2022 2:49pm Waghorn, Peter A survey plan prepared by Marshall Scott Surveyors on behalf of Bellbird Park Bowling Club has been provided to Strategic Planning. A planning proposal requesting amendment of the Cessnock LEP land classification of the nominated portion of Bellbird Park is in progress.</p> <p>31 Aug 2022 4:46pm Keegan, Robyn Further updates are subject to progression of a planning proposal to amend the Cessnock LEP and change the community land classification of the nominated portion of Bellbird Park.</p> <p>25 Nov 2022 3:47pm Waghorn, Peter Internal Property staff followed up with Marshall Scott Surveyors 24/11/2022 and were advised that the survey plan detailing the area to be acquired by the club and prepared by their firm on behalf of Bellbird Park Bowling Club is yet to be lodged with Land Registry Services for assessment. Council staff actions are deferred pending plan registration and gazettal of the proposed land reclassification.</p> <p>16 Jan 2023 12:12pm Waghorn, Peter Property staff visited BPBC on 4/1/2023 to enquire with management as to the status of survey plan approval and were advised that they will follow up with Marshall Scott Surveyors. As at 16/1/2023, Mark Scott of MSS has not been contacted by BPBC.</p> <p>16 Jan 2023 12:21pm Waghorn, Peter - Target Date Revision Target date changed by Waghorn, Peter from 30 December 2022 to 31 March 2023 - Delayed pending Bellbird Park Bowling Club approval of draft survey plan of acquisition and the outcome of a Council request to reclassify the relevant portion of Carmichael Park to be acquired</p>		

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03 Apr 2023 10:44am Waghorn, Peter
 The Strategic Planning unit has scheduled a report seeking approval to submit the LEP amendment required to reclassify the portion of Bellbird Park the Club requires. Reclassification to operational land is required to facilitate any transfer of council community land. The report will be considered at the April 2023 Ordinary Council Meeting. .

03 Apr 2023 11:11am Waghorn, Peter - Target Date Revision
 Target date changed by Waghorn, Peter from 31 March 2023 to 30 June 2023 - The report seeking approval to submit an LEP amendment to reclassify the required portion of Bellbird Park is scheduled for the April 2023 OCM. Reclassifications necessarily involve state planning departments and completion of that process cannot be accurately determined at this time.

26 May 2023 3:16pm Waghorn, Peter - Target Date Revision
 Target date changed by Waghorn, Peter from 30 June 2023 to 31 March 2024 - A planning proposal to amend the Cessnock LEP community land classification of a portion of Carmichael Oval adjoining Bellbird Park Bowling Club was approved for submission to Dept. of Planning & Environment (DPE) on 19 April 2023. Subject to obtaining a DPE Gateway determination to reclassify the land from community to operational use, consultation will be undertaken with public authorities and the community. Unresolved objections must be submitted to Council for consideration before DPE is requested to make the Plan and publish LEP changes in the Government Gazette. This process is anticipated to take six to nine months. On completion, Property staff will prepare contract documentation to transfer the required land.

25 Sep 2023 3:37pm Waghorn, Peter - Email
 On 15 September, Officers arranged for surveyors to attend and mark the site, allowing a partially installed fence to be completed along the new boundary with a lockable pedestrian access. Illegal private vehicular use of CCC community land is understood to have been occurring and neighbouring residents will be notified prior to erection of the final stage of fencing. Formal transfer of the land portion to BPBC is subject to land reclassification and the revised target date is still projected as March 2024.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI23/2023	Ordinary Council 19/07/2023	Harris, Kate	Works and Infrastructure	Kurri Kurri Netball Facility	15/12/2023	
534 MOTION 534 RESOLVED	Moved:	McLachlan, Paul Councillor Grine	Seconded:	Councillor Hill		
1.	That a grant application for Kurri Kurri Netball Facility Stage 1 works, as outlined within this report, be submitted via the Arts Investing in Our Communities Program.					
2.	That the General Manager continue to investigate funding opportunities for Kurri Kurri Netball Facility Stage 2 works and that a further report come back to Council.					
27 Jul 2023 10:02am Harris, Kate						
1. Complete, 2. Funding opportunities are currently being investigated						
27 Jul 2023 10:02am Harris, Kate - Target Date Revision						
Target date changed by Harris, Kate from 16 August 2023 to 27 October 2023 - Funding opportunities are being investigated.						
26 Sep 2023 10:47am Harris, Kate						
1. Complete, 2. Cost reductions and funding opportunities are currently being investigated						
26 Sep 2023 10:48am Harris, Kate - Target Date Revision						
Target date changed by Harris, Kate from 27 October 2023 to 15 December 2023 - Funding opportunities are currently being investigated						

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WI29/2023	Ordinary Council 20/09/2023	Eveleigh, Nathan	Works and Infrastructure	Naming of Council Assets Policy	27/10/2023	
580 MOTION 580 RESOLVED	Moved:	McLachlan, Paul Councillor Dunn	Seconded:	Councillor Sander		
<p>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.</p> <p>2. If there are no significant public submissions received, that the Policy be automatically adopted at the end of the exhibition period.</p> <p>26 Sep 2023 8:28am Eveleigh, Nathan The Policy has been placed on public exhibition 27 September - 25 October 2023.</p> <p>26 Sep 2023 8:29am Eveleigh, Nathan - Target Date Revision Target date changed by Eveleigh, Nathan from 18 October 2023 to 27 October 2023 - Public Exhibition closes 25 October 2023.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI3/2023	Ordinary Council 15/02/2023	Clark, Cameron	Works and Infrastructure	Old Maitland Road, Sawyers Gully - Land Acquisition	30/11/2023	
416 MOTION 416 RESOLVED	Moved:	McLachlan, Paul Councillor Sander	Seconded:	Councillor Hill		
<p>1. That Council authorises purchase of (part) 1519 Old Maitland Road Sawyers Gully and (part) 1601 Old Maitland Road Sawyers Gully for public road infrastructure purposes;</p> <p>2. That Council delegates authority to the General Manager to extend a Letter of Offer to the landowners and negotiate agreement to purchase the land in accordance with independent valuations; and</p> <p>3. That Council delegates authority to the General Manager to execute all relevant documentation to affect the transactions.</p> <p>27 Feb 2023 1:33pm Bosco, Jules Valuation of land parcels being progressed, Awaiting negotiation with land owners.</p> <p>24 Apr 2023 10:40am Anderson, India - Reallocation Action reassigned to Clark, Cameron by Anderson, India - resumed Infrastructure Manager position</p> <p>03 May 2023 7:56pm Clark, Cameron Mandatory 6 month negotiation period expires in May 2023, compulsory acquisition commences following negotiation period expiration via the Valuer General process. No mandated timeframe for the compulsory acquisition process but officers will proactively follow up and provide updates. Works to re-commence as soon as acquisition process is completed.</p>						

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WI31/2023	Ordinary Council 20/09/2023	McCamley, Chad	Works and Infrastructure	2022/23 Kurri Kurri Aquatic and Fitness Centre Performance Review	18/10/2023	
582 MOTION 582 RESOLVED	Moved:	McLachlan, Paul Councillor Sander	Seconded:	Councillor Grine		
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.					

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI32/2023	Ordinary Council 20/09/2023	Jeffery, Warren	Works and Infrastructure	Minutes of the Local Traffic Committee Meeting held 21 August 2023	18/10/2023	
584 MOTION 584 RESOLVED	Moved:	McLachlan, Paul Councillor Hawkins	Seconded:	Councillor Sander		
1.	That the Minutes of the Cessnock Local Traffic Committee Meeting of 15 May 2023 be adopted as a resolution of the Ordinary Council.					
<input type="checkbox"/>	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.					
<input type="checkbox"/>	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					
<input type="checkbox"/>	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.					
<input type="checkbox"/>	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.					
<input type="checkbox"/>	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.					
<input type="checkbox"/>	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.					
<input type="checkbox"/>	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.					

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- 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.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
W15/2023	Ordinary Council 15/03/2023	Clark, Cameron	Works and Infrastructure	Tender T2022-10 Watagan Creek Bridge and Westcott Bridge Replacement	30/09/2023	
440 MOTION 440 RESOLVED	Moved:	McLachlan, Paul Councillor Hill	Seconded:	Councillor Sander		
1.	That Council reject Tender T2022-10 – Watagan Creek Bridge #1 and Westcott Bridge replacement in accordance with Part 7, Division 4, Clause 178 of the <i>Local Government (General) Regulation 2021</i> (Acceptance of tenders) 3e.					
2.	That Council 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.					
3.	That Council delegate authority to the General Manager to award the project with a suitable outcome.					
24 Apr 2023 5:28pm Niravath, Arun The contract for Design and Construction of Westcott Bridge, Cessnock awarded. Watagan Bridge #1- The tender prices from suppliers is higher than the budget. Hence, additional budget needs to be secured.						
02 Aug 2023 1:56pm Meyers, Kristy Negotiations with contractors continuing.						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
W16/2023	Ordinary Council 15/03/2023	Newman, Alex	Works and Infrastructure	Engineering Guidelines for Design & Construction - Approval for Public Exhibition	15/11/2023	
441 MOTION 441 RESOLVED	Moved:	McLachlan, Paul Councillor Hill	Seconded:	Councillor Sander		
1.	That the draft Engineering Guidelines for Design and Construction be placed on public exhibition for a period of 28 days and a report be returned to Council for determination.					
2.	That Councillors be offered a briefing on the engineering guidelines.					
28 Mar 2023 3:32pm Newman, Alex Waiting on Comments from Public exhibition regarding Guidelines of exhibition. In addition, an Internal Panel Review of Engineering Guidelines is to be performed.						
26 Apr 2023 8:27am Newman, Alex Engineering Guidelines still on Public Exhibition. Subsequent Internal CCC review by relevant departments to follow.						
29 May 2023 11:13am Newman, Alex Thorough internal review being performed by council. Relevant council team leaders are reviewing the standards.						

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29 May 2023 1:53pm Newman, Alex - Target Date Revision
 Target date changed by Newman, Alex from 25 June 2023 to 27 October 2023 - Thorough internal review being performed by council. Extended process to allow for input by all relevant council team leaders to be collated and reflected in technical standards.

28 Jun 2023 1:31pm Newman, Alex
 Thorough internal review being performed by council. Input by all relevant council team leaders to be collated and reflected in technical standards.

24 Jul 2023 1:07pm Newman, Alex
 Thorough internal review being performed by council. Input by all relevant council team leaders to be collated and reflected in technical standards.

30 Aug 2023 10:30am Newman, Alex - Target Date Revision
 Target date changed by Newman, Alex from 27 October 2023 to 15 November 2023 - Currently awaiting all teams to provide initial comments on engineering guidelines.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI75/2022	Ordinary Council 14/12/2022	Eveleigh, Nathan	Works and Infrastructure	Cessnock LGA Hall Booking/Management	20/12/2023	
383 MOTION 383 RESOLVED	Moved:	McLachlan, Paul Councillor Watton	Seconded:	Councillor Burke		
1.	That Council notes the information contained within the report with regard to the implications and resourcing requirements required to overhaul the current practices has adopted relating to hall bookings, maintenance and potential promotions;					
2.	That Council completes a hall booking trial using the Bookeasy system at four community halls; and					
3.	That if the hall booking trial is successful, that Council implements the Bookeasy system at all community halls in consultation with the s355 volunteer management committees as resources allow.					
16 Jan 2023 4:28pm Eveleigh, Nathan - Target Date Revision	Target date changed by Eveleigh, Nathan from 11 January 2023 to 30 June 2023 - Test webpage and platform completed for Bellbird Hall. Officers liaising with BookEasy on some minor amendments required for regular bookings. Additional halls will come online after testing is completed with Bellbird Community Hall as per the Council report.					
02 Mar 2023 9:41am Eveleigh, Nathan	BookEasy set-up in final testing phase for Bellbird Community Hall before going live.					
27 Mar 2023 11:56am Eveleigh, Nathan	Bellbird Community Hall Bookeasy portal went live on 20/3/2023. Will roll out 3 additional facilities following initial trials and feedback.					
28 Jun 2023 11:36am Eveleigh, Nathan	Hunter Valley VIC staff have commenced work on Ellalong & Millfield Community Halls following successful roll-out of the BookEasy online bookings at Bellbird Community Hall for 3 months.					
28 Jun 2023 11:40am Eveleigh, Nathan - Target Date Revision	Target date changed by Eveleigh, Nathan from 30 June 2023 to 30 September 2023 - 2 additional halls being set-up. A 4th hall will be added once these two halls are online in the coming months.					
25 Aug 2023 8:36am Eveleigh, Nathan - Target Date Revision	Target date changed by Eveleigh, Nathan from 30 September 2023 to 20 December 2023 - VIC staff working on 2nd & 3rd hall in consultation with open Space staff and s355 committee's. 4th hall hoped to be rolled out prior to Christmas 2023 as resources allow.					

