



12 March 2024

To All Councillors

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993, that the next Ordinary Meeting of Council will be held in the Council Chambers, on Wednesday, 20 March 2024 at 6.30pm, for the purposes of transacting the undermentioned business.

AGENDA:

PAGE NO.

- (1) **ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS**
- (2) **OPENING PRAYER – to be conducted by Pastor Wayne Kembrey of Cessnock City Church**
- (3) **RECEIPT OF APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE**
- (4) **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
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- (8) **CONSIDERATION AND ADOPTION OF ALL REPORTS BY ENGLOBO**
- (9) **NOTICE OF INTENTION TO DEAL WITH MATTERS IN CONFIDENTIAL SESSION**
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(17) COUNCILLORS' REPORTS

(18) REPORT OF THE CONFIDENTIAL SESSION OF THE ORDINARY COUNCIL MEETING ON 20 MAR 2024

‡ - Denotes that Report is for notation only.



Principles for Local Government

Exercise of functions generally

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

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

Council's Values

- Integrity
- Accountability
- Respect
- Excellence
- Teamwork

Our Community's Vision

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

Cessnock – thriving, attractive and welcoming.

Our Community's Desired Outcomes

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



Council Code of Conduct

Council adopted its current Code of Conduct on 1 November 2022. This Code provides details of statutory requirements and gives guidance in respect of the way in which pecuniary and conflict of interest issues must be disclosed. Councillors took an oath or affirmation at the commencement of their term of office under section 233A of the *Local Government Act 1993* (NSW) and are therefore obligated under Council's Code of Conduct to disclose and appropriately manage their conflicts of interest.

Generally, the Code outlines the following issues:

1. Councillors are under an obligation at law to disclose any interest they may have in any matter before the Council as soon as practicable and to refrain from being involved in any consideration or to vote on any such matter where required and out outlined in the Code of Conduct.
2. Councillors must disclose any interest in any matter noted in the business paper prior to or at the opening of the meeting.
3. The nature of the interest shall be included in the disclosure.
4. Councillors shall immediately and during the meeting disclose any interest in respect of any matter arising during the meeting which is not referred to in the business paper.
5. All disclosures of interest shall be recorded in the minutes of the meeting.
6. All disclosures of interest shall as far as is practicable be given in writing.
7. Any member having a pecuniary or non-pecuniary significant conflict of interest shall leave the meeting and remain absent while the subject of the interest is being considered by Council.
8. The meeting shall not discuss any matter in which a Councillor has a pecuniary or non-pecuniary significant conflict of interest while the Councillor is present at the meeting.



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**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 21 FEBRUARY 2024, COMMENCING
AT 6.30PM**

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

IN ATTENDANCE: General Manager
 Director Planning and Environment
 Director Corporate and Community Services
 Director Works and Infrastructure
 Chief Financial Officer
 Governance & Council Support Coordinator
 Strategic Planning Manager
 Infrastructure Manager
 Communications & Engagement Manager
 Principal Community Engagement Officer
 Help Desk Support Officer
 Executive Assistant Corporate & Community Services

Council Prayer:

The Prayer was conducted by The Reverend Nicole Baldwin of Cessnock Anglican Church.

MINUTES:

MOTION

Moved: Councillor Hill
Seconded: Councillor Sander

671

RESOLVED

That the Minutes of the Ordinary Meeting of Council held on 13 December 2023, as circulated, be taken as read and confirmed as a correct record.

FOR

AGAINST

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

Total (13)

Total (0)

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI1/2024

SUBJECT: DISCLOSURES OF INTEREST

BN2/2024 - Wollombi Road Forum - Councillor Jurd declared a Non Pecuniary Interest + less than significant conflict for the reason that she works at a business located on Wollombi Road, Cessnock. Councillor Jurd advised that she would remain in Chamber and participate in discussion and voting as the conflict would not be relevant to her decision.

PETITIONS

Nil

ADDRESS BY INVITED SPEAKERS

The following people addressed the meeting of Council:

Speakers / Company	For / Against	Report	Page No.	Duration
Brett Wild - Hunter Anzac Memorial Ltd	For	W11/2024 - T2024-01 - Branxton to Greta Shared Pathway Stage 3	92	3 mins

EXTENSION OF TIME

Moved: Councillor Hawkins
672

Seconded: Councillor Paynter

RESOLVED That an extension of time of one minute be granted to Brett Wild to complete his presentation.

FOR

Councillor Jackson
Councillor Moores
Councillor Dunn
Councillor Burke
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Watton
Councillor Olsen
Councillor Jurd
Councillor Suvaal
Total (13)

AGAINST

Total (0)

CARRIED UNANIMOUSLY

EXTENSION OF TIME

Moved: Councillor Hawkins
673

Seconded: Councillor Moores

RESOLVED That a further extension of time of one minute be granted to Brett Wild to complete his presentation.

FOR

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

AGAINST

Councillor Olsen

Total (1)

CARRIED

WORKS AND INFRASTRUCTURE NO. WI1/2024

SUBJECT: T2024-01 - BRANXTON TO GRETA SHARED PATHWAY STAGE 3

MOTION **Moved:** Councillor Sander **Seconded:** Councillor Hill
674

RESOLVED

1. That Council rejects tender (T2024-01) from Civil & Sons Pty Ltd for a lump sum of \$3,665,279 excluding GST as the tender does not meet the budgeted amount.
2. That Council as per section 7 clause 178(f) of the *Local Government (General) Regulation 2021*, carry out the requirements of the proposed contract itself.

Councillor Jurd left the meeting, the time being 6.44pm

Councillor Jurd returned to the meeting, the time being 6.45pm

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

The following people addressed the meeting of Council:

Speakers	For / Against	Report	Page No.	Duration
Tracey Harrington	For	BN2/2024 - Wollombi Road Forum	103	3 mins

EXTENSION OF TIME

Moved: Councillor Hawkins
675

Seconded: Councillor Paynter

RESOLVED That an extension of time of one minute be granted to Tracey Harrington to complete her presentation.

FOR

Councillor Jackson
Councillor Moores
Councillor Dunn
Councillor Burke
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Watton
Councillor Olsen
Councillor Jurd
Councillor Suvaal
Total (13)

AGAINST

Total (0)

CARRIED UNANIMOUSLY

EXTENSION OF TIME

Moved: Councillor Hawkins
676

Seconded: Councillor Moores

RESOLVED That a further extension of time of one minute be granted to Tracey Harrington to complete her presentation.

FOR

Councillor Jackson
Councillor Moores
Councillor Dunn
Councillor Burke
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Watton
Councillor Olsen
Councillor Jurd
Councillor Suvaal
Total (13)

AGAINST

Total (0)

CARRIED UNANIMOUSLY

BUSINESS WITH NOTICE NO. BN2/2024

SUBJECT: WOLLOMBI ROAD FORUM

Councillor Jurd declared a Non Pecuniary Interest + less than significant conflict for the reason that she works at a business located on Wollombi Road, Cessnock. Councillor Jurd remained in the Chamber and participated in discussion and voting.

MOTION **Moved:** Councillor Watton **Seconded:** Councillor Olsen

That:

- 1. A councillor briefing be organised at the next available date for Councillors to be briefed on the Wollombi Road Project initial design investigation**
- 2. Council note that a review for environmental factors will go to exhibition after the briefing for the community and other stakeholders to provide comments and/or feedback**
- 3. Council note that the project team will continue to engage with the community and stakeholders throughout the public exhibition period**
- 4. In addition to point 3, council is to organise three public forum meetings over three separate weekends regarding the Wollombi Road Upgrade once the relevant reports are completed and reported to Council**
- 5. The councillors, mayor and all other relevant staff involved, including the general manager, attend the public forums concerning the Wollombi Road Upgrade. The project design team should also be in attendance.**
- 6. All concerned residents should be encouraged to attend and participate in the meetings to receive the same information, at the same location/s and time/s.**

Councillor Jurd left the meeting, the time being 7.55pm

Councillor Jurd returned to the meeting, the time being 7.57pm

Councillor Hill left the meeting, the time being 7.59pm

Councillor Hill returned to the meeting, the time being 8.00pm

AMENDMENT Moved: Councillor Moores **Seconded:** Councillor Burke
677

RESOLVED

That Council:

1. Requests the General Manager to organise a Councillor Briefing on Wednesday 13th March to be briefed on the Wollombi Road Upgrade project preliminary design investigation and community engagement plan.
2. Notes that the Review of Environmental Factors will go on public exhibition after the briefing for the community and stakeholders to provide comment/feedback on the proposed works.
3. Notes that the project team will continue to engage with the community and stakeholders throughout the public exhibition period using the options and tools available highlighted in the Wollombi Road Upgrade Community and Consultation Engagement Plan which is aligned with Council's Community Participation Plan.
4. Requests the General Manager ensure all residents have the opportunity to access the same information regarding the Wollombi Road Upgrade Project by holding multiple, large scale, community information sessions for residents and businesses, and that Councillors be invited to attend these sessions.

FOR	AGAINST
Councillor Jackson	Councillor Watton
Councillor Moores	Councillor Olsen
Councillor Dunn	Councillor Jurd
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Suvaal	
Total (10)	Total (3)

The Amendment was PUT and CARRIED.

The Amendment now becomes the Motion.

MOTION
678

Moved: Councillor Moores

Seconded: Councillor Burke

RESOLVED

That Council:

1. Requests the General Manager to organise a Councillor Briefing on Wednesday 13th March to be briefed on the Wollombi Road Upgrade project preliminary design investigation and community engagement plan.
2. Notes that the Review of Environmental Factors will go on public exhibition after the briefing for the community and stakeholders to provide comment/feedback on the proposed works.
3. Notes that the project team will continue to engage with the community and stakeholders throughout the public exhibition period using the options and tools available highlighted in the Wollombi Road Upgrade Community and Consultation Engagement Plan which is aligned with Council's Community Participation Plan.
4. Requests the General Manager ensure all residents have the opportunity to access the same information regarding the Wollombi Road Upgrade Project by holding multiple, large scale, community information sessions for residents and businesses, and that Councillors be invited to attend these sessions.

FOR

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

Total (10)

AGAINST

Councillor Watton
Councillor Olsen
Councillor Jurd

Total (3)

CARRIED

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

MOTION
679

Moved: Councillor Dunn

Seconded: Councillor Burke

RESOLVED

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

OFFICERS REPORTS

‡	CC6/2024	Australian Local Government Association 2024 National General Assembly - Request for Attendance and Motions	71
‡	CC7/2024	Investment Report - December 2023	74
‡	CC8/2024	Investment Report - January 2024.....	81
‡	CC10/2024	Resolutions Tracking Report.....	91

Council adopt the recommendations as printed for those items.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

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

NOTICE OF INTENTION NO. NI1/2024

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

**REPORT GMU1/2024 - CODE OF CONDUCT: CONSIDERATION OF
FINAL INVESTIGATION REPORT AND RECOMMENDATION OF
FORMAL CENSURE - COUNCILLOR JURD.**

**REPORT GMU2/2024 - CODE OF CONDUCT: CONSIDERATION OF
FINAL INVESTIGATION REPORT AND RECOMMENDATION OF
FORMAL CENSURE - COUNCILLOR OLSEN.**

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Sander
680

RESOLVED

1. That Council considers in Confidential Session the following matters in accordance with Sections 10A (2) (i) of the *Local Government Act 1993*:

Report GMU1/2024 – Code of Conduct: Consideration of Final Investigation Report and Recommendation of Formal Censure – Councillor Jurd.

Report GMU2/2024 – Code of Conduct: Consideration of Final Investigation Report and Recommendation of Formal Censure – Councillor Olsen.

As the report contains alleged contraventions of any code of conduct requirements applicable under section 440.

2. That Council requests the Mayor in accordance with Clause 14.21 of Councils Code of Meeting Practice to report on these matters to the meeting in Open Session following completion of the Confidential Session.

FOR	AGAINST
Councillor Jackson	Councillor Watton
Councillor Moores	Councillor Olsen
Councillor Dunn	Councillor Jurd
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Suvaal	
Total (10)	Total (3)

CARRIED

MAYORAL MINUTES

MAYORAL MINUTES NO. MM1/2024

SUBJECT: COST SHIFTING TO LOCAL COUNCILS

MOTION **Moved:** Councillor Suvaal

681

RESOLVED

1. That Council receive and notes the findings of the LGNSW Cost Shifting report for the 2021/2022 financial year;
2. That Council provide a copy of the cost shifting report on Council's website so that our communities can access it; and
3. That Council write to the NSW Premier, NSW Treasurer, NSW Minister for Local Government and State Member for Cessnock, requesting that they urgently address these costs through a combination of regulatory reform, budgetary provision and appropriate funding.

Councillor Hawkins left the meeting, the time being 8:12 pm

Councillor Hawkins returned to the meeting, the time being 8:13 pm

FOR	AGAINST
Councillor Jackson	Councillor Jurd
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Suvaal	
Total (12)	Total (1)

CARRIED

MAYORAL MINUTES NO. MM2/2024

SUBJECT: MINUTES OF THE COMMUNITY ENGAGEMENT AWARDS AND GRANTS COMMITTEE 21 NOVEMBER 2023

MOTION **Moved:** Councillor Suvaal
682

RESOLVED

That the minutes of the meeting of the Council Initiated Awards Committee held on 21 November 2023 be received and noted.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

MAYORAL MINUTES NO. MM3/2024

**SUBJECT: MINUTES OF THE ORGANISATIONAL AND GENERAL MANAGER'S
REVIEW COMMITTEE MEETING OF 8 FEBRUARY 2024**

MOTION **Moved:** Councillor Suvaal
683

RESOLVED

That the Minutes of the Organisational and General Manager's Performance Review Committee of 8 February 2024 be adopted as a resolution of the Ordinary Council.

FOR	AGAINST
Councillor Jackson	Councillor Olsen
Councillor Moores	Councillor Jurd
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Suvaal	
Total (11)	Total (2)

CARRIED

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU1/2024

SUBJECT: MOTIONS OF URGENCY

MATTER OF URGENCY – PEDESTRIAN REFUGE – ALLANDALE ROAD, CESSNOCK

Moved: Councillor Jurd
684

Seconded: Councillor Olsen

RESOLVED

That the matter of urgency regarding the pedestrian refuge at Allandale Road, Cessnock, be discussed at the end of the meeting.

Councillor Jackson left the meeting, the time being 8:43 pm

Councillor Jackson returned to the meeting, the time being 8:45 pm

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

MATTER OF URGENCY – HUNTER COMMUNITY ALLIANCE

Moved: Councillor Olsen

Seconded: Councillor Jurd

A matter of urgency was raised asking the Mayor to provide a report to council at the 20 March 2024 meeting answering questions regarding the Hunter Community Alliance.

The Mayor rule that the motion was not urgent.

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE1/2024

SUBJECT: 174 - 178 LANG STREET, KURRI KURRI - DRAFT PLANNING AGREEMENT

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Grine
685

RESOLVED

1. That Council publicly notify the Draft Planning Agreement for a minimum period of 28 days.
2. That Council publicly notify the Road Closure for a minimum of 28 days.
3. That Council delegate authority to the General Manager to execute the Planning Agreement unless unresolved written objections are received during the notification period.
4. That Council delegate authority to the General Manager to proceed with the road closure unless unresolved written objections are received during the notification period.

Councillor Moores left the meeting, the time being 8.45pm

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

Councillor Olsen left the meeting, the time being 8.49pm

Councillor Olsen returned to the meeting, the time being 8.50pm

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC1/2024

SUBJECT: LAND ACQUISITION - SOUTH CESSNOCK BUND WALL

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Sander
686
RESOLVED

That Council authorise the following actions to purchase Crown land required for the South Cessnock Flood Mitigation Scheme Bund Wall project:

- Application to the Minister and the Governor for approval to acquire (part) lot 3 DP 1145540 by compulsory process under section 186(1) of the *Local Government Act 1993*;
- Compulsory acquisition of (part) lot 3 DP 1145540 for flood mitigation purposes in accordance with requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*;
- On transfer of ownership to Council, the land is classified as operational land.
- Request the Mayor and General Manager advocate to the Hon. Steve Kamper MP, Minister for Lands and Property and Mr Clayton Barr MP, Member for Cessnock, to transfer the land to council at nil cost.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC2/2024

SUBJECT: ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2023

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Sander
687

RESOLVED

1. That the Annual Financial Statements, incorporating the Auditor's Reports for the year ended 30 June 2023, be received and the information be noted.
2. That Council notes the Audit Office of NSW issued a qualified audit opinion with respect to the year ended 30 June 2023 due to Council not recognising Rural Fire Service fleet assets in the General Purpose Financial Statements, which aligns to the existing Policy Position and Council resolution relating to this matter.
3. That Council reaffirms its position in regards to not recognising RFS fleet assets; that RFS fleet assets are not controlled by Council; that rural firefighting equipment is vested in, under the control of and the property of the State and notes the significant sector wide campaign on this issue.
4. That Council reaffirms its complete support of and commitment to local RFS brigades and that Councils position in regards to asset recognition does not impact on that support or the volunteers within the LGA.

FOR

Councillor Jackson
Councillor Moores
Councillor Dunn
Councillor Burke
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Watton
Councillor Suvaal
Total (11)

AGAINST

Councillor Olsen
Councillor Jurd

Total (2)

CARRIED

Councillor Hawkins left the meeting, the time being 8.54pm

Councillor Hawkins returned to the meeting, the time being 8.55pm

CORPORATE AND COMMUNITY NO. CC3/2024

SUBJECT: COUNCIL RECESS PERIOD - DECISIONS MADE UNDER DELEGATED AUTHORITY

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Dunn
688

RESOLVED

That Council notes that during the recess period of Council, the Mayor and General Manager under delegated authority exercised the following decisions of Council:

- Tender T2024-11 Cessnock Regional Skatepark

At the Ordinary Council meeting on 13 December 2023, Trinity Skateparks Pty Ltd (Trinity) was awarded the Tender. Trinity have advised that, due to scheduling conflicts, they have declined to proceed with the tender.

Decision: Award of Tender T2024-11 to Trinity Skateparks Pty Ltd be rescinded as the preferred tendered has declined to proceed with the tender; and that Tender T2024-11 be awarded to Convic Pty Ltd for the lump sum of \$2,183,721.58 (including GST) for the replacement of Cessnock Regional Skatepark.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC4/2024

SUBJECT: DECEMBER 2023 REVIEW OF THE 2022-26 DELIVERY PROGRAM

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

689

RESOLVED

1. That Council notes the progress in implementing the 2022-26 Delivery Program as at 31 December 2023.
2. That Council approves changes to the 2023-24 Operational Plan actions and targets as outlined in the report.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC5/2024

SUBJECT: QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2023

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Sander
690
RESOLVED

1. That Council receives the December 2023 Quarterly Budget Review Statement in accordance with Clause 203 of the Local Government (General) Regulation 2021.
2. That Council notes that the December 2023 Quarterly Budget Review Statement reflects a forecast operating surplus for the year of \$37.1m or (\$6.9m) deficit excluding capital income.
3. That Council notes that the December 2023 Quarterly Budget Review Statement reflects a forecast capital expenditure budget of \$75.4m.
4. That council approves proposed changes to the 2023-24 operating and capital budgets as presented in the quarterly business report December 2023, except that the Greta – Branxton cycleway project budget be retained at \$1m.
5. That Council notes that the Quarterly Budget Review Statement forecasts four of the six key performance indicators will exceed Office of Local Government benchmarks.

FOR	AGAINST
Councillor Jackson	Councillor Jurd
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Suvaal	
Total (12)	Total (1)

CARRIED

CORPORATE AND COMMUNITY NO. CC6/2024

**SUBJECT: AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION 2024
NATIONAL GENERAL ASSEMBLY - REQUEST FOR ATTENDANCE
AND MOTIONS**

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

691

RESOLVED

1. That Councillors wishing to attend the Australian Local Government Association 2024 National General Assembly make an application to attend the annual conference to the General Manager by 1 March 2024 so that Council can determine attendees at the meeting of 20 March 2024.
2. That Councillors consider possible motions for the conference and that they be provided to the General Manager by 1 March 2024 for consideration/endorsement by Council at the meeting of 20 March 2024.

FOR

AGAINST

Councillor Jackson
Councillor Moores
Councillor Dunn
Councillor Burke
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Watton
Councillor Olsen
Councillor Jurd
Councillor Suvaal
Total (13)

Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC7/2024

SUBJECT: INVESTMENT REPORT - DECEMBER 2023

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Burke
692
RESOLVED

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

- Investments are held in accordance with Council’s Investment Policy, which is in accordance with the Ministerial Investment Order.
- Council’s month end cash and investments balance was \$86,057,432.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC8/2024

SUBJECT: INVESTMENT REPORT - JANUARY 2024

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Burke
693
RESOLVED

That Council receives the Investment Report for January 2024 and notes that:

- Investments are held in accordance with Council’s Investment Policy, which is in accordance with the Ministerial Investment Order.
- Council’s month end cash and investments balance was \$82,315,146.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC9/2024

SUBJECT: DISCLOSURES OF INTERESTS IN WRITTEN RETURNS

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Sander
694
RESOLVED

That Council notes the tabling of the disclosures of interests written returns for the period 1 November 2023 and 31 January 2024 in accordance with Council's Code of Conduct.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC10/2024

SUBJECT: RESOLUTIONS TRACKING REPORT

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Burke
695
RESOLVED

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

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI2/2024

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

MOTION **Moved:** Councillor Hawkins **Seconded:** Councillor Paynter
696
RESOLVED

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

- **TC57/2023** – That Council authorises the temporary regulation of traffic for the Kurri Kurri Nostalgia Festival event in accordance with the Various Roads Kurri Kurri _ Nostalgia Festival TCP's.
- **TC58/2023** – That Council authorises the temporary regulation of traffic on Paynes Crossing Road, Wollombi for the Wollombi Public Holiday Markets events in accordance with the Paynes Crossing Road Wollombi _ Wollombi Markets Traffic Control Plans.

FOR	AGAINST
Councillor Jackson	
Councillor Moores	
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BUSINESS WITH NOTICE NO. BN1/2024

SUBJECT: MOUNTAIN BIKE TRAILS

MOTION **Moved:** Councillor Jurd **Seconded:** Councillor Olsen

1. That Council form a committee to plan and design Mountain bike trails in the LGA to encourage more tourism to the area and support locals who are involved in the sport.
2. That the committee should consist of at least one councillor, staff members and invite residents who participate in the sport to apply so we can use their expertise and knowledge of the local area.

Councillor Grine left the meeting, the time being 9.15pm

Councillor Paynter left the meeting, the time being 9.15pm

Councillor Grine returned to the meeting, the time being 9.17pm

Councillor Paynter returned to the meeting, the time being 9.18pm

Councillor Jackson left the meeting, the time being 9.24pm

AMENDMENT **Moved:** Councillor Hill **Seconded:** Councillor Burke
697

That Council note:

1. The Trails Reference Group has been formed from the Trails Strategy to assess, manage and endorse mountain bike trail proposals within the LGA to ensure alignment with the vision and objectives set within the Trails Strategy.
2. Any recommendations for current and future mountain bike trails be referred to the Trails Reference Group.
3. Request the General Manager work with the Trails Reference Group to amend the terms of reference to allow Councillors to attend future meetings.

FOR	AGAINST
Councillor Dunn	Councillor Moores
Councillor Burke	Councillor Paynter
Councillor Grine	Councillor Watton
Councillor Sander	Councillor Olsen
Councillor Hill	Councillor Jurd
Councillor Hawkins	
Councillor Suvaal	
Total (7)	Total (5)

The Amendment was PUT and CARRIED.

The Amendment now becomes the Motion.

MOTION
698

Moved: Councillor Hill

Seconded: Councillor Burke

RESOLVED

1. That Council notes the Trails Reference Group has been formed from the Trails Strategy to assess, manage and endorse mountain bike trail proposals within the LGA to ensure alignment with the vision and objectives set within the Trails Strategy.
2. That any recommendations for current and future mountain bike trails be referred to the Trails Reference Group.
3. That Council request the General Manager work with the Trails Reference Group to amend the terms of reference to allow Councillors to attend future meetings.

FOR

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

Total (7)

AGAINST

Councillor Moores
Councillor Paynter
Councillor Watton
Councillor Olsen
Councillor Jurd

Total (5)

CARRIED

Councillor Jackson returned to the meeting, the time being 9.28pm

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU1/2024

MATTER OF URGENCY – PEDESTRIAN REFUGE – ALLANDALE ROAD, CESSNOCK

Moved: Councillor Jurd

Seconded: Councillor Olsen

1. **That Council does not proceed with the installation of the pedestrian refuge at Allandale Road, Cessnock until a meeting is held on site with the following invited:**
 - Residents of the area
 - Staff involved with the project
 - Mayor and councillors
2. **After the meeting a report come back to council for approval**

FOR	AGAINST
Councillor Moores	Councillor Jackson
Councillor Paynter	Councillor Dunn
Councillor Watton	Councillor Burke
Councillor Olsen	Councillor Grine
Councillor Jurd	Councillor Sander
	Councillor Hill
	Councillor Hawkins
	Councillor Suvaal
Total (5)	Total (8)

The Matter of Urgency was PUT and LOST

COUNCILLOR REPORTS

Nil

9:48PM

Confidential reports (closed session)

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Grine
699
RESOLVED

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

FOR	AGAINST
Councillor Jackson	Councillor Olsen
Councillor Moores	Councillor Jurd
Councillor Dunn	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Paynter	
Councillor Watton	
Councillor Suvaal	
Total (11)	Total (2)

Councillor Jurd left the meeting, the time being 9.52pm

Councillor Jurd returns to the meeting, the time being 9.55pm

Councillor Jurd left the meeting, the time being 10.01pm

Councillor Olsen left the meeting, the time being 10.18pm

Councillor Jurd returns to the meeting, the time being 10.19pm

Councillor Olsen returns to the meeting, the time being 10.20pm

Councillor Olsen left the meeting, the time being 10.25pm

Councillor Olsen returns to the meeting, the time being 10.30pm

CARRIED

EXTENSION OF TIME**Moved:**
Seconded:Councillor Burke
Councillor Dunn

700

RESOLVED

That Council endorses the extension of meeting time until the end of the report from confidential session.

FOR

Councillor Jackson
Councillor Moores
Councillor Dunn
Councillor Burke
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Watton
Councillor Suvaal
Total (11)

AGAINST

Councillor Olsen
Councillor Jurd

Total (2)

CARRIED

10.31pm

Open Session**MOTION****Moved:** Councillor Grine**Seconded:** Councillor Sander

701

RESOLVED

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

FOR

Councillor Jackson
Councillor Moores
Councillor Dunn
Councillor Burke
Councillor Grine
Councillor Sander
Councillor Hill
Councillor Hawkins
Councillor Paynter
Councillor Watton
Councillor Olsen
Councillor Jurd
Councillor Suvaal
Total (13)

AGAINST**Total (0)****CARRIED UNANIMOUSLY**

GENERAL MANAGER'S UNIT NO. GMU1/2024

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

This matter is considered to be confidential under the report contains alleged contraventions of any code of conduct requirements applicable under section 440

MOTION **Moved:** Councillor Dunn **Seconded:** Councillor Hill
702
RESOLVED

1. That Council receives and notes the Final Investigation Report in relation to a Code of Conduct complaint against Councillor Jurd provided by separate confidential enclosure.
2. That the oral submission from Councillor Jurd addressing the investigators recommendation be received and noted.
3. That Council accepts the findings in the Final Investigation Report that Councillor Jurd breached clauses 3.1, 3.2, 3.3, 3.7, 3.8, 3.10, 7.2, 7.6 and 8.21 of the Code of Conduct by:
 - a. by making statements in the public domain via social media that inferred Council staff were not telling the truth; and
 - b. by making statements in the public domain via social media that a reasonable and informed person would find belittling and harassment; and
 - c. by knowingly conducting herself in an improper and unethical manner; and
 - d. by acting contrary to Council's administrative policies.
4. That Council, in accordance with section 440G of the Local Government Act, and based on the findings and recommendation in the Final Investigation Report, formally censures Councillor Jurd for:
 - a. breaching clause 3.1 of the Code on the grounds that Councillor Jurd conducted herself in a matter that:
 - i. bought Cessnock City Council or other Council officials into disrepute;
 - ii. is contrary to statutory requirements or the Council's administrative requirements or policies,
 - iii. is improper or unethical,
 - iv. is an abuse of power,
 - v. causes, comprises or involves intimidation or verbal abuse, and
 - vi. constitutes harassment or bullying behaviour under this Code, or is unlawfully discriminatory;
 - b. breaching clause 3.2 of the Code on the grounds that Councillor Jurd did not act lawfully or honestly and exercise a reasonable degree of care and diligence in carrying out her functions;

- c. breaching clause 3.3 of the Code on the grounds that Councillor Jurd did not consider issues consistently, promptly and fairly and did not deal with matters in accordance with established procedures, in a non-discriminatory manner;
- d. breaching clause 3.7 of the Code on the grounds that Councillor Jurd engaged in “harassment” by demonstrating behaviour towards a person that:
 - i. is not wanted by the person,
 - ii. offends, humiliates or intimidates the person, and
 - iii. creates a hostile environment.
- e. breaching clauses 3.8 and 3.10 of the Code on the grounds that Councillor Jurd engaged in bullying behaviour towards others including the following behaviour that may involve:
 - i. aggressive, threatening or intimidating conduct
 - ii. belittling or humiliating comments
 - iii. spreading malicious rumours
 - iv. teasing, practical jokes or ‘initiation ceremonies’
 - v. exclusion from work-related events
 - vi. unreasonable work expectations, including too much or too little work, or work below or beyond a worker’s skill level
 - vii. displaying offensive material
 - viii. pressure to behave in an inappropriate manner.
- f. breaching clause 7.2 of the Code on the grounds that Councillor Jurd conducted herself in a manner where she must not:
 - i. direct Council staff other than by giving appropriate direction to the General Manager by way of Council or committee resolution, or by the Mayor or administrator exercising their functions under section 226 of the LGA
 - ii. in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the Council or a delegate of the Council in the exercise of the functions of the staff member or delegate
- g. breaching clause 8.21 of the Code on the grounds that Councillor Jurd misused social media to post or share comments, photos, videos, electronic recordings or other information that:
 - i. compromises your capacity to perform your official duties in an unbiased manner
 - ii. has the potential to have a negative impact on your working relationships within the Council or with external parties
 - iii. is offensive, humiliating, threatening or intimidating to other Council officials or those that deal with the Council
 - iv. has the capacity to damage the Council’s reputation or contains content about the Council that may be misleading or deceptive
 - v. contains allegations of suspected breaches of this Code or information about the consideration of a matter under the Procedures, or
 - vi. could be perceived to be an official comment on behalf of the Council where you have not been authorised to make such comment.

5. That Council refer the matter to the Office of Local Government for further action under the misconduct provisions of the Local Government Act.

6. That the Mayor write to the Office of Local Government outlining the reasons for referral.

FOR	AGAINST
Councillor Jackson	Councillor Paynter
Councillor Moores	Councillor Watton
Councillor Dunn	Councillor Olsen
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Suvaal	
Total (9)	Total (3)

CARRIED

GENERAL MANAGER'S UNIT NO. GMU2/2024

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

This matter is considered to be confidential under the report contains alleged contraventions of any code of conduct requirements applicable under section 440

MOTION

Moved: Councillor Hill

Seconded: Councillor Dunn

703

RESOLVED

1. That Council receives and notes the Final Investigation Report in relation to a Code of Conduct complaint against Councillor Olsen provided by separate confidential enclosure.
2. That the oral submission from Councillor Olsen addressing the investigators recommendation be received and noted.
3. That Council accepts the findings in the Final Investigation Report that Councillor Olsen breached clauses 3.1, 3.2, 3.3, 3.7, 3.8, 3.10, 7.2, 7.6 and 8.21 of the Code of Conduct by:
 - a. by making statements in the public domain via social media that inferred Council staff were not telling the truth; and
 - b. by making statements in the public domain via social media that a reasonable and informed person would find belittling and harassment; and
 - c. by knowingly conducting himself in an improper and unethical manner; and
 - d. by acting contrary to Council's administrative policies.
4. That Council, in accordance with section 440G of the Local Government Act, and based on the findings and recommendation in the Final Investigation Report, formally censures Councillor Olsen for:
 - a. breaching clause 3.1 of the Code on the grounds that Councillor Olsen conducted himself in a matter that:
 - i. bought Cessnock City Council or other Council officials into disrepute;
 - ii. is contrary to statutory requirements or the Council's administrative requirements or policies,
 - iii. is improper or unethical,
 - iv. is an abuse of power,
 - v. causes, comprises or involves intimidation or verbal abuse, and
 - vi. constitutes harassment or bullying behaviour under this Code, or is unlawfully discriminatory;
 - b. breaching clause 3.2 of the Code on the grounds that Councillor Olsen did not act lawfully or honestly and exercise a reasonable degree of care and diligence in carrying out his functions;

- c. breaching clause 3.3 of the Code on the grounds that Councillor Olsen did not consider issues consistently, promptly and fairly and did not deal with matters in accordance with established procedures, in a non-discriminatory manner;
- d. breaching clause 3.7 of the Code on the grounds that Councillor Olsen engaged in “harassment” by demonstrating behaviour towards a person that:
 - i. is not wanted by the person,
 - ii. offends, humiliates or intimidates the person, and
 - iii. creates a hostile environment.
- e. breaching clauses 3.8 and 3.10 of the Code on the grounds that Councillor Olsen engaged in bullying behaviour towards others including the following behaviour that may involve:
 - i. aggressive, threatening or intimidating conduct
 - ii. belittling or humiliating comments
 - iii. spreading malicious rumours
 - iv. teasing, practical jokes or ‘initiation ceremonies’
 - v. exclusion from work-related events
 - vi. unreasonable work expectations, including too much or too little work, or work below or beyond a worker’s skill level
 - vii. displaying offensive material
 - viii. pressure to behave in an inappropriate manner.
- f. breaching clause 7.2 of the Code on the grounds that Councillor Olsen conducted himself in a manner where he must not:
 - i. direct Council staff other than by giving appropriate direction to the General Manager by way of Council or committee resolution, or by the Mayor or administrator exercising their functions under section 226 of the LGA
 - ii. in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the Council or a delegate of the Council in the exercise of the functions of the staff member or delegate
- g. breaching clause 8.21 of the Code on the grounds that Councillor Olsen misused social media to post or share comments, photos, videos, electronic recordings or other information that:
 - i. compromises your capacity to perform your official duties in an unbiased manner
 - ii. has the potential to have a negative impact on your working relationships within the Council or with external parties
 - iii. is offensive, humiliating, threatening or intimidating to other Council officials or those that deal with the Council
 - iv. has the capacity to damage the Council’s reputation or contains content about the Council that may be misleading or deceptive
 - v. contains allegations of suspected breaches of this Code or information about the consideration of a matter under the Procedures, or
 - vi. could be perceived to be an official comment on behalf of the Council where you have not been authorised to make such comment.

5. That Council refer the matter to the Office of Local Government for further action under the misconduct provisions of the Local Government Act.

6. That the Mayor write to the Office of Local Government outlining the reasons for referral.

Councillor Hawkins left the meeting, the time being 10.37pm

Councillor Jurd left the meeting, the time being 10.37pm

Councillor Jurd returned to the meeting, the time being 10.38pm

Councillor Hawkins returned to the meeting, the time being 10.39pm

Councillor Hill left the meeting, the time being 10.39pm

Councillor Hill returned to the meeting, the time being 10.41pm

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

CARRIED

The Meeting Was Declared Closed at 10.42pm

CONFIRMED AND SIGNED at the meeting held on 20 MARCH 2024

.....**CHAIRPERSON**

.....**GENERAL MANAGER**

Disclosures Of Interest

Report No. DI2/2024

Corporate and Community Services



SUBJECT: *DISCLOSURES OF INTEREST*

RESPONSIBLE OFFICER: *Chief Finance Officer - Matthew Plumridge*

RECOMMENDATION

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

SUMMARY

The provisions of Chapter 14 of the Local Government Act, 1993 regulate the way in which Councillors and nominated staff of council conduct themselves to ensure that there is no conflict between their private interests and their public trust.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest must be disclosed as soon as practicable after the start of the meeting and the reasons for declaring such interest.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussions, voting on that matter, and require that member to vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

ENCLOSURES

There are no enclosures for this report.

Notice of Intention to Deal With Matters in Confidential Session

Report No. NI2/2024

Corporate and Community Services



SUBJECT: *NOTICE OF INTENTION TO DEAL WITH MATTERS IN CONFIDENTIAL SESSION - REPORT WI5/2024 - HUNTER RESOURCE RECOVERY (HRR) KERBSIDE RECYCLING CONTRACT*

RESPONSIBLE OFFICER: *Chief Finance Officer - Matthew Plumridge*

RECOMMENDATION

1. That Council considers in Confidential Session the following matter in accordance with Sections 10A (2) (di) of the *Local Government Act 1993*:
 - Report WI5/2024 – Hunter Resource Recovery (HRR) Kerbside Recycling Contract as the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.
2. That Council requests the Mayor in accordance with Clause 14.21 of Councils Code of Meeting Practice to report on these matters to the meeting in Open Session following completion of the Confidential Session.

SUMMARY

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

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

ENCLOSURES

Motions of Urgency

Report No. MOU2/2024

Corporate and Community Services



SUBJECT: *MOTIONS OF URGENCY*

RESPONSIBLE OFFICER: *Chief Finance Officer - Matthew Plumridge*

RECOMMENDATION

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

SUMMARY

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

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

ENCLOSURES

There are no enclosures for this report.

General Manager's Unit

Report No. GMU3/2024

General Manager's Unit



SUBJECT: *MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD 7 FEBRUARY 2024*

RESPONSIBLE OFFICER: *Internal Auditor - Lisa Ollerton
General Manager - Ken Liddell*

RECOMMENDATION

That the Minutes of the Audit and Risk Committee Meeting held 7 February 2024 be adopted as a resolution of the Ordinary Council.

MINUTES OF AUDIT & RISK COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL HELD IN ANTE ROOM ON WEDNESDAY, 7 FEBRUARY 2024, COMMENCING AT 9.30AM

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

IN ATTENDANCE: Ken Liddell – General Manger
Robert Maginness – Director Corporate & Community Services
Peter Chrystal – Director Planning & Environment
Paul McLachlan – Director Works & Infrastructure
Michelle Honeyman – People & Culture Manager
Lisa Ollerton – Internal Auditor
Matthew Plumridge – Chief Financial Officer
Luke Malone – Prosperity Advisers (via Teams)
Cassie Malone – Audit Office of NSW (via Teams)
India Anderson – Minute Taker

INVITEES: Arun Varghese – Finance Coordinator
Charmaine Bennett – Safety & Risk Coordinator
Keri Neveldsen – Governance & Council Support Coordinator
Renee Nagy – Council Services Admin Officer

APOLOGIES

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

That the apology on behalf of Councillor Paynter be accepted.

General Manager's Unit

Report No. GMU3/2024

General Manager's Unit



CONFIRMATION OF MINUTES

MINUTES:

MOTION

Moved: Mayor Suvaal

Seconded: Jennifer Hayes

RECOMMENDED that the Minutes of the Audit & Risk Committee held on 8 November 2023, as circulated, be taken as read and confirmed as a correct record.

CARRIED UNANIMOUSLY

MINUTES:

MOTION

Moved: Mayor Suvaal

Seconded: Jennifer Hayes

RECOMMENDED that the Minutes of the Extraordinary Audit & Risk Committee held on 23 November 2023, as circulated, be taken as read and confirmed as a correct record.

CARRIED UNANIMOUSLY

ACKNOWLEDGEMENT OF COUNTRY

The Chair delivered an Acknowledgement of Country.

DISCLOSURES OF INTEREST

COMMITTEE DISCLOSURE OF INTEREST NO. ACCDI1/2024

SUBJECT: DISCLOSURES OF INTEREST

Nil

BUSINESS ARISING FROM THE MINUTES

Item	Resolutions/Actions	Responsible Officer	Status
10 May 2022 ACCLM12/2022	Action: That the Internal Auditor reassess risk ratings after the actions due by September on the Farmland Rating categories (Pg. 85) are completed.	Lisa Ollerton – Internal Auditor	Update: The risk rating under the current enterprise risk framework remains unchanged.

LISTED MATTERS

LISTED MATTERS - COMMITTEE NO. ACCLM1/2024

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

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

RECOMMENDATION

That the Audit and Risk Committee receives and endorses the audited Annual Financial Statements for the year ended 30 June 2023 for presentation to Council and the public at the Ordinary Council Meeting of 21 February 2024.

CARRIED UNANIMOUSLY

LISTED MATTERS - COMMITTEE NO. ACCLM2/2024

SUBJECT: ANNUAL ENGAGEMENT PLAN 2024

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

RECOMMENDATION

That the Audit and Risk Committee notes the receipt and presentation of the Annual Engagement Plan for the Year Ending 30 June 2024 from the Audit Office of NSW.

CARRIED UNANIMOUSLY

LISTED MATTERS - COMMITTEE NO. ACCLM3/2024

SUBJECT: PERIODIC RISK UPDATE

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

RECOMMENDATION

That the Audit and Risk Committee note the periodic risk update.

CARRIED UNANIMOUSLY

General Manager's Unit
Report No. GMU3/2024
General Manager's Unit



LISTED MATTERS - COMMITTEE NO. ACCLM4/2024

SUBJECT: LEGISLATIVE COMPLIANCE REPORT 2022-2023

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

RECOMMENDATION

That the Audit and Risk Committee notes the update on Legislative Compliance during 2022-2023.

CARRIED UNANIMOUSLY

LISTED MATTERS - COMMITTEE NO. ACCLM5/2024

SUBJECT: INTERNAL AUDIT REPORT FEBRUARY 2024

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

RECOMMENDATION

That the Audit and Risk Committee notes:

- The Internal Audit Report for February 2024;
- That twenty-one (21) agreed audit actions were implemented during the period; and
- That fifty-two (52) recommendations are open as at 25 January 2024, twelve (12) overdue, one (1) not accepted.

CARRIED UNANIMOUSLY

General Manager's Unit
Report No. GMU3/2024
General Manager's Unit



LISTED MATTERS - COMMITTEE NO. ACCLM6/2024

SUBJECT: GAPS ANALYSIS - RISK MANAGEMENT AND INTERNAL AUDIT GUIDELINES (OFFICE OF LOCAL GOVERNMENT)

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

RECOMMENDATION

That the Audit and Risk Committee notes the report and recommends the following actions (if any) to be taken:

- That an update on progress be provided to each committee meeting against the risk management and internal audit guidelines.

CARRIED UNANIMOUSLY

LISTED MATTERS - COMMITTEE NO. ACCLM7/2024

SUBJECT: AUDIT, RISK AND IMPROVEMENT COMMITTEE CHARTER

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

RECOMMENDATION

That the Audit and Risk Committee review the Audit, Risk and Improvement Committee Charter and provide feedback to the Internal Auditor by 31 March 2024.

Action: Final draft Charter to be presented to the Committee at the May 2024 meeting for endorsement prior to being presented to Council for approval June 2024.

CARRIED UNANIMOUSLY

General Manager's Unit
Report No. GMU3/2024
General Manager's Unit



LISTED MATTERS - COMMITTEE NO. ACCLM8/2024

SUBJECT: AUDIT AND RISK COMMITTEE - STRATEGIC WORKPLAN AND ANNUAL WORKPLAN (2024-2025)

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

RECOMMENDATION

That the Audit and Risk Committee review the Strategic Workplan and provide feedback to the Internal Auditor by 31 March 2024.

Action: Final Strategic Workplan to be presented to the Committee at the May 2024 meeting for endorsement.

CARRIED UNANIMOUSLY

LISTED MATTERS - COMMITTEE NO. ACCLM9/2024

SUBJECT: INTERNAL AUDIT CHARTER

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

RECOMMENDATION

That the Audit and Risk Committee review the Internal Audit Charter and provide feedback to the Internal Auditor by 31 March 2024.

Action: Final draft Charter to be presented to the Committee at the May 2024 meeting for endorsement prior to being presented to Council for approval June 2024.

CARRIED UNANIMOUSLY

General Manager's Unit
Report No. GMU3/2024
General Manager's Unit



LISTED MATTERS - COMMITTEE NO. ACCLM10/2024

SUBJECT: AUDIT AND RISK COMMITTEE FORWARD PLAN

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

RECOMMENDATION

1. That the Audit and Risk Committee notes the indicative calendar of reports for February and May 2024.
2. That the Audit and Risk Committee review the Audit, Risk and Improvement Committee Report Calendar 2024-2025 and provide feedback to the Internal Auditor by 31 March 2024.

Action: Final Committee Report Calendar to be presented to the Committee at the May 2024 meeting for endorsement.

CARRIED UNANIMOUSLY

LISTED MATTERS - COMMITTEE NO. ACCLM11/2024

SUBJECT: QUARTERLY BUDGET REVIEW STATEMENT - Q2 DECEMBER 2023

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

RECOMMENDATION

1. That the Audit and Risk Committee receives the Quarterly Budget Review Statement Q2 December 2023 and endorses its presentation to Council in accordance with Clause 203 of the Local Government (General) Regulation 2021.
2. That the Audit and Risk Committee notes that the Quarterly Budget Review Statement Q2 December 2023 reflects a forecast operating surplus for the year of \$37.1m or a deficit of \$6.9m excluding capital income.
3. That the Audit and Risk Committee notes that the Quarterly Budget Review Statement Q2 December 2023 reflects a forecast full year capital works program of \$75.4m.
4. That the Audit and Risk Committee notes that the Quarterly Budget Review Statement Q2 December 2023 forecasts four out of six key performance indicators to exceed Office of Local Government benchmarks, with the Operating Performance Ratio and Own Source Operating Revenue Ratio not meeting benchmarks.

CARRIED UNANIMOUSLY

General Manager's Unit

Report No. GMU3/2024

General Manager's Unit



GENERAL BUSINESS

Management advised that council has attached a report called "Making Sense of Financial Statements" to the Financial Statements on public exhibition. This document is for the general public outlining councils opinion on the results and is intended to provide easily understood common sense information for the public. This will be included with the Financial Statements.

The Chair acknowledged that this demonstrates Council cares about the community and want to ensure everyone can understand what is now a complex document.

The Chair thanked Independent Member, Damien Connor, being his final meeting, for his contribution to Council and the Committee, and wished him well for the future.

The Chair congratulated Independent Member, William Middleton, on the news of his reappointment to the Audit & Risk Committee for a further two years to 31 December 2025.

The Meeting Was Declared Closed at 11.38am

ENCLOSURES

There are no enclosures for this report.



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

701 LOVEDALE ROAD, LOVEDALE

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

APPLICATION NUMBER:	8/2021/22318/1
PROPOSAL:	Alterations and Additions to Existing Cafe comprising an Amenities Building, Pop-up Coffee Stand, Juice Bar, Additional Carparking, Outdoor Lighting and Extended Cafe Trading Hours
PROPERTY DESCRIPTION:	Lot 81, DP 831654
PROPERTY ADDRESS:	701 Lovedale Road, Lovedale
ZONE:	RU4 Primary Production Small Lots
OWNER:	Greemanns Pty Ltd
APPLICANT:	Gartlemann Wines C/- Complete Planning Solutions

RECOMMENDATION

1. That:
 - (i) Development Application No. 8/2021/22318/1 proposing alterations and additions to the existing cafe comprising an amenities' building, pop-up coffee stand, juice bar, additional carparking, outdoor lighting and extended cafe trading hours at Lot 81, DP831654, 701 Lovedale Road, Lovedale, be refused pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, for the reasons contained in this report.
 - (ii) The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:
 - a. The proposal fails to satisfy the following provisions of the *Cessnock Local Environmental Plan 2011* (pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*):

REASON FOR REPORT

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

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

BACKGROUND

Council originally considered this Application at its meeting held on 15 November 2023 where the following was resolved:

1. *That Development Application No. 8/2021/22318/1 proposing alterations and additions to the existing cafe comprising an amenities' building, pop-up coffee stand, juice bar, additional carparking, outdoor lighting and extended cafe trading hours at Lot 81, DP831654, 701 Lovedale Road, Lovedale, be deferred to afford the applicant a final opportunity to submit amended plans/additional information to address the outstanding issues raised in the assessment report; and*
2. *That following assessment of the information, a report be referred to Council's meeting in March 2024 to enable final consideration/determination of the application.*

Following, and in response to the above Council resolution, the Applicant provided a revised Acoustic Report, an amended Statement of Environmental Effects (SoEE) detailing amended operating hours (restricting evening trading hours for the cafe to a maximum of two (2) per week and no more than sixty (60) per year), a revised Structural Engineers Report, and a Building Code of Australia (BCA) Compliance Report.

The Application was re-exhibited, providing the public an opportunity to comment on the development and the amended reports and additional information. Submissions were received in response to the re-exhibition of the Application. A detailed assessment of the Application is attached to this report as **Enclosure 4**. The report includes details about the exhibition of the Application, the submissions and other matters pertaining to the assessment of the Application.



EXECUTIVE SUMMARY

Council is in receipt of Development Application No. 8/2021/22318/1 seeking approval for alterations and additions to the existing cafe comprising an amenities' building, pop-up coffee stand, juice bar, additional carparking, outdoor lighting and extended cafe trading hours at 701 Lovedale Road, Lovedale.

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

The Application was originally notified to seven (7) adjoining properties between 18 August 2022 and 1 September 2022 with three (3) submissions received from three (3) of the notified households, representing 42.8% of the notified properties. The issues raised in these submissions was addressed in the previous Council report considered by Council at its meeting held on 15 November 2023.

The application was re-notified to the same seven (7) adjoining properties from 16 January 2024 to 31 January 2024 to provide neighbours an opportunity to review the additional information and amended reports lodged in support of the proposal. Council received eight (8) submissions during the re-notification period objecting to the proposal. The following is noted in relation to the submissions:

- One (1) submission was received from an adjoining property owner.
- Four (4) submissions were received objecting to the proposal from one (1) household located remote from the site (approximately 1.5km away).
- Three (3) submissions were received objecting to the proposal from three (3) residential households located within the township of Cessnock (approximately 9 km away from the site).

The Application has been further considered and it has been determined that the noise criteria is unlikely to be met due to the inherent constraints of the rural environment and the proximity of the adjoining residential receiver, and cannot be satisfactorily resolved on the information provided.

Information, such as structural engineer's certification, has not been provided to determine the structural adequacy of the unauthorised buildings/structures in respect of the BCA.

The site is unsuitable for the development and is not in keeping with the rural character of the locality.

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

ENCLOSURES

- [1](#) Development Plans
- [2](#) Public Submissions
- [3](#) Amended Statement of Environmental Effects
- [4](#) Planning Assessment Report

SUBJECT: *CESSNOCK TO BRANXTON PUBLIC TRANSPORT
ADVOCACY*

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

SUMMARY

Council recognises that a lack of public transport between Cessnock, Pokolbin, North Rothbury and Branxton is a significant barrier to employment within the Cessnock Local Government Area (LGA).

Advocating for and obtaining, at a minimum, two new bus services between Cessnock and Branxton will be of benefit to the growth of Cessnock LGA, the educational attainment and employment of our people, and will improve connectivity to nearby leisure activities which will improve physical and mental health and economic benefits.

The Cessnock to Branxton Public Transport Advocacy Brochure has been created to communicate local transport needs to the NSW Government.

RECOMMENDATION

That Council endorses the Cessnock to Branxton Public Transport Advocacy Brochure.

BACKGROUND

At its Ordinary Meeting of 20 April 2022, Council resolved (BN15/2022):

1. *Liaise, and work alongside community-based organisations and businesses within our LGA, to develop and implement a Cessnock to Wine Country Pilot Job Shuttle Program.*
2. *Research appropriate, relevant grants that may assist in local businesses and organisations facilitating said Cessnock Pilot Job Shuttle Program.*

At its Ordinary Meeting of 21 September 2022, Council resolved (GMU22/2022):

1. *That Council endorses the proposed Cessnock to Wine Country Pilot Job Shuttle Program.*
2. *That Council endorses the submission of fully funded grant applications for the implementation of the Cessnock to Wine Country Pilot Job Shuttle Program.*

Following resolutions BN15/2022 and GMU22/2022, Council obtained a \$150,000 NSW Government Resources for Regions grant to deliver the Pilot Job Shuttle Program over a 12 month period. The Pilot Job Program did not proceed due to Transport for NSW funding conditions. Following the loss of funding, an advocacy approach for a permanent solution to address transport needs within the Cessnock LGA was developed.



REPORT/PROPOSAL

To unlock the potential of our communities, a robust and efficient public transport system is needed to support our growing population. Current bus transport routes do not directly connect Branxton from Cessnock. All existing routes travel via Maitland, adding a minimum of 45 minutes to the trip.

To enable Cessnock LGA residents to travel between Cessnock and North Rothbury/Branxton in a timely manner, two new public transport routes are proposed:

1. Cessnock to Branxton via Wine Country Drive (both directions).
2. Mount View Road, Cessnock to Branxton via Oakey Creek Road, McDonalds Road and Wine Country Drive (both directions).

These two new routes will connect the rapidly growing suburbs of Cessnock, Bellbird, North Rothbury, Pokolbin and Branxton, providing workers and visitors with an efficient and cost effective public transport solution.

The Cessnock to Branxton Public Transport Advocacy Brochure (refer **Enclosure 1**) has been created to communicate local transport needs to the NSW Government.

OPTIONS

N/A

CONSULTATION

- Economic Development & Tourism Manager
- Communications & Engagement Manager
- Northern Coalfields Community Care Association
- Councillors
- Hunter Region Employment Facilitator
- Workforce Australia Providers
- Cessnock Business Chamber

STRATEGIC LINKS

a. Delivery Program

This report aligns with the following delivery program actions:

- Objective 2.1 Diversifying and growing our economy:
 - 2.1.1 Our local government area is attractive to and supportive of businesses
- Objective 2.2 Achieving more sustainable employment opportunities:
 - 2.2.2 We have a diverse range of local employment opportunities
- Objective 4.1 Better transport links:
 - 4.1.1 We have access to a range of public and community transport

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Planning and Environment



b. Other Plans

This report aligns with the following Greater Cessnock Jobs Strategy 2036 actions:

- Economic Priority 7 Be a leader in Economic Development:
 - 7.5 Continue to build strategic relationships and work collaboratively with government agencies, service providers and other LGA’s within the Hunter Region to support and deliver the projects, soft and hard infrastructure and services needed to facilitate, support and sustain economic development.
 - 7.6 Work in partnership with key stakeholders to leverage opportunities, encourage and progress initiatives and respond to challenges and threats.

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Nil

c. Legislative Implications

N/A

d. Risk Implications

Risk	Risk Ranking	Proposed Treatment	Proposed Risk Ranking
Lower employment due to lack of transport	D4 Medium	Adopt the report	D2 Low

e. Environmental Implications

Nil

f. Other Implications

Lack of access to driver training or a reliable vehicle is an endemic and widespread barrier to employment across regional Australia. The problem is particularly acute in the Cessnock LGA due to limited bus services and no rail transport (excluding Branxton and Greta).

CONCLUSION

Advocating for two new bus services will be of benefit to the growth of Cessnock LGA, the educational attainment and employment of our people and will improve connectivity to nearby leisure activities which will improve physical and mental health, and increase economic benefits. The Cessnock to Branxton Public Transport Advocacy Brochure presented to Council for endorsement.

ENCLOSURES

- [1](#) Cessnock to Branxton Public Transport Advocacy Brochure

Planning and Environment

Report No. PE4/2024

Planning and Environment



SUBJECT: ***VISITOR ECONOMY GRANTS AND SPONSORSHIP PROGRAM 2023/2024 ROUND 2 APPLICATIONS***

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

SUMMARY

The purpose of this report is to inform Council of the applications received under Round 2 of the 2023/2024 Visitor Economy Grants and Sponsorship Program and to seek Council's endorsement to offer conditional sponsorship funding for the purpose of attracting events, conferences and projects to the Cessnock Local Government Area.

RECOMMENDATION

That Council endorses the following funding bids to attract events under Round 2 of the 2023/2024 Visitor Economy Grants and Sponsorship Program:

- 1. Evolve 2024 Conference Sponsorship of \$5,000,**
- 2. Wollombi Gravel Cycling Hub and Festival Sponsorship of \$7,000,**
- 3. Watagans to Werakata Endurance Horse Ride Sponsorship of \$2,000, and**
- 4. Wollombi Taste Festival 2024 Sponsorship of \$7,000.**

BACKGROUND

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

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

This report addresses the above resolution by presenting to Council the Visitor Economy Grants and Sponsorships Program grant applications.

Visitor Economy Grants and Sponsorship Program

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

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

Table 1 - Visitor Economy Grants and Sponsorship Program assessment criteria

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

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

REPORT/PROPOSAL

2023/2024 Visitor Economy Grants and Sponsorship Program Round 2 Applications

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

Table 2 - Visitor Economy Grants and Sponsorship Program Applications

Applicant	Project #	Project Title / Funds Requested / Event Details
Meetings and Events Australia	22	2024 Evolve Conference Funds Requested: \$10,000 Event Expenditure: \$175,000 Event Days: 2 Room Nights: 450 Description: Event industry annual professional development and networking conference
Myrtle and Stone Wollombi	23	2025 Wollombi Gravel Ride Event & Digital Map Funds Requested: \$9,000 Event Expenditure: \$50,000 Event Days: 1 Attendees: 3,000

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		Description: Creation of a gravel riding hub and annual event
Saddlers Creek Wines	24	2024 Wine Makers Lunch and Cooking Classes Funds Requested: \$20,000 Event Expenditure: \$30,000 Event Days: 2 Attendees: 110 Description: A wine and food masterclass experience
Watagan Endurance Riding Club	25	2024 Watagans to Werakata Endurance Horse Ride Funds Requested: \$5,000 Event Expenditure: \$70,000 Event Days: 2 Room Nights: 180 Attendees: 450 Description: A horse riding event from the Watagans to Werakata National Park
Around Hermitage Association Inc	26	2024 D'Vine Long Weekend Funds Requested: \$10,000 Event Expenditure: \$90,000 Event Days: 3 Room Nights: 200 Attendees: 2,000 Description: An event showcasing local wines, beers and produce
Hunter Region Business Hub	27	MICE Social Media Campaign Funds Requested: \$10,000 Visitor Attraction: Unknown Description: Marketing program targeting professionals in the Meetings, Incentives, Conferences and Exhibition/Events (MICE) industry
Wollombi Valley Chamber of Commerce	28	Wollombi Taste Festival 2024 Funds Requested: \$9,500 Event Expenditure: \$384,000 Event Days: 10 Room Nights: 100 Attendees: 3,000 Description: A week-long culinary event aimed at showcasing Wollombi Valley's rich food and wine culture
Brokenwood Wines	29	Hunter Valley, Sydney's Corporate Playground Funds Requested: \$25,000 Visitor Attraction: Unknown Description: Targeted packages and marketing strategies to attract midweek visitation

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

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Table 3 - Visitor Economy Grants and Sponsorship Program Assessment Score

Project #	Project Title	Score out of 100
22	2024 Evolve Conference	72
23	2025 Wollombi Gravel Ride Event & Digital Map	62
24	2024 Wine Makers Lunch and Cooking Classes	10
25	2024 Watagans to Werakata Endurance Horse Ride	49
26	2024 D'Vine Long Weekend	32
27	MICE Social Media Campaign	28
28	Wollombi Taste Festival 2024	65
29	Hunter Valley, Sydney's Corporate Playground	24

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

Table 4 – Proposed Funding

Project #	Project Title	Funding Purpose/Conditions	Proposed Funding
22	2024 Evolve Conference	<ul style="list-style-type: none"> Sponsorship to attract the conference Council recognised as a sponsor Sponsorship paid after the conference is delivered 	\$5,000
23	2025 Wollombi Gravel Ride Event & Digital Map	<ul style="list-style-type: none"> Sponsorship to grow the event and create digital maps Council recognised as a sponsor Payment in the 2024/2025 financial year Sponsorship paid after maps are created 	\$7,000
25	2024 Watagans to Werakata Endurance Horse Ride	<ul style="list-style-type: none"> Sponsorship to grow the event Council recognised as a sponsor Payment in the 2023/2024 financial year 	\$2,000
28	Wollombi Taste Festival 2024	<ul style="list-style-type: none"> Sponsorship to grow the event Council recognised as a sponsor Payment in the 2024/2025 financial year 	\$7,000

If all funding offers are accepted and the events, conferences and projects proceed then approximately \$679,000 in local expenditure will occur as a result of these four projects.

OPTIONS

N/A

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Planning and Environment



CONSULTATION

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

STRATEGIC LINKS

a. Delivery Program

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

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

b. Other Plans

This report aligns with the following plans:

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

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

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

Table 5 – Proposed and Accepted Financial Year Funding Allocation

Project #	Funding Round	22/23	23/24	24/25	Total
1-9	2022/2023 Round 1	\$31,000	\$5,000	-	\$36,000
10-15	2022/2023 Round 2	\$19,000	\$20,000	-	\$39,000
16-21	2023/2024 Round 1		\$24,000	-	\$24,000
22-28	2023/2024 Round 2		\$2,000	\$19,000	\$21,000
Total		\$50,000	\$51,000	\$19,000	\$115,000

Planning and Environment

Report No. PE4/2024

Planning and Environment



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

c. Legislative Implications

Nil

d. Risk Implications

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

e. Environmental Implications

Nil

f. Other Implications

Nil

CONCLUSION

Round 2 of the 2023/2024 Visitor Economy Grants and Sponsorship Program has resulted in eight grant applications totaling \$98,500 being received by Council. Of these applications four events, conferences and projects are proposed to be financially supported to a value of \$21,000.

If all funding offers are accepted and the events, conferences and projects proceed as planned then approximately \$679,000 in local expenditure will occur.

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

ENCLOSURES

There are no enclosures for this report.

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

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

SUMMARY

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

RECOMMENDATION

That Council notes the Development Performance Monitoring Report for December quarter 2023/2024.

BACKGROUND

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

REPORT/PROPOSAL

Data outlined in this report provides details of Council's local development performance during the period of 1 July 2023 to 31 December 2023. The NSW Planning performance dashboard provides additional ePlanning reporting in relation to development assessment. Data for each NSW Council can be monitored comparing data across the state. [NSW Planning Performance Dashboard | Planning Portal](#)

Highlights

- July 2023 to December 2023 a total of 385 development applications were received and a further 75 modifications received. There were 193 applications processing (waiting to be assessed) as at 31 December 2023.
- A total of 395 development applications were determined (approved or refused) during the reporting period July 2023 – December 2023 and a further 72 modifications were also assessed and determined.
- DA Processing days - Median 48 days and average 76 days.
- amccarron@maximadvisors.com.au > Comparative Data processing times from the NSW Planning Portal performance dashboard outlines that Cessnock continues to be consistent with Hunter Councils. When comparing to the NSW state average, Cessnock's average days are well below the year-to-date regional average of 96 days and the state average of 107 days as at 30 November 2023. (December data is not currently available).

Planning and Environment

Report No. PE5/2024

Planning and Environment



- During the YTD December 2023 quarter, two development applications and no modifications were determined by Council, (2 approved, 0 refused). The average processing days for applications determined by Council resolution was 430 days.
- The highest level of development activity during the quarter was in Bellbird.
- The total value of approved development applications and complying development activity within the Cessnock LGA for YTD December quarter was \$303,216,249.
- Private Certifiers currently issue 99% of the market share of complying development activity within the Cessnock LGA, with an average time of 37 days compared to Council issued CDCs average time 22 days.
- A total of 412 Subdivision lots were approved and 473 residential dwellings were approved to be built during the July 2023 - December 2023 period.
(idcommunity Data) [Residential building approvals | Cessnock City Council | Community profile](#)

FINANCIAL YTD DECEMBER 2023



Development Applications

RECEIVED

385



Development Applications

DETERMINED

(approved & refused)

395



Development Applications

MEDIAN DAYS

48



Development Applications

MEAN (AVG) DAYS

76



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

473



Lots approved
during the financial year
2023-24 DEC FYTD

412



FINANCIAL YTD DECEMBER 2023



Determination Body
COUNCIL STAFF

99%



Determination
GRANTING CONSENT

99%

Construction Certificates

32 percent

Principal Certifying
Authority
Market Share

Occupation Certificates

17 percent

Principal Certifying
Authority
Market Share



\$ 170,892,535

Development Applications

Value for approvals

(Development Applications only)



\$ 132,323,714

Complying Development

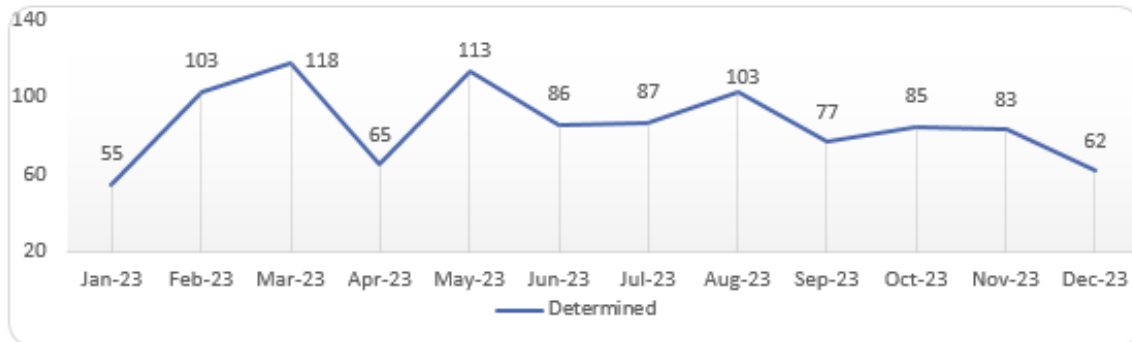
Value for approvals

(Council & Private Certifiers)

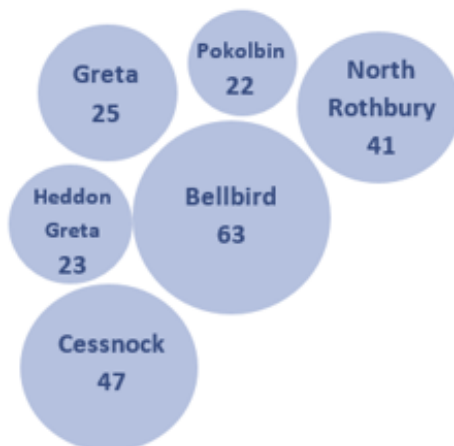


FINANCIAL YTD DECEMBER 2023

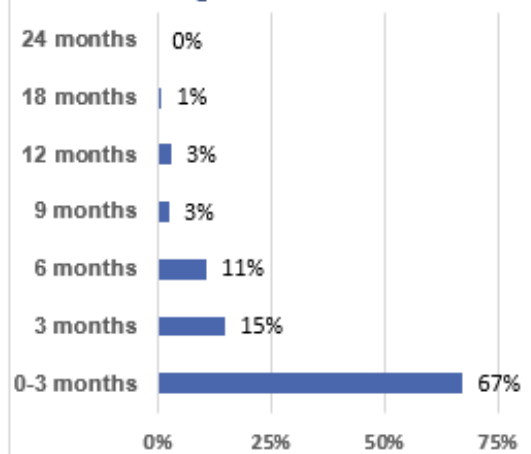
12 Month comparison of applications determined (DAs & Modifications)



No of Developments by Location



Development Applications Percentage of undetermined



Register of Development Applications with Variations to Development Standards
 01/07/2023 - 31/10/2023
 (Last Updated 31/10/2023)

[Planning matters Cessnock City Council \(nsw.gov.au\)](https://www.planningportal.nsw.gov.au)

Effective from 1 November 2023 details of all variation requests both under assessment and determined are now available on the NSW Planning Portal

<https://www.planningportal.nsw.gov.au/variations-register>

Legal Appeals - 2023/2024 – As at 31/12/2023

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

CONSULTATION

The following were consulted in the preparation of this report:

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

STRATEGIC LINKS

a. Delivery Program

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

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Nil

c. Legislative Implications

Nil

d. Risk Implications

e. Environmental Implications

N/A

f. Other Implications

Nil

CONCLUSION

The report is provided for information and outlines an overview of the performance of Development Assessment for the period 1 July 2023 to 31 December 2023.

ENCLOSURES

There are no enclosures for this report

Corporate and Community

Report No. CC11/2024

Corporate and Community Services



SUBJECT: *AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION 2024 NATIONAL GENERAL ASSEMBLY - ATTENDANCE AND MOTIONS*

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

SUMMARY

The Australian Local Government Association (ALGA) 2024 National General Assembly (NGA), is scheduled to be held at Canberra's National Convention Centre from Tuesday 2 July to Thursday 4 July 2024. The purpose of this report is to confirm Councillor attendance and determine any motions to be submitted to the Conference.

RECOMMENDATION

1. That Mayor Suvaal be the delegate to attend the Australian Local Government Association 2024 National General Assembly.
2. That the following motions be submitted to the Association for consideration at the Australian Local Government Association 2024 National General Assembly:
 - Intergovernmental Relations
 - Financial Sustainability
 - Roads and Infrastructure

BACKGROUND

Council needs to determine Councillor attendees and voting delegates to the Australian Local Government Association (ALGA) 2024 National General Assembly (NGA). Council also needs to determine any motions for submission for consideration at the conference.

REPORT/PROPOSAL

ALGA have provided information on the NGA to be held at Canberra's National Convention Centre from Tuesday 2 July to Thursday 4 July 2024. The theme of the 2024 NGA is – Building Community Trust and will shape the federal advocacy agenda that ALGA will undertake on behalf of Australian local governments. Details about the conference are available at [Home - Australian Local Government Association \(alga.com.au\)](https://www.alga.com.au).

Request to Attend

Councillors wishing to attend the conference were requested to make application to the General Manager so that Council could determine the attendees and voting delegates. A request to attend has been received from Mayor Suvaal (**Enclosure 1**).

Corporate and Community

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Corporate and Community Services



Motions

Motions for consideration at the Conference are to be submitted by 29 March 2024. The Board seeks to ensure that motions debated at the Conference centre on advancing sector wide policy agenda. This means proposed motions should seek to be strategic, affect members state-wide and introduce new or emerging policy issues and actions. Motions will only be accepted for inclusion in the business paper if they comply with ALGA requirements.

Councillors were requested to notify the General Manager of any suggested motions by 1 March 2024 so that Council could determine the motions to be referred to the Association at this meeting in order to meet the ALGA submission deadline.

The Mayor provided motions for consideration by Council which are shared regional priorities considered at the Hunter JO Board in February 2024. The recommendation to this report is for three priority motions for Council to be submitted to the Conference across the advocacy areas of Intergovernmental Relations; Financial Sustainability; and Roads and Infrastructure.

A listing of motions from the JO is provided below for Councillor information.

1. This National General Assembly calls on the Australian Government to:

Actively lead collaboration with the relevant local and state governments to rapidly plan, resource and deliver clear, place-based, whole of government policy, planning and action to drive the evolution of mining and mining-affected regions toward net zero economies. This should include:

- A clear vision and plan for each region's economic evolution, on which all levels and agencies of government are aligned to deliver
- A coordinating entity with the necessary authority to influence the focus and coordination of cross government and agency delivery efforts
- Sufficient resources to successfully and rapidly deliver the shared intergovernmental objectives established, including a commitment from the Commonwealth and NSW Governments to explore city / region deals as a mechanism for coordinating and resourcing delivery of agreed plans.
- Local government representation in place-based decision making that affects local and regional communities
- A regional presence by the Commonwealth Net Zero Economy Agency in affected regions to capture place-based knowledge and solutions.

2. This National General Assembly calls on the Australian Government to:

Actively lead intergovernmental efforts (Commonwealth, State and Local) to deliver urgently needed change to cross jurisdictional legislation and policy currently inhibiting the adaptation and reuse of mining and industrial lands in order to:

- Provide clear and certain planning pathways for existing owners and incoming investors to reuse and adapt current mining and industrial lands to deliver new and high value jobs in mining and mining-affected communities.
- Reduce the significant commercial risk currently deterring new and expanded investment in the reuse of mining and industrial lands.

3. This National General Assembly calls on the Australian Government to:

Actively lead collaboration with both State and Local Government to review, simplify and streamline the delivery and governance oversight of grant funding to local government, focusing on:

- Reducing the substantial and ongoing variability in both the focus of grant programs and the level of grant funding available through them. This variability is currently curtailing the ability of councils to confidently and sustainably plan and deliver vital community infrastructure and services.
- Consolidating currently disparate funding programs delivered across various Commonwealth and State Government agencies toward a “block funding” approach to providing grant funding to local government, delivered over timeframes that align with local government planning cycles.
- Identifying broader options than requiring direct co-contributions from Councils to access grant funding. This aims to remove the inherent disadvantage currently experienced in accessing grant funds by local councils who do not have the financial or resource capacity to offer co-contributions, yet to whom the dependence on grant funds to deliver delivery of community services and infrastructure remains vital.
- Reducing the administrative burden on local government through more consistency in the governance frameworks, systems and documentation required across various funding programs and governing agencies.

4. This National General Assembly calls on the Australian Government to:

Commence and actively lead collaborative systems reform across all three levels of government in how funding for the maintenance of the road network is planned, administered and delivered. A safe and efficient local road network underpins the national economy, boosting productivity, jobs, liveability and community safety. Structural change is needed to ensure greater equity, certainty and sustainability in funding across regional and metropolitan communities.

5. This National General Assembly calls on the Australian Government to:

Invest in the planning and delivery of community and tourism cycling strategies and infrastructure in regional communities as a core mechanism for addressing the strong need in regional Australia for new jobs, increased visitation, preventive health strategies, enhanced recreational opportunities, social connectivity, and improved environmental outcomes.

6. This National General Assembly calls on the Australian Government to:

Commence and actively lead a collaborative approach across Commonwealth, State and Local Government to drive the development and implementation of place-based integrated regional transport strategies. Aligning the priorities and delivery focus across all levels of government in this way will be a critical enabler to assisting regions transition to net zero, attract investment, create new jobs and maintain and improve liveability in Regional Australia.

7. This National General Assembly calls on the Australian Government to:

Actively lead national reform in the delivery of disaster funding to communities that:

- Provides more sustainable and strategic place-based planning and resourcing of local and regional disaster resilience and recovery activities.
- Reduces the substantial variability in the focus, timing (ie frequently short term) and availability of disaster funding programs, which is currently curtailing the ability of councils to confidently and sustainably plan and deliver vital disaster resilience and recovery planning, infrastructure and services.
- Consolidates currently disparate funding programs delivered across various Commonwealth and State Government agencies toward a “block funding” approach to providing disaster grant funding to local government, delivered over timeframes that align with local government planning cycles.
- Includes broader options than requiring direct co-contributions from Councils to access grant funding. This aims to remove the inherent disadvantage currently experienced in accessing grant funds by local councils who do not have the financial or resource capacity to offer co-contributions, yet to whom the dependence on grant funds to deliver disaster planning and recovery work is vital.
- Reduces the administrative burden on local government by improving consistency in the governance frameworks, systems and documentation required across different disaster funding programs and governing agencies.

8. This National General Assembly calls on the Australian Government to:

Invest in unlocking the transport and community infrastructure deficit that is inhibiting the activation and construction of urgently needed housing on land that is capable and ready for development (ie local government approvals are in place).

9. This National General Assembly calls on the Australian Government to:

Urgently address the substantial mobile communications blackspots across Regional Australia, which are:

- A direct barrier to the talent and business attraction, innovation and investment that is needed to improve liveability in, and support regions evolve toward a net zero economy.
- Preventing equitable community access to core health, communication, and education opportunities.

10. This National General Assembly calls on the Australian Government to:

Activate the Circular Economy as a key driver for the economic development and evolution of regional areas by:

- Investing in the enhanced coordination effort across government, community, and industry that is needed to lead, nurture, and grow the circular economy ecosystem within regions
- Supporting and investing in the planning, land capability and business viability assessment, and construction of circular economy precincts and innovation hubs

Corporate and Community

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Corporate and Community Services



- Delivering core legislative and policy reform that accelerates the transition to the circular economy and builds the opportunity to enhance manufacturing capability in regional Australia
- Enabling and investing in innovative financing models and systems that de-risk and accelerate the flow of market driven investment into the Circular Economy
- Supporting workers and businesses in regional Australia to access new opportunities in the Circular Economy by providing clear career pathways, training, and skills development.

CONSULTATION

- General Manager
- Councillors

STRATEGIC LINKS

a. Delivery Program

This report is linked to the Community's Desired Outcome Objective 5 "Civic Leadership and Effective Governance".

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

Application for attendance to the Australian Local Government Association 2024 NGA is in accordance with the adopted *Councillor Expenses and Facilities Policy*.

b. Financial Implications

Funding is available in the Councillors conference budget with an approximate cost per delegate estimated to be \$2,500, inclusive of accommodation, registration and meals.

c. Legislative Implications

N/A

d. Risk Implications

N/A

e. Other Implications

N/A

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Corporate and Community Services



CONCLUSION

This report provides information on the upcoming ALGA 2024 NGA and provides Council with the opportunity to consider motions to be submitted and for Councillors attendance.

ENCLOSURES

[1](#) Request to Attend Conference _ Mayor Suvaal

Corporate and Community

Report No. CC12/2024

Corporate and Community Services



SUBJECT: *2024 ORDINARY COUNCIL MEETING SCHEDULE - OCTOBER 2024*

AUTHOR: *Chief Finance Officer - Matthew Plumridge*

SUMMARY

This report outlines proposed amendments to the 2024 schedule of meetings of Council.

RECOMMENDATION

That Council amends the adopted meeting dates for October 2024 to provide for Councillor inductions following Council elections, with the Ordinary Meeting to be held 23 October 2024 and the Extra Ordinary Meeting to be held 16 October 2024.

BACKGROUND

Council adopts a meeting cycle each calendar year. Council is required to meet a minimum of 10 times per year, each time in a different month. In accordance with Council's Code of Meeting Practice (COMP) meetings are normally scheduled on the third Wednesday of each month commencing at 6:30pm, with the exception that there is no scheduled meeting in January.

REPORT

Local government elections are scheduled to be held on 14 September 2024. Council will enter a caretaker period prior to the election and the Councillor term (excluding the Mayor) concludes on 13 September 2024, being the day before the elections. A number of procedural reports must be adopted at the first meeting of the new Council and an Extraordinary meeting of Council is to be held in October 2024 to consider these reports.

This report recommends an amendment to the adopted meeting schedule for 2024. The amendments to the adopted meeting schedule for October include:

- Reschedule the Ordinary Meeting from 16 October 2024 to 23 October 2024
- Reschedule the Extraordinary Meeting from 9 October 2024 to 16 October 2024.

The proposed amendments are made to allow additional time for the Oath of Office and Councillor Induction program to occur after the declaration of results (this is anticipated to be between 1-3 October 2024) and the public holiday on Monday 7 October 2024.

OPTIONS

N/A

CONSULTATION

Director Corporate and Community Services
Acting Council Services Team Leader

Corporate and Community

Report No. CC12/2024

Corporate and Community Services



STRATEGIC LINKS

a. Delivery Program

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

b. Other Plans

N/A

STATUTORY IMPLICATIONS

a. Policy and Procedural Implications

Clause 3.1 of the Code of Meeting Practice deals with the number and timing of meetings. The Code of Meeting Practice is scheduled for review following the 2024 Council elections.

b. Financial Implications

Additional council meetings ordinarily lead to increased costs, however the extraordinary meeting for 16 October has been included in the 2025 budget as part of the election costs.

c. Legislative Implications

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

d. Risk Implications

Appropriately scheduled meetings ensure Council complies with legislative requirements. Rescheduling will provide time for Councillor induction prior to the first meetings of Council.

e. Other Implications

N/A

CONCLUSION

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

ENCLOSURES

There are no enclosures for this report.

Corporate and Community

Report No. CC13/2024

Corporate and Community Services



SUBJECT: *COMPLAINT HANDLING REPORT - JULY-DECEMBER 2023*

RESPONSIBLE OFFICER: *Senior Governance Officer - Sam Cremor
Chief Finance Officer - Matthew Plumridge*

SUMMARY

The purpose of this report is to present to Council the Complaint Handling Report for the six-month period from 1 July 2023 to 31 December 2023, in accordance with the Complaint Handling Policy (the Policy).

RECOMMENDATION

That Council notes the Complaint Handling Report for the period 1 July 2023 to 31 December 2023.

BACKGROUND

The Policy was first adopted on 11 December 2019 and the Complaints Handling Procedure was noted at the same time providing for regular reports to the elected Council on the number of complaints received, resolved and outstanding.

A complaint is an expression of dissatisfaction made to or about Council, Council services, Council staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required.

REPORT/PROPOSAL

Complaints provide Council with valuable information and learnings enabling operational process and service improvements. The impact a complaint has upon Council is largely determined by how Council handles the complaint, as a poorly handled complaint can have a negative effect on Council's reputation.

For the reporting period 1 July 2023 to 31 December 2023, the Complaint Handling Register showed 20 complaints were received, with 4 of them being substantiated. A dashboard overview of the complaints received is provided at **Enclosure 1**.

The Policy outlines a hierarchy for managing complaints:

- Tier 1 are complaints that have been made for the first time and that can be addressed by frontline staff. There were 19 Tier 1 complaints received during the period.
- Tier 2 are requests for an internal review of Tier 1 complaints in which case the Public Officer or their delegate handles the request for review. There was one (1) received during the period.
- Tier 3 complaints are requests for review from external agencies, such as the NSW Ombudsman and Office of Local Government, and as with Tier 2 complaints, the Public Officer or their delegate handles the request for review. There was no Tier 3 complaint received during the period.

Corporate and Community

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Corporate and Community Services



Category of Complaint	Number	Substantiated
Dissatisfaction with service received	9	2
Alleged non-adherence to Council's standards of behaviour	7	1
Alleged non-adherence to Council Policy/Process	1	0
Alleged Council failed in its duty/responsibilities	3	1
Alleged breach of WH&S obligations	0	0
Dissatisfaction with a Council Decision	0	0
Total	20	4

Learnings from the data

The complaints received have provided valuable information in relation to:

- The importance of regular and timely communication with complainants,
- The manner in which information is provided to the complainants, and
- The importance of working effectively across business units to meet response timeframes.

In considering the number of complaints received and in particular those found to be substantiated, it is important to consider the total number of interactions that Council received over the course of the reporting period. These interactions are at all levels, and is not confined to contact with the customer relations centre.

Corporate and Community

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Corporate and Community Services



Interaction Type	Number
Registered Compliments	42
Customer Service Centre – Counter Enquiries	4,761
Customer Service Centre – Incoming Phone calls	42,607
Customer Service Centre – CRM	11,228
Customer Service Centre – Web Chat	600
Sub Total Customer Service Centre	59,238
Emails to Council Inbox	12,146
CYCOS – E-Engagement	8,969
CYCOS – Face to Face	3,970
Sub Total CYCOS	12,939
Performing Arts Centre – Box office tickets sold	16,123
Performing Arts Centre – E-mail enquiries	283
Sub Total CPAC	16,406
Cessnock Pool – Visitation	22,057
Branxton Pool – Visitation	12,681
Kurri Kurri Pool – Visitation	59,274
Sub Total Pool Visitation	94,012
Visitor Information Centre – Visitation	35,403
Waste Management Centre - Visitation	16,328
Cessnock & Kurri Kurri Library – Enquiries	18,177
Cessnock & Kurri Kurri Library Visitation	55,456
Sub Total Library	73,633
Bi-Annual Interactions*	320,105

* This information is a selective representation of interactions from readily available data, it does not include all Council operations or facilities.

OPTIONS

N/A

CONSULTATION

Executive Leadership Team
Governance Team

STRATEGIC LINKS

a. Delivery Program

Council's Complaints Handling process is consistent with the community's desired outcome of *Civic Leadership and Effective Governance* and in particular Objective 5.3 in Council's Delivery Program 2022-2026 - *Ensuring Council is more responsive and accountable to the community.*

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

N/A

c. Legislative Implications

N/A

d. Risk Implications

N/A

e. Environmental Implications

N/A

f. Other Implications

N/A

CONCLUSION

This report provides a high-level analysis of all complaints received for the final six months of the calendar year 2023 for noting by the elected Council.

ENCLOSURES

- [1](#) Bi-Annual Complaints Handling Dashboard (Q3 & Q4 2023)

SUBJECT: *CONTROLLED DOCUMENT REVIEW 2023 - REVOCATION OF POLICIES*

RESPONSIBLE OFFICER: *Chief Finance Officer - Matthew Plumridge*

SUMMARY

The purpose of this report is to seek Council's endorsement to revoke nine Controlled Documents which are no longer relevant, have been superseded, the content is covered in legislation/regulations/codes, or are no longer required for operational reasons.

RECOMMENDATION

That Council revokes the following Controlled Documents.

- a) **Removal of Graffiti Policy;**
- b) **Roadside Tributes;**
- c) **Urban House Numbering;**
- d) **Voluntary House Raising Scheme;**
- e) **Installation of Directional Signs for Community Services and Tourist Facilities;**
- f) **Temporary Roadside Grazing Permits;**
- g) **B30.2 Identification of Land Fronting Unformed Roads;**
- h) **Engineering Guidelines for Design & Construction; and**
- i) **Guidelines for the Opening of Roads.**

BACKGROUND

Council's Controlled Documents Protocol outlines the process for managing Council's Policies, Protocols, Guidelines and Procedures. As part of best practice, staff regularly review Council's controlled documents.

REPORT/PROPOSAL

The following controlled documents are recommended for revocation, with reasons for revocation provided by the relevant Policy owner or section:

#	Policy Title	Business Unit	Directorate	Reason for Revocation
1	Removal of Graffiti Policy	Open Space & Community	Works & Infrastructure	This is an administrative matter. Policy should have been revoked when content changed to a procedure. The procedure remains in operation and information is available on Council's website: Graffiti Removal Cessnock City Council (nsw.gov.au)
2	Roadside Tributes	Infrastructure	Works & Infrastructure	This will be replaced with a Guideline and information made available on Council's website.
3	Urban House Numbering	Infrastructure	Works & Infrastructure	This is governed by the Geographical Names Board: NSW Address policy and guidelines - Geographical Names Board of NSW .
4	Voluntary House Raising Scheme	Infrastructure	Works & Infrastructure	The policy is no longer able to be supported due to no further external Grant Funding available.
5	Installation of Directional Signs for Community Services and Tourist Facilities	Infrastructure	Works & Infrastructure	Will be replaced with information on the Council's website.
6	Temporary Roadside Grazing Permits	Infrastructure	Works & Infrastructure	This is governed by Local Land Services: Moving livestock on public roads - Local Land Services (nsw.gov.au) .
7	B30.2 Identification of Land Fronting Unformed Roads	Infrastructure	Works & Infrastructure	This is an administrative matter. Policy should have been revoked when the content was replaced with the City Wide Infrastructure Contributions Plan.
8	Engineering Guidelines for Design & Construction	Infrastructure	Works & Infrastructure	The current policy contains obsolete or outdated information and will be replaced by the updated Engineering Guidelines.

Corporate and Community

Report No. CC14/2024

Corporate and Community Services



#	Policy Title	Business Unit	Directorate	Reason for Revocation
9	Guidelines for the Opening of Roads	Infrastructure	Works & Infrastructure	The current guidelines contain obsolete or outdated information and are also duplicated on the website.

OPTIONS

N/A

CONSULTATION

Consultation has been undertaken with the staff responsible for each of these controlled documents and the relevant Managers and Directors where appropriate.

STRATEGIC LINKS

a. Delivery Program

Revocation of the controlled documents is consistent with the community’s desired outcome of *Civic Leadership and Effective Governance*.

b. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

The recommendations in this report ensure Council’s controlled documents remain up to date and relevant for the community.

b. Financial Implications

Nil

c. Legislative Implications

As per Chapter 7, Part 3, section 163 of the *Local Government Act 1993* (NSW), a local Policy which is inconsistent with this Act or the Regulations, is void. It is best practice to keep Council Policies current and review at least every 3 years.

d. Risk Implications

Maintaining obsolete policies presented a risk whereby the information is not current, correct or applicable, and should not be relied upon by Council or third parties. Revocation reduces Council liability and ensures policies remain current and consistent with relevant legislation.

Corporate and Community

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Corporate and Community Services



e. Environmental Implications

N/A

f. Other Implications

N/A

CONCLUSION

The revocation of controlled documents recommended in this report reflect both legislative and regulatory changes and ensure that Council's policies remain relevant for the community.

ENCLOSURES

There are no enclosures for this report.

Corporate and Community

Report No. CC15/2024

Corporate and Community Services



SUBJECT: *MINUTES OF THE STRATEGIC PROPERTY & COMMUNITY FACILITIES COMMITTEE MEETING HELD ON 6 MARCH 2024*

RESPONSIBLE OFFICER: *Chief Finance Officer - Matthew Plumridge*

RECOMMENDATION

1. That Council adopts the Minutes of the Strategic Property & Community Facilities Committee meeting held on 6 March 2024 as a resolution of the Ordinary Council.
2. That Council adopts the draft Licenses – Occupation of Hebburn Estate Policy 2024, and revoke the Licenses – Occupation of Hebburn Estate Policy 2018.
3. That Council approves the sale of the following lots via private treaty:
 - a. 64-76 Cessnock Street, Aberdare
 - b. Lots 14, 15, DP15069, 11 Dover Street, Cessnock
4. That lots 16 and 95, DP15069, 11 Dover Street, Cessnock be removed from the property investment portfolio and returned to Open Spaces & Community Facilities as part of the Drain Oval Masterplan.
5. That Council approves the sale of 62 Cessnock Street Aberdare to Aberdare Pre-School via direct negotiation as:
 - a. The land is next to existing community land leased by Aberdare Pre-School
 - b. The only available opportunity for Aberdare Pre-School to expand is via this adjoining land
 - c. Aberdare Pre-School is a not for profit community service
 - d. The land is to be sold at market value with reference to an independent valuation
6. That Council delegates the General Manager to negotiate the above sales within 90% of market valuation before GST where applicable.



BUSINESS ARISING FROM THE PREVIOUS MINUTES

Draft Civic Park Concept Plan Options:

Open Spaces & Community Facilities Manager provided an overview of draft Concept Options, with feedback sought to guide the development of more detailed concept plans for formally reporting to the Committee.

Discussion included additional car parking and a permanent structure / stage being illustrated within the concept plan and potential engagement with Cessnock RSL Sub Branch regarding the war memorial location. Generally supportive of a permanent structure /stage for performances, outdoor cinema or live site and seeking car parking to be increased and screen planting adjacent to the Railway Hotel to be removed.

OFFICER'S REPORTS

OFFICER'S REPORTS NO. SPOR1/2024

SUBJECT: DRAFT LICENSES - OCCUPATION OF HEBBURN ESTATE POLICY

MOTION ***Moved:*** Councillor Sander ***Seconded:*** Councillor Paynter

RECOMMENDATION

- 1. That the Committee recommends Council adopts the draft Licenses – Occupation of Hebburn Estate Policy 2024.***
- 2. That the Committee recommends Council revokes the Licenses – Occupation of Hebburn Estate Policy 2018.***

CARRIED UNANIMOUSLY

OFFICER'S REPORTS NO. SPOR2/2024

SUBJECT: AFFORDABLE HOUSING OPTIONS

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

RECOMMENDATION

That the Committee:

1. Notes the information and recommendations of the Dover Street Cessnock and Cessnock Street Aberdare development feasibility assessments appended to this report.
2. Recommends to Council that the following lots be sold via private treaty:
 - a. 64-76 Cessnock Street, Aberdare
 - b. Lots 14, 15, DP15069, 11 Dover Street, Cessnock
3. Recommends to Council that lots 16 and 95, DP15069, 11 Dover Street, Cessnock be removed from the property investment portfolio and returned to Open Spaces & Community Facilities as part of the Drain Oval Masterplan.
4. Recommends to Council that 62 Cessnock Street Aberdare be sold to Aberdare Pre-School via direct negotiation as:
 - a. The land is next to existing community land leased by Aberdare Pre-School
 - b. The only available opportunity for Aberdare Pre-School to expand is via this adjoining land
 - c. Aberdare Pre-School is a not for profit community service
 - d. The land is to be sold at market value with reference to an independent valuation
5. Recommends that Council approve the General Manager to negotiate the above sales within 90% of market valuation prior to GST.

CARRIED UNANIMOUSLY

Open Spaces & Community Facilities Manager left the meeting at 3.00pm

OFFICER'S REPORTS NO. SPOR3/2024

SUBJECT: STRATEGIC PROPERTY REVIEW UPDATE - MARCH 2024

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

RECOMMENDATION

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

CARRIED UNANIMOUSLY

The Meeting Was Declared Closed at 3.15pm

ENCLOSURES

There are no enclosures for this report.

Corporate and Community

Report No. CC16/2024

Corporate and Community Services



SUBJECT: *TENDER - T452324HUN SUPPLY AND INSTALL ROAD SAFETY BARRIERS*

RESPONSIBLE OFFICER: *Chief Finance Officer - Matthew Plumridge*

SUMMARY

The purpose of this report is to consider and accept the Regional Procurement Tender for Tender No. T451214HUN – Supply and Install Road Safety Barriers.

RECOMMENDATION

1. That Council accepts the Regional Procurement Panel Tender T451214HUN – Supply and Install Road Safety Barriers for Category one (1) - Supply and Installation, with the Panel of Suppliers in no order of preference:

- Destraz Pty Ltd t/as D&P Fencing Contractors;
- Guardrail Infrastructure Pty Ltd t/a Guardrail Installations Australia;
- Western Safety Barriers t/a Western Safety Barriers Group Pty Ltd; and
- RBK Pty Ltd t/a Topnotch Fencing.

as the preferred Suppliers for Council under the Regional Procurement Tender.

2. That Council note the contract term for Tender Supply and Installation of Road Safety Barriers is from 1 April 2024 to 31 March 2026 with an option for a 12-month extension based on satisfactory supplier performance through to 31 March 2027.

BACKGROUND

Council has historically utilised the tender with Regional Procurement, with expenditure over the term of the previous contract T112223HUN being in excess of \$2 million dollars. The tender ran from 1 July 2023 to 31 March 2024 and included local suppliers.

The Tender included two distinct categories with Council only selecting for Category 1 as per below:

1. *Supply and Installation of galvanised steel guardrail and terminals, wire rope fence post and cable with associated fittings; and*
2. *Supply only of galvanised steel guardrail and terminals, wire rope fence post and cable with associated fittings.*

REPORT

The Request for Tender (RFT) documents were prepared by Regional Procurement, and reviewed by the Council Officer before tenders were called. The form of contract selected was Hunter Joint Organisation, General Conditions of Contract.

Corporate and Community

Report No. CC16/2024

Corporate and Community Services



Invitation

Tenders were invited on 28 November 2023 on Regional Procurement's Tenderlink Portal, and on the Regional Procurement Website.

The tender has been conducted in accordance with Clause 166(a) of the *Local Government (General) Regulation 2021*.

Closure

Tenders closed 10:00am on Tuesday 23 January 2024.

There were ten (10) submissions received for both categories including one (1) late tender (with tenderer submitting for only category 1).

OPTIONS

Option 1

That the Tenderers representing best value be awarded this contract as Panel Source in no order of preference to Cessnock City Council for Category 1, Supply and Install Road Safety Barriers, as listed:

- Destraz Pty Ltd t/as D&P Fencing Contractors;
- Guardrail Infrastructure Pty Ltd t/a Guardrail Installations Australia;
- Western Safety Barriers t/a Western Safety Barriers Group Pty Ltd NSW; and
- RBK Pty Ltd t/a Topnotch Fencing.

For the period of 1 April 2024 to 31 March 2026, and that a provision be allowed for a 12-month extension based on satisfactory supplier performance, which may take this contract through to 31 March 2027.

Option 2

That Council rejects the tender. This option is not recommended as it will not provide best value for money or products/services to Council.

CONSULTATION

The following officers were consulted in preparation of the report during the tender process:

- Works and Operation Manager
- Works Engineer
- State Maintenance Coordinator

STRATEGIC LINKS

a. Delivery Program

Acceptance of the tender will contribute to achieving:

- *2022-2026 Delivery Program*: Objective 4.2: Improving the Road Network.

STATUTORY IMPLICATIONS

b. Policy and Procedural Implications

The tender process has been carried out in accordance with:

- Council's Procurement Policy;
- Council's Procurement Guidelines;
- Tendering Guidelines for NSW Local Government 2009; and
- NSW Government – Code of Practice for Procurement 2005.

c. Financial Implications

Acceptance of the tender provides council with certainty on costs for projects requiring these supplies in the future. Funds are available within relevant operational budget areas.

d. Legislative Implications

The tender process has followed the legislative provisions referenced in Council's Procurement Policy and CCC Procurement Procedure which are as follows:

- *Local Government Act 1993; and*
- *Local Government (General) Regulation 2021.*

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

e. Risk Implications

To minimise Council's exposure to business risks, the following information has been assessed with the tender submission:

- Quality management;
- Work health & safety management; and
- Ecologically sustainable development.

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

- Workers Compensation;
- Public Liability (\$20M or greater); and
- Comprehensive Motor Vehicle.

Risks identified in relation to safety, environment and quality are mitigated by the preferred tenderers adherence to system standards as follows:

- AS/NZS 4801:2001 - Occupational health and safety management systems;
- AS/NZS ISO 14001:2004 - Environment management systems;
- AS/NZS ISO 31000:2009 - Risk management; and
- AS/NZS ISO 9001:2016 - Quality management systems.

Corporate and Community

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Corporate and Community Services



Regarding safety, the Contractor is required to prepare a site specific Safety Management Plan including:

- Traffic Control Plans. Traffic issues will be managed through the construction period in accordance with these plans;
- Requirements for on-site workers to have current general construction induction cards (white card) and licenses/tickets and inducted to the site; and
- Safe Work Method Statements, which are kept on site and the subject of tool box talks.

f. Other Implications

NIL

CONCLUSION

That Council accepts Regional Procurement panel tender T451214HUN – Supply and Install Road Safety Barriers category one - supply and install, and that a provision be allowed for a 12-month extension based on satisfactory supplier performance, which may take this contract through to 31 March 2027.

ENCLOSURES

- 1 ➡ T452324HUN Evaluation Methodology
- 2 T452324HUN Supply and Install Road Safety Barriers Evaluation Matrix - *This matter is considered to be confidential under Section 10A(2) (c) (di) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.*

Corporate and Community

Report No. CC17/2024

Corporate and Community Services



SUBJECT: *INVESTMENT REPORT - FEBRUARY 2024*

RESPONSIBLE OFFICER: *Chief Finance Officer - Matthew Plumridge*

SUMMARY

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

RECOMMENDATION

That Council receives the Investment Report for February 2024 and notes that:

- Investments are held in accordance with Council's Investment Policy, which is in accordance with the Ministerial Investment Order.
- Council's month end cash and investments balance was \$82,178,908.

BACKGROUND

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

REPORT

Statement by the Responsible Accounting Officer

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

General Investment Commentary

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

Following assessment of projected cash flow requirements, surplus funds are invested in accordance with Council's Investment Policy. Investment returns of the portfolio to the end of February 2024 are exceeding the budgets. As older term deposits mature and new term deposits are invested, yields are increasing compared to the last few years as demonstrated on Table 1 below.

Corporate and Community

Report No. CC17/2024

Corporate and Community Services



Council has engaged Prudential Investment Services Corp for investment advice and the February 2024 Economic and Investment Portfolio Commentary, regarding interest rates notes:

- *Global inflation remains high but there has been encouraging progress in reducing inflation towards central banks' targets. Much of the easing in inflation in advanced economies has been due to easing of energy and goods prices.*
- *Economic growth has slowed to below-trend rates in many advanced economies in response to restrictive monetary policy settings. This has contributed to progress in returning inflation to target ranges.*
- *Despite inflation data trending in the right direction, central banks remain wary of cutting rates too soon. Both the US Federal Reserve and the European Central Bank noted that they want to see more evidence that inflation is under control.*
- *February business conditions Purchasing Managers' Indices (PMIs), which are surveys of businesses around the world, were mixed across major countries – slightly up in Europe, the UK and Australia but down in the US and Japan.*
- *Global shares continued their upward trend over the course of February. In the US, strong earnings results, particularly from AI darling Nvidia, helped indices reach all time highs. The tech fervour and a general feeling of confidence that inflation is on the retreat filtered through to indices around the world, leading some forecasters to warn of a potential pull back in the coming months. US and Japanese markets were up over 5% for the month and European shares gained 2%. With less exposure to tech companies, Australian shares were only up just over 1% for the month but its rolling 12 month return is now over 11%.*

Domestic issues noted within Prudential's report include:

- *Latest annual wages growth data showed an increase of 4.2% yoy resulting in the first rise in real wages (wages growth minus inflation) since 2021. The rise in real wages was only just 0.1% but with inflation likely to slow further relative to wages economists expect real wage growth to be around +0.5% by year end.*
- *The RBA has revised downward its near-term outlook for GDP growth from the outlook three months ago. This mainly reflects a weaker outlook for consumer spending. As inflation moderates and real incomes start to rise, consumption growth is expected to recover gradually to its pre-pandemic average by next year.*
- *The latest monthly CPI release, which is less comprehensive than the quarterly releases but provide important trend indicators, remained at 3.4% for the second month in a row. The December quarterly inflation release showed a decrease to 4.1%yoy from September quarter's 5.4%yoy level.*

The RBA kept the official cash rate unchanged at 4.35% following its February meeting. In February, term deposit rates in the 1 to 12 month range declined slightly, with the largest fall of 8bps at 12 months. Long term rates were largely unchanged over the month.

In summarising Council's portfolio Prudential advises, "Council's investment portfolio posted a marked-to-market return of 5.61%pa for the month versus the bank bill index benchmark return of 4.43%pa. Over the past 12 months, Council's portfolio has returned 4.65% versus the benchmark's 4.10%.

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Corporate and Community Services



The NSW TCorpIM Medium Term Fund (+0.96% actual) reflected the ongoing surge in global shares driven by strong corporate earnings reports and growing confidence that declining rates of inflation will continue.

Without marked-to-market influences, Council's investment portfolio yielded 5.22%pa for the month. This is based on the actual interest rates being received on existing investments and excludes the underlying changes to the market value of the TCorp growth fund.

During February, Council had a \$5m 7 month NAB term deposit mature which had been paying 5.51%pa. No new investments were made during the month.

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

Investment Portfolio Information

Table 1 Total cash and investments held by Council as at 29 February 2024

Invest No	Financial Institution Investment Held With	Invest Type	Interest Coupon Term	Maturity	Current Coupon Rate	Par Value \$'000
	Commonwealth Bank	CASH			4.00%	8,610
	Commonwealth Bank	At Call			4.35%	3,941
1243	AMP Bank	At Call			3.30%	516
1490	Westpac Bank	TD	729	25-Sep-24	4.91%	4,000
1493	Suncorp Bank	TD	532	18-Apr-24	4.61%	2,000
1497	Westpac Bank	TD	356	19-Mar-24	4.99%	3,000
1498	National Australia Bank	TD	370	15-May-24	4.74%	3,000
1501	National Australia Bank	TD	371	06-Aug-24	5.40%	5,000
1502	Commonwealth Bank	TD	364	06-Aug-24	5.55%	5,000
1503	Commonwealth Bank	TD	363	28-Aug-24	5.27%	4,000
1504	Suncorp Bank	TD	369	24-Sep-24	5.30%	4,000
1505	National Bank	TD	364	25-Sep-24	5.33%	5,000
1506	Suncorp Bank	TD	176	23-Apr-24	5.25%	5,000
1507	Suncorp Bank	TD	274	30-Jun-24	5.35%	5,000
1508	Commonwealth Bank	TD	365	29-Oct-24	5.39%	5,000
1509	National Australia Bank	TD	365	21-Jan-25	5.16%	5,000
1510	Westpac Bank	TD	365	23-Jan-25	5.20%	5,000
1511	National Australia Bank	TD	121	29-May-24	5.10%	5,000
1463	Treasury Corporation	Growth Fund				4,112
TOTAL						82,179

Corporate and Community

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Corporate and Community Services



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

Financial Institution	Credit Rating	Institution Maximum	Amount \$'000	% of Portfolio
Commonwealth Bank	AA-	40%	14,000	20.26%
Westpac Bank	AA-	40%	12,000	17.36%
National Australia Bank	AA-	40%	23,000	33.28%
Suncorp Bank	A+	40%	16,000	23.15%
Treasury Corporation	Unrated	10%	4,112	5.95%
TOTAL			69,112	100.00%

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

Investment in NSW Treasury Corporation (TCorp)

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

The preliminary February 2024 unrealised return was a gain of \$35,054 or 0.86% (5.70% annualised). Rates of return fluctuate monthly and can be negative from time to time with the medium-term investment horizon. The fund performance summary for February 2024 is not yet available at the time of this report. The fund performance summary as at 31 January 2024 is shown below. The TCorp benchmark is CPI + 2.00% p.a. (over rolling 5 years).

Table 3 NSW Treasury Corporation Performance Summary

	10 year (% pa)	7 year (% pa)	3 year (% pa)	1 year %	FYTD %	1 month %
IM Medium Term Growth Fund	4.21	3.87	2.83	6.24	4.81	0.80
Benchmark: CPI + 2.0% p.a. (over rolling 5 years)	4.62	4.90	6.66	6.11	3.41	0.42
Return above benchmark p.a.	(0.41)	(1.03)	(3.83)	0.13	1.40	0.38

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

Investment Type	Risk Assessment		Amount	% of
	Capital	Interest	\$'000	Portfolio
Term Deposits	Low	Low	65,000	79.10%
Cash/At Call Deposits	Low	Low	13,067	15.90%
Capital Growth Fund	Medium	Medium	4,112	5.00%
TOTAL			82,179	100.00%

Corporate and Community

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Corporate and Community Services



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

Performance Measures	This Year	Last Year
Investment Portfolio Average Interest Rate (year to date)	5.09%	2.37%
BBSW Average Interest Rate (year to date) *	4.34%	3.11%
Actual Investment Interest Earned (for the current month)	\$302,609	\$163,551
Actual Investment Interest Earned (year to date) ^	\$2,406,929	\$1,124,278
Revised Budget Investment Interest (year to date)	\$920,081	\$653,416
Original Budget Investment Interest (annual)	\$1,380,122	\$1,680,122
Revised Budget Investment Interest (annual)	\$1,750,122	\$1,680,122
TCorp unrealised movement (year to date)	5.70%	3.87%

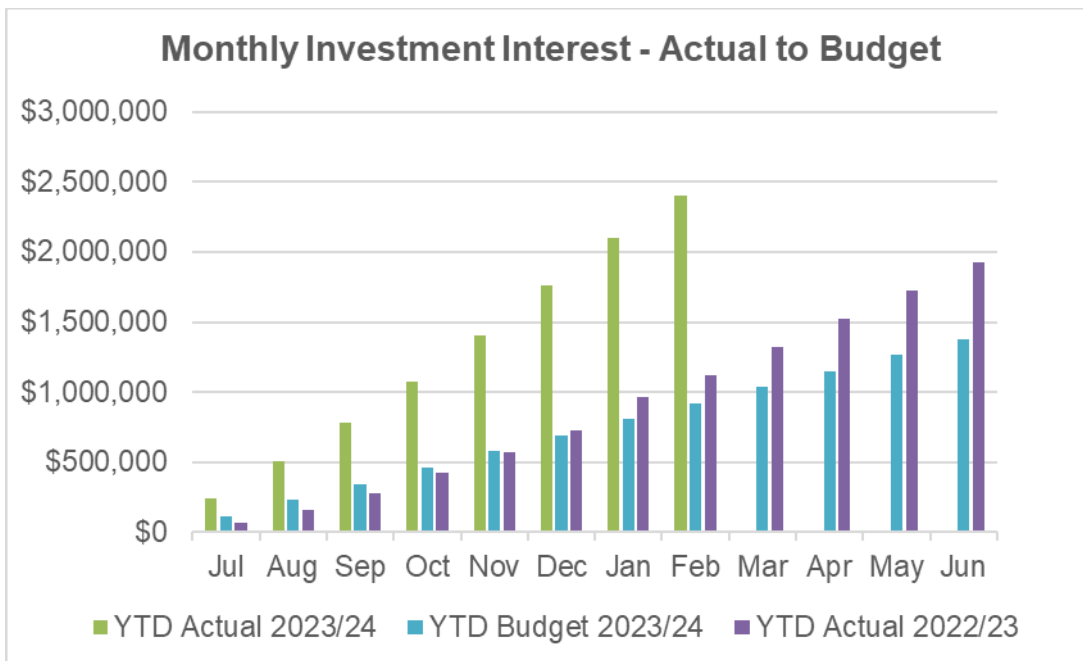
Investment and Cash Balances (Par Value) #	This Year	Last Year
Opening Balance as at 1 July	\$73,085,190	\$73,415,666
Closing Balance as at 29 February	\$82,178,908	\$80,245,203

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

^ Excludes TCorp unrealised returns

Excludes Section 355 Committee cash held

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



Corporate and Community

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Corporate and Community Services



Table 6 Internal and external restrictions over cash and investments held

Month End Totals \$'000	Feb 2024	Jan 2024	Dec 2023	Nov 2023	Oct 2023	Sep 2023
Developer contributions	36,276	35,858	35,355	30,299	29,924	29,824
Committed developer contributions	2,456	2,485	2,735	3,460	3,460	3,459
RMS contributions	0	0	0	182	182	182
Specific purpose unexpended grants	17,819	20,087	22,104	25,415	21,166	6,906
Domestic waste management	430	430	430	430	430	430
Stormwater management	872	889	909	1,038	1,052	1,103
External Restrictions	57,853	59,749	61,533	60,824	56,214	41,904
Plant and vehicle replacement	1,274	1,274	1,274	2,400	2,400	2,400
Employees leave entitlement	2,430	2,418	2,418	2,418	2,418	2,519
Carry over works	287	371	581	582	583	586
Bridge replacement	0	0	308	282	287	295
Insurance provisions	50	50	761	761	761	761
Miscellaneous and property	534	534	534	809	809	809
Grant Fund Leverage	82	82	82	82	82	82
Energy efficiency	95	95	95	95	95	95
Operations and programs	472	472	472	472	472	472
Property investment fund	3,021	3,021	3,021	3,095	3,095	3,095
Civil Works	0	0	0	0	0	0
Waste depot and rehabilitation	8,843	8,843	8,843	13,883	13,883	13,626
Committed projects (SRV)	0	0	0	300	660	690
Security deposits and bonds	3,440	3,435	3,432	3,720	3,948	3,948
Unexpended Loan Funds	840	848	958	967	967	2,125
Internal Restrictions	21,368	21,443	23,917	29,866	30,460	31,503
Unrestricted	2,958	1,123	1,138	619	790	647
Total Cash & Investments	82,179	82,315	86,057	91,309	87,464	74,054

CONSULTATION

- Director Corporate and Community Services
- Chief Financial Officer
- Finance staff

Corporate and Community

Report No. CC17/2024

Corporate and Community Services



STRATEGIC LINKS

a. Delivery Program

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

5.3.2: Our Council's processes are efficient and transparent;

5.3.3: Our Council is financially sustainable.

IMPLICATIONS

a. Policy and Procedural Implications

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

b. Financial Implications

Investment returns are included in Council's Delivery Program and Operational Plan. Amendments are affected through the Quarterly Budget Review process. Investment portfolio performance is detailed within the report with comparisons to prior year and budget.

A portion of the portfolio and its associated investment income is restricted as it relates to funds from developer contributions, payments in advance for grant projects, Domestic Waste Management, and stormwater management income to be applied to specific purposes and not available for general operational projects.

c. Legislative Implications

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

d. Risk Implications

Investment risks are detailed within this report.

e. Other Implications

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

CONCLUSION

The report details investments held at month end and meets Council's reporting obligations.

ENCLOSURES

There are no enclosures for this report.

Corporate and Community
Report No. CC18/2024
Corporate and Community Services



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

SUMMARY

The enclosure contains pending actions from previous meetings as well as completed actions for period 13 February 2024 to 11 March 2024.

RECOMMENDATION

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

ENCLOSURES

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

Works and Infrastructure

Report No. WI3/2024

Works and Infrastructure



SUBJECT: *EVALUATION OF TENDER T2024-03 - LANDSLIDE REMEDIATION WORKS, PACKAGE 3, GREAT NORTH ROAD.*

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

SUMMARY

Evaluation of Tender T2024-03 – Landslide Remedial Works – Package 3 – Great North Rd.

RECOMMENDATION

That Council accepts the tender (T2024-03) from Anewx Pty Ltd for the lump sum of \$5,517,342.92 (including GST) for the Landslide Remedial Works – Package 3 – Great North Road, subject to the formal confirmation of grant funding by Transport for NSW on behalf of the NSW Reconstruction Authority.

BACKGROUND

Job Code	Site Name	Type of Works
DM437	Great North Road, Bucketty 350m north of Old Great North Rd Turn-Off	Bore Pile Wall and Road Widening, Construction
DM440	Great North Road, Bucketty 500m north of Old Great North Rd Turn-Off	Micro Pile, Soil Nail and Shotcrete Wall, Design and Construction
DM442	Great North Road, Laguna 800m north of Fernances Crossing N/B Lane	Drainage Remediation
DM444	Great North Road, Laguna 800m north of Fernances Crossing S/B Lane	Micro Pile, Soil Nail and Shotcrete Wall, Design and Construction

REPORT/PROPOSAL

Request for Tender

The Request for Tender (RFT) documents were prepared by Council officers, and reviewed by the Tender Audit Panel (TAP) before tenders were called. The form of contract selected was New South Wales Government, GC21 (Edition2), General Conditions of Contract. The RFT called for a mixed rates and lump sum tender, where the construction only site (DM437) is rates based remeasured, and the 3 remaining sites (DM440, DM442, and DM444) are design and construction lump sum.

Works and Infrastructure

Report No. WI3/2024

Works and Infrastructure



Invitation

Tenders were invited on 12 December 2023 on Council’s VendorPanel and advertised in the following publications:

Publication	Day	Date
Newcastle Herald	Saturday	12/12/2023
Sydney Morning Herald	Tuesday	12/12/2023
Pre-Tender Meeting	Thursday	11/01/2024

Addenda

No formal addenda were issue with this tender. The following technical clarifications, by way of question and answer, were issued via the VendorPanel Portal to all prospective tenderers during the invitation period:

No.	Date	Description
1	17/12/23	Additional Site-Specific Information; - T2024-03-Appendix 3 - DM437 - Great North Road_Bucketty - Survey Cross Sections.pdf - T2024-03-Appendix 3 - DM437 - Great North Road_Bucketty - Survey Plan-Rev-1.pdf - T2024-03-Appendix 3 - DM442 and DM444 - Great North Road_Laguna - Survey Plan-Rev-1.pdf
2	11/01/24	Additional Site-Specific Information; - DM00437 rising from slip location.MP4 video file
3	12/01/24	- T2024-03-Pre-Tender Meeting Clarification Notes.pdf

Closure

Tenders closed 2pm Tuesday 13 February 2024.

Tender Evaluation Team

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

- Senior Project Manager, Disaster, Recovery North, Transport for NSW
- Works and Operations Manager, Works and Operations
- Procurement Coordinator, Financial Services
- Procurement Senior Administration Officer, Financial Services
- Project Manager (Lead), Flood Recovery Works Landslides
- Project Manager (Support), Flood Recovery Works Landslides

Works and Infrastructure

Report No. WI3/2024

Works and Infrastructure



Evaluation Process

The evaluation was conducted according to the following process:

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

The evaluation criteria and their weightings were documented in the T2024-03-Landslide Remedial Works - Package 3 – Great North Rd - Contract Initiation and Development Plan, reviewed by the Procurement Coordinator prior to tenders being invited.

1. Assessment of Receipt

Tenders were received and assessed against the first threshold criteria:

Threshold Criteria	
Criterion 1	Submission on time

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

Tender	Tenderer	Business Address	Criterion 1
1	Anewx Pty Ltd	Unit 11, 42-48 Jack Williams Drive Penrith NSW 2750.	On Time
2	Civil and Civic Group Pty Ltd	Unit 5, 24 Richmond Avenue Canberra Airport ACT 2609	On Time
3	Civil Constructions Pty Limited	6 Mary Parade, Rydalmere, NSW 2116	On Time
4	Ground Stabilisation Systems Pty Limited	38 Canavan Drive, Beresfield NSW 2322	On Time
5, 5a	PCA Ground Engineering (Conforming and Alternative Submission)	Building G, 22 Powers Road, Seen Hills NSW 2147	On Time
6,	Retaining Specialists Pty Limited	19/26 Wattle Road, Brookvale NSW 2100	On Time

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

2. Assessment of Conformance

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

Threshold Criteria	
Criterion 2	Conformance with the RFT;

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

In addition to the six conforming tenders, one tenderer, PCA Ground Engineering submitted an alternative Design and Construct submission for the DM437 location.

3. Shortlisting

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

4. Weighted Evaluation

Tenders were evaluated using the following weighted evaluation criteria:

Criterion 3	Lump sum of Tendered amount
Criterion 4	DM437 – Soldier Pile Wall Method of Construction
Criterion 5	Program
Criterion 6	Experience and Performance
Criterion 7	WHS and Environmental

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

Tender One, Anewx Pty Ltd, scored highest based on the weighted criteria. With the highest score, Tender One from Anewx Pty Ltd was identified as the preferred tender.

5. Due Diligence

Referees, provided by the preferred tenderer, were contacted and positive comment on past performance was received. Performance on other known work was also considered.

Telephone interviews were carried out with the three top scoring tenderers to clarify the submission and the proposed program.

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

6. Evaluation Result

Following steps 1 to 5 of the evaluation process, the TET found that Tender One from Anewx Pty Ltd met the requirements of the RFT and recommended acceptance of Tender T2024-03.

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7. Independent Review

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

- Cessnock City Council Procurement Policy
- Cessnock City Council Procurement Guidelines
- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*
- Project Control Group (Inclusive of TfNSW)

TIME FRAME

Works are scheduled to commence in April 2024 for completion in October 2024.

LOCAL CONTENT

Local content scoring was not applicable to this tender.

OPTIONS

Option 1: Accept the tender from Anewx Pty Ltd in the amount of \$5,517,342.92 (including GST). This is the preferred option.

Option 2: Decline to accept any offers and negotiate with other service providers. This option is not recommended as it will negatively impact on the project program.

CONSULTATION

The following officers were consulted during the tender process:

- Senior Project Manager, Disaster, Recovery North
- Transport for NSW
- Works and Operations Manager, Works and Operations
- Procurement Coordinator, Financial Services
- Procurement Senior Administration Officer, Financial Services
- Project Manager (Lead), Flood Recovery Works Landslides
- Project Manager (Support), Flood Recovery Works Landslides

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

A communications plan has been developed for the project and communication about progress of the works will be ongoing. Regular information regarding the project will be provided to the key user groups on site as required. Council's website will provide information and Council's Facebook Page offers opportunity for feedback.

STRATEGIC LINKS

a. Delivery Program

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

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

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

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

The tender process has been carried out in accordance with:

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

b. Financial Implications

This project is grant funded by NSW Reconstruction Authority and administered by Transport of NSW, as detailed in:

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

The above grant approval was subject to “market responses” subsequently being approved by TfNSW.

TfNSW has been informed of the tender results. Council will submit a revised EPARs application as requested by TfNSW for the finalisation approval of a “Total Upper Limit Grant” based on the preferred tenderers pricing.

At the time of writing this tender report the TfNSW final EPAR approval had not yet been granted.

Subject to Council approval, award to the preferred Contractor will only be made once the “Total Upper Limit Grant” EPAR has been confirmed by TfNSW.

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c. Legislative Implications

The tender process has followed the legislative provisions, referenced in *Cessnock City Council Procurement Policy* and *Cessnock City Council Procurement Procedure*, as follows:

- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*

d. Risk Implications

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

- Satisfactory financial capacity
- Adequate levels of insurances
- Experience in Large Scale Bore Piling
- Modern Slavery

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

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

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

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

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

- Slope Stability Risk Analysis methodology for DM437,
- Traffic Management Plan to manage broader traffic implications such as heavy vehicles and delays,
- Traffic Control Plans to manage interactions between public and construction traffic and a staging plan to maintain access to the weighbridge and landfill,
- Requirements for on-site workers to have current general construction induction cards (white card) and licences/tickets and inducted to the site, and
- Safe Work Method Statements, kept on site, and discussed at daily tool box talks.

e. Environmental Implications

N/A

f. Other Implications

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

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CONCLUSION

The tender from Anewx Pty Ltd in the amount of \$5,517,342.92 (including GST), offers the best value for money for the The contract sum and contingency are fully funded from the grant funding as identified in this report.

ENCLOSURES

- 1** T2024-03 Tender Evaluation Matrix - Landslide Remediation Works Package 3 Great North Road - *This matter is considered to be confidential under Section 10A(2) (di) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.*

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Report No. WI4/2024

Works and Infrastructure



SUBJECT: *MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD 19 FEBRUARY 2024*

RESPONSIBLE OFFICER: *Infrastructure Manager - Cameron Clark*

RECOMMENDATION

That the Minutes of the Cessnock Local Traffic Committee Meeting of 19 February 2024 be adopted as a resolution of the Ordinary Council.

- **TC1/2024 – That Council authorises the temporary regulation of traffic for the Red Hot Summer Tour on Broke Road, McDonalds Road and Wine Country Drive, Pokolbin in accordance with Various Roads Pokolbin _ Red Hot Summer Tour Traffic Guidance Scheme.**
- **TC2/2024 – 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 Traffic Guidance Scheme.**

MINUTES OF LOCAL TRAFFIC COMMITTEE MEETING OF CESSNOCK CITY COUNCIL HELD IN COUNCIL CHAMBERS ANTE ROOM ON MONDAY, 19 FEBRUARY 2024

OPENING: The meeting was opened at 9:30am

PRESENT: Councillor James Hawkins (Chairperson)
Sergeant Jon Cassidy - NSW Police
Mr Mark Morrison – TfNSW

IN ATTENDANCE: Mr Ray Lambert - Parking Officer/Ranger
Mr Cameron Clark – Infrastructure Manager
Ms Alison Shelton – Road Safety Officer
Ms Memory Eshiloni – Undergraduate Engineer, Infrastructure
Ms Felicity Pankhurst – Senior Business Support Officer, Infrastructure

APOLOGIES

Nil

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CONFIRMATION OF MINUTES

NOTED that the Minutes of the Cessnock Local Traffic Committee held on 18 December 2023, as circulated, were previously confirmed as a true and correct record.

DISCLOSURES OF INTEREST

Nil

BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

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Report No. WI4/2024

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LISTED MATTERS

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

REPORT NO.: *TC1/2024*

REFERENCE: *46/2023/10/1*

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

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

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

- The addition of controls NSW police previously requested was noted as being included on the revised Traffic Control Plans.

RECOMMENDATION

That Council authorises the temporary regulation of traffic for the Red Hot Summer Tour on Broke Road, McDonalds Road and Wine Country Drive, Pokolbin in accordance with Various Roads Pokolbin _ Red Hot Summer Tour Traffic Guidance Scheme.

SUPPORT: Unanimous

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Report No. WI4/2024

Works and Infrastructure



SUBJECT: **VARIOUS ROADS, POKOLBIN
TEMPORARY REGULATION OF TRAFFIC
A DAY ON THE GREEN**

REPORT NO.: **TC2/2024**

REFERENCE: **46 2023 13 1**

MATTER: Council has received an application for the temporary regulation of traffic in connection with an existing development approval for 'A Day on the Green', and has assessed the application along with the associated Traffic Management Plan (TMP) and Traffic Guidance Schemes (TGS's).

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

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

- It was noted the TCP provided is the same as previously submitted applications.
- NSW Police advise of issue with prior event, allowing busses to drive down incorrect side of the road. Traffic Control staff on duty were not responsive to questioning or feedback around pedestrian safety.
- NSW Police note they will be supervising upcoming event for compliance to TCP for duration of this event. Should they witness any deviations to TCP submitted and reviewed, NSW Police will be issuing a breach.
- TfNSW confirm the Traffic Control company have no authority to allow or facilitate above traffic movements.
- NSW Police and Clr Hawkins request for a note to be added to Letter of Consent advising that any deviation from the specified plans will be a breach of conditions of consent in DA, and may result in penalties.

RECOMMENDATION

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 Traffic Guidance Scheme.

SUPPORT: Unanimous

CLOSURE

The Meeting Was Declared Closed at 10:16am

ENCLOSURES

There are no enclosures for this report.

Notices Of Motion

Report No. BN3/2024

General Manager's Unit



NOTICES OF MOTION No. BN3/2024

SUBJECT: *MEMBERSHIP OF HUNTER COMMUNITY ALLIANCE*

COUNCILLOR: *Ian Olsen*

MOTION

That the Mayor brings a report back to the next council meeting on 17th April 2024 with the following information;

1. Who gave him the authority to sign council up to supporting the Hunter Community Alliance?
2. Why weren't councillors and the community informed of this decision?
3. What impact this will have on the operation of council? ie. Cost, staff, etc
4. The benefits if any to council?
5. The motivation of another body of groups when we already have 3 levels of government?
6. What this group is trying to achieve in respect to the Cessnock LGA?
7. Any other relevant information that will help councillors understand who Hunter Community Alliance is?

It is my intention to move the above motion at the next Ordinary Meeting of Council on 20 March 2024.

RATIONALE

If I didn't get a request from the group to volunteer I would not have known the Mayor had given councils support to this group. The Mayor does not have the authority to commit support to groups like this without seeking the full councils support. We need to know what he has committed our community to so we are all given the same information.

SOURCE OF FUNDING:

Not required.

DELIVERY PROGRAM:

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

Notices Of Motion

Report No. BN3/2024

General Manager's Unit



GENERAL MANAGERS COMMENTARY:

1. Council has not committed to or taken up any form of membership with the HCA.
2. Mayor Suvaal has met with this body previously on 6 November 2023 as an introductory meeting, which Council staff also attended (from Planning and Communications). The Mayor regularly has introductory meetings with different groups in his role as Mayor.
3. Mayor Suvaal was invited to the Hunter Community Alliance Founding Assembly at Newcastle University on 10 April 2024 which he declined.
4. I am aware some Councillors have been invited to attend this assembly individually and is not something Council have promoted. There is no expectation to attend this event in Newcastle however Councillors are most welcomed to do so if they wish.
5. The Hunter Community Alliance has a website which has an About Us section for more information; <https://www.thehca.org.au>.

Sgd: Ian Olsen

Date: 7 March 2024

ENCLOSURES

There are no enclosures for this report