



13 May 2025

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, 21 May 2025 at 6.30pm, for the purposes of transacting the undermentioned business.

AGENDA:

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(1) ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS	
(2) OPENING PRAYER	
(3) RECEIPT OF APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE , OR ATTENDANCE BY AUDIO-VISUAL LINK	
(4) CONFIRMATION OF MINUTES OF PREVIOUS MEETING	
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(13) CORPORATE AND COMMUNITY

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CC24/2025 Tender T2025-11 Weston Bears Park Grandstand,
Amenities & Carpark Upgrade 54
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(14) BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BN10/2025 Political Signage 68

(15) COUNCILLORS' REPORTS

‡ - 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 23 October 2024. 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, 16 APRIL 2025, COMMENCING AT
6.30PM**

PRESENT: His Worship the Mayor, Councillor D Watton (in the Chair) and Councillors Dixon, Grine, Hill, King, Lea, Madden, Mason, Palmowski, Pascoe.

IN ATTENDANCE: General Manager
Director Planning and Environment
Acting Director Corporate and Community Services (Chief Finance Officer)
Director Works and Infrastructure
People and Culture Manager
Development Services Manager
Strategic Planning Manager
Development Engineering Coordinator
Communications & Engagement Manager
Help Desk Support Officer x 2
Council Services Team Leader

The Prayer was presented by Pastor Amanda Francis.

**APOLOGIES/LEAVE
OF ABSENCE:**

MOTION

Moved: Councillor Hill
Seconded: Councillor Mason

129

RESOLVED that the apologies tendered on behalf of Councillors Harrington and Suvaal, for unavoidable absence, be accepted.

FOR

AGAINST

Councillor Dixon
Councillor Grine
Councillor Hill
Councillor King
Councillor Lea
Councillor Madden
Councillor Mason
Councillor Palmowski
Councillor Pascoe
Councillor Watton

Total (10)

Total (0)

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI3/2025

SUBJECT: DISCLOSURES OF INTEREST

Nil

PETITIONS

Nil

ADDRESS BY INVITED SPEAKERS

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

Speakers	For / Against	Report	Page No.	Duration
Danielle O'Hara	Against	PE7/2025 - Development Application No. 8/2024/197/1 proposing a Centre-based Child Care Facility (124 Children) with Basement Level Car Parking	47	3 mins

The nominated speaker withdrew.

PLANNING AND ENVIRONMENT NO. PE7/2025

**SUBJECT: DEVELOPMENT APPLICATION NO. 8/2024/197/1 PROPOSING A
CENTRE-BASED CHILD CARE FACILITY (124 CHILDREN) WITH
BASEMENT LEVEL CAR PARKING**

MOTION **Moved:** Councillor King **Seconded:** Councillor Pascoe
132
RESOLVED

1. **That:**

- (i) **Development Application No. 8/2024/197/1 proposing a centre-based child care facility at 14A Fletcher Street, Nulkaba (Lot: 520 DP: 1155464) be approved pursuant to Sections 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979* subject to the conditions contained in this report.**

- (ii) **The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:**
 - **The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instrument(s), being the *Cessnock Local Environmental Plan 2011 (CLEP)*, *State Environmental Planning Policy (Transport and Infrastructure) 2021* and *State Environmental Planning Policy (Resilience and Hazards) 2021*.**

 - **The proposed development is, subject to the recommended conditions, consistent with the objectives of the Cessnock Development Control Plan 2010 (DCP).**

 - **Subject to the recommended conditions, the proposed development will be provided with adequate essential services required under the Cessnock Local Environmental Plan 2011 (CLEP).**

 - **The proposed development is considered to be of an appropriate scale and form for the site, and is consistent with the character of the locality.**

- The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The proposed development is a suitable and planned use of the site and its approval is consistent with the public interest considering the location of the development within an Urban Release Area.
- Any issues raised in submission/s have been taken into account in the assessment report and where appropriate, conditions of consent have been imposed on the determination. Council has given due consideration to community views when making the decision to determine the application.

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

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

FOR	AGAINST
Councillor Hill	Councillor Dixon
Councillor Lea	Councillor Grine
Councillor Madden	Councillor King
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Watton	
Total (7)	Total (3)

CARRIED

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

MOTION **Moved:** Councillor Lea **Seconded:** Councillor Hill
133

RESOLVED

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

PE9/2025	Anomalies Planning Proposal Post Exhibition Report.....	56
PE10/2025	Exhibition of draft Development Control Plan - The Vintage	62
PE11/2025	T2025-10 Background Studies and Structure Plan for Anambah to Branxton Regional Significant Growth Area.....	66
‡ CC20/2025	Investment Report - March 2025	87
‡ CC21/2025	Resolutions Tracking Report	92
WI4/2025	Minutes of Floodplain Risk Committee Meeting held on Thursday 27 February 2025.....	93
WI6/2025	Minutes of Grants Advisory Committee meeting held Wednesday 19 March 2025	102

Council adopt the recommendations as printed in the business papers for those items.

FOR	AGAINST
Councillor Dixon	
Councillor Grine	
Councillor Hill	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Watton	
Total (10)	Total (0)

CARRIED UNANIMOUSLY

MAYORAL MINUTES

MAYORAL MINUTES NO. MM2/2025

SUBJECT: TARGA RALLY FOR CESSNOCK

MOTION **Moved:** Councillor Watton

134

RESOLVED

That Council formally engage with Targa Australia to express Council's interest as a venue for a Targa-style rally event in the Cessnock Local Government Area.

FOR	AGAINST
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Councillor Dixon

Councillor Grine

Councillor Hill

Councillor King

Councillor Lea

Councillor Madden

Councillor Mason

Councillor Palmowski

Councillor Pascoe

Councillor Watton

Total (10)

Total (0)

CARRIED UNANIMOUSLY

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU3/2025

SUBJECT: MOTIONS OF URGENCY

Nil

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE8/2025

SUBJECT: DRAFT VILLAGES STRATEGY

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Mason
135

RESOLVED

1. That Council place the draft Villages Strategy on public exhibition for a minimum period of 28 days.
2. That Council receive a further report following public exhibition of the draft Villages Strategy.

FOR	AGAINST
Councillor Dixon	
Councillor Grine	
Councillor Hill	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Watton	
Total (10)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE9/2025

SUBJECT: ANOMALIES PLANNING PROPOSAL POST EXHIBITION REPORT

MOTION **Moved:** Councillor Lea **Seconded:** Councillor Hill
136
RESOLVED

1. That Council note the outcomes of community consultation for Planning Proposal 18/2024/3/1 – Anomalies Planning Proposal
2. That Council forwards the Anomalies Planning Proposal to the Minister for Planning and Public Spaces with a recommendation that the plan be made pursuant to Section 3.36 of the *Environmental Planning and Assessment Act 1979*.

FOR	AGAINST
Councillor Dixon	
Councillor Grine	
Councillor Hill	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Watton	
Total (10)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE10/2025

SUBJECT: EXHIBITION OF DRAFT DEVELOPMENT CONTROL PLAN - THE VINTAGE

MOTION **Moved:** Councillor Lea **Seconded:** Councillor Hill
137

RESOLVED

1. That Council places the draft 'The Vintage' Development Control Plan on public exhibition for a period of 28 days, as required by Council's Community Participation Plan.
2. That Council receive a further report following public exhibition of the Draft Development Control Plan chapters if unresolved objections are received or significant amendment to the Draft Development Control Plan Chapter are made post exhibition. Where there are no unresolved objections nor significant amendments proposed post exhibition, the Draft Development Control Plan Chapters be adopted by Council pursuant to the *Environmental Planning and Assessment Regulation 2001*.

FOR	AGAINST
Councillor Dixon	
Councillor Grine	
Councillor Hill	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Watton	
Total (10)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE11/2025

SUBJECT: TENDER - T2025-10 BACKGROUND STUDIES AND STRUCTURE PLAN FOR ANAMBAH TO BRANXTON REGIONAL SIGNIFICANT GROWTH AREA

MOTION **Moved:** Councillor Lea **Seconded:** Councillor Hill
138
RESOLVED

1. That Council accept the tender T2025-10 from Urbis Ltd for the Background Studies and Structure Plan for Anambah to Branxton RSGA for the lump sum of \$3,416,872 (inclusive of GST).
2. That Council allow for the acceptance of any additional Provisional Items for the Contract which will be fully funded under the grant Council was successful in securing under the Commonwealth Housing Support Program - Stream 1.

FOR	AGAINST
Councillor Dixon	
Councillor Grine	
Councillor Hill	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Watton	
Total (10)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC17/2025

SUBJECT: DONATIONS UNDER SECTION 356 - RATES SUBSIDY POLICY

MOTION **Moved:** Councillor King **Seconded:** Councillor Grine
139
RESOLVED

1. That Council applies a 50% Rates Subsidy for the following Assessments in accordance with the Rates Subsidy Policy effective for the 2025-26 rating year.

Assessment	Organisation	Location
59204	Cessnock Homing Pigeon Club	Cessnock
123596	Trustees Masonic Hall	Paxton
139907	Masonic Holdings Limited	Weston
191502	Kurri Kurri Motor Cycle Club Inc	Buchanan
252916	Richmond Vale Preserv. Co-op Soc.	Kurri Kurri

2. That the General Manager write to each applicant advising of Council's decision according to the Rates Subsidy Policy.
3. That Council approve a 50% rates subsidy for applicants who qualify for the subsidy but have not yet lodged an application for the 2025- 26 year, and delegates to the General Manager to apply the rates subsidy if applicants supply the required information prior to 31 May 2025, up to a total of \$35,000.

FOR	AGAINST
Councillor Grine	Councillor Dixon
Councillor Hill	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Watton	
Total (9)	Total (1)

CARRIED

CORPORATE AND COMMUNITY NO. CC18/2025

SUBJECT: PLACEMENT OF INTEGRATED PLANNING AND REPORTING DOCUMENTS 2025-26 ON PUBLIC EXHIBITION

MOTION Moved: Councillor Pascoe **Seconded:** Councillor King

That Council places the draft Integrated Planning and Reporting documents comprising the:

- **Community Strategic Plan Cessnock 2040;**
- **Resourcing Strategy consisting of the Long Term Financial Plan, Asset Management Strategy and Workforce Management Strategy;**
- **Delivery Program incorporating the 2025-26 Operational Plan including the budget, Revenue Policy, and Statement of Fees and Charges;**

on public exhibition for 28 days in accordance with Section 405 of the *Local Government Act 1993*.

AMENDMENT Moved: Councillor King **Seconded:** Councillor Mason

That Council reconvene to consider this item on Wednesday 30 April 2025 in an extraordinary Council meeting after further consultation is undertaken between Councillors and the General Manager.

FOR	AGAINST
Councillor Dixon	Councillor Grine
Councillor King	Councillor Hill
Councillor Mason	Councillor Lea
Councillor Watton	Councillor Madden
	Councillor Palmowski
	Councillor Pascoe
Total (4)	Total (6)

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

The Motion was then **PUT** and **CARRIED**.

MOTION

Moved: Councillor Pascoe

Seconded: Councillor King

140

RESOLVED

That Council places the draft Integrated Planning and Reporting documents comprising the:

- **Community Strategic Plan Cessnock 2040;**
- **Resourcing Strategy consisting of the Long Term Financial Plan, Asset Management Strategy and Workforce Management Strategy;**
- **Delivery Program incorporating the 2025-26 Operational Plan including the budget, Revenue Policy, and Statement of Fees and Charges;**

on public exhibition for 28 days in accordance with Section 405 of the *Local Government Act 1993*.

FOR

Councillor Grine
Councillor Hill
Councillor Lea
Councillor Madden
Councillor Mason
Councillor Palmowski
Councillor Pascoe

Total (7)

AGAINST

Councillor Dixon
Councillor King
Councillor Watton

Total (3)

CARRIED

CORPORATE AND COMMUNITY NO. CC19/2025

SUBJECT: ENGAGEMENT OF ADVISOR FOR SPECIAL RATE VARIATION

MOTION Moved: Councillor Pascoe **Seconded:** Councillor Mason

141

RESOLVED

1. That Council notes the report of the Institute for Regional Futures of the University of Newcastle, outlining the financial sustainability challenges for Cessnock City Council.

2. That Council authorises the General Manager to:
 - a. engage an independent advisor to provide further advice to Council on the potential for a special rate variation

 - b. report to Council on the recommendations of the advisor prior to any decision being made on a Special Rate Variation application by Council.

FOR	AGAINST
Councillor Dixon	Councillor King
Councillor Grine	
Councillor Hill	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Watton	
Total (9)	Total (1)

CARRIED

CORPORATE AND COMMUNITY NO. CC20/2025

SUBJECT: INVESTMENT REPORT - MARCH 2025

MOTION **Moved:** Councillor Lea **Seconded:** Councillor Hill
142
RESOLVED

That Council receives the Investment Report for March 2025 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 \$63,187,380.**

FOR	AGAINST
Councillor Dixon	
Councillor Grine	
Councillor Hill	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Watton	
Total (10)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC21/2025

SUBJECT: RESOLUTIONS TRACKING REPORT

MOTION **Moved:** Councillor Lea **Seconded:** Councillor Hill
143
RESOLVED

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

FOR	AGAINST
Councillor Dixon	
Councillor Grine	
Councillor Hill	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Watton	
Total (10)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI4/2025

SUBJECT: MINUTES OF FLOODPLAIN RISK COMMITTEE MEETING HELD ON THURSDAY 27 FEBRUARY 2025

MOTION **Moved:** Councillor Lea **Seconded:** Councillor Hill
144
RESOLVED

That the Minutes of the Floodplain Risk Management Committee held 27 February 2025 be adopted as a resolution of the Ordinary Council.

FOR	AGAINST
Councillor Dixon	
Councillor Grine	
Councillor Hill	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Watton	
Total (10)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI5/2025

SUBJECT: NOMINATION OF SECTION 355 COMMITTEES

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Mason
145
RESOLVED

1. That Council delegates the care, control and management of Council's community and recreation facilities, other Council owned and controlled land, to relevant Section 355 Committees.
2. That Council authorise the management of the Section 355 Committees to be in accordance with any practices and procedures adopted by the General Manager.
3. That Council authorise the General Manager to execute documents confirming the delegated functions with each of the appointed community representatives for each of the respective Section 355 Committees in accordance with any practices and procedures.
4. That Council establishes the following Section 355 Committees:
 - a) Cessnock Tidy Towns
 - b) Greta Tidy Towns
 - c) Kearsley Tidy Towns
 - d) Millfield Tidy Towns
 - e) North Rothbury Tidy Towns
 - f) North Rothbury Bushcare
 - g) Paxton Tidy Towns
 - h) Weston Tidy Towns.

FOR	AGAINST
Councillor Dixon	Councillor King
Councillor Grine	
Councillor Hill	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Watton	
Total (9)	Total (1)

CARRIED

WORKS AND INFRASTRUCTURE NO. WI6/2025

**SUBJECT: MINUTES OF GRANTS ADVISORY COMMITTEE MEETING HELD
WEDNESDAY 19 MARCH 2025**

MOTION **Moved:** Councillor Lea **Seconded:** Councillor Hill
146
RESOLVED

That the Minutes of the Grant Advisory Committee Meeting held 19 March 2025 be adopted as a resolution of the Ordinary Council.

FOR	AGAINST
Councillor Dixon	
Councillor Grine	
Councillor Hill	
Councillor King	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Councillor Watton	
Total (10)	Total (0)

CARRIED UNANIMOUSLY

BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BUSINESS WITH NOTICE NO. BN9/2025

SUBJECT: POLITICAL SIGNAGE

MOTION **Moved:** Councillor Hill **Seconded:** Councillor Lea
147
RESOLVED

That the matter be deferred to the next Ordinary Council meeting.

FOR	AGAINST
Councillor Dixon	Councillor King
Councillor Grine	Councillor Watton
Councillor Hill	
Councillor Lea	
Councillor Madden	
Councillor Mason	
Councillor Palmowski	
Councillor Pascoe	
Total (8)	Total (2)

CARRIED

COUNCILLOR REPORTS

Nil

The Meeting Was Declared Closed at 7.21pm

CONFIRMED AND SIGNED at the meeting held on 21 May 2025

.....**CHAIRPERSON**

.....**GENERAL MANAGER**

Disclosures Of Interest

Report No. DI4/2025

Corporate and Community Services



SUBJECT: *DISCLOSURES OF INTEREST*

RESPONSIBLE OFFICER: *Corporate Governance Manager*

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.

Motions of Urgency

Report No. MOU4/2025

Corporate and Community Services



SUBJECT: *MOTIONS OF URGENCY*

RESPONSIBLE OFFICER: *Corporate Governance Manager*

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 9.3 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. GMU1/2025
General Manager's Unit



SUBJECT: *CESSNOCK CITY COUNCIL UNION PICNIC DAY*
RESPONSIBLE OFFICER: *People and Culture Manager*

SUMMARY

This report provides Council with information on the approved date for the annual Cessnock City Council Union Picnic Day.

RECOMMENDATION

That Council notes the Union Picnic Day is to be held on Friday 31 October 2025.

BACKGROUND

The Cessnock City Council Picnic Association has written to the General Manager requesting that approval be granted for the Annual Cessnock City Council Union Picnic Day to be held on Friday, 31 October 2025.

All Council services, facilities and offices do not operate on Union Picnic Day. Council employees are available for emergency situations.

REPORT

Clause 22B of the *Local Government (State) Award 2023* (the Award) states the following in regards to Union Picnic Day:

- (i) *Union Picnic Day shall for the purposes of this Award be regarded as a public holiday for employees who are financial members of the union(s). The Union Picnic Day shall be on such day as is agreed between the employer and the union(s).*
- (ii) *The union(s) shall advise the employer of financial members as at the time of the Union Picnic Day. Such advice must be given at least two weeks prior to the Union Picnic Day.*
- (iii) *Employees who are not financial members of the union(s) and who are required to work on Union Picnic Day, shall be paid ordinary pay for their normal working day.*
- (iv) *Employees who are not financial members of the union(s) and who are not required to work on Union Picnic Day, may apply to the employer to take annual leave, long service leave, time off in lieu of overtime, leave without pay, such other leave as may be approved by the employer, or may be required by the employer to make up time.*

The General Manager has approved Friday, 31 October 2025 as the Union Picnic Day in accordance with the Award and has encouraged the Association to hold an event this year.

General Manager's Unit

Report No. GMU1/2025

General Manager's Unit



All Council services, facilities and offices do not operate on Picnic Day. Council employees are available for emergency situations.

Council will notify members of the Community of the closure by way of notices in local print media, on Council's website and all Council's social media outlets. In addition, notices are to be posted across various public facing Council managed facilities to advise of the closure.

STRATEGIC LINKS

a. Delivery Program

This report links to the community's desired outcome outlined of *Civic Leadership and Effective Governance*.

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

The budget for the salaries costs of the staff leave associated with the Union Picnic Day is factored into the Delivery Program and 2025-26 Operational Plan.

c. Legislative Implications

Local Government (State) Award 2023

d. Risk Implications

N/A

e. Other Implications

N/A

CONCLUSION

Council is advised of the date of the 2025 Union Picnic Day.

ENCLOSURES

There are no enclosures for this report.

Planning and Environment

Report No. PE12/2025

Planning and Environment



SUBJECT: *PLANNING PROPOSAL 18/2024/6/1 - RECLASSIFICATION OF COUNCIL LAND - POST EXHIBITION*

RESPONSIBLE OFFICER: *Strategic Planning Manager*

SUMMARY

The purpose of this report is to advise Council of the outcome of the public exhibition and public hearing held for Planning Proposal 18/2024/6/1 – Reclassification of part Lot 312 DP 566724 (Old Maitland Road, Cessnock) from Community Land to Operational Land. This report also seeks Council’s endorsement to forward the Planning Proposal to the Department of Planning, Housing and Infrastructure (DPHI) with a recommendation to make the local environmental plan.

APPLICATION NUMBER:	18/2024/6/1
PROPOSAL:	Reclassification of Council Land
PROPERTY DESCRIPTION:	Part of Lot 312 DP 566724 (Old Maitland Road, Cessnock)
PROPONENT:	Cessnock City Council

RECOMMENDATION

1. That Council notes the outcome of the community consultation for Planning Proposal 18/2024/6/1 - Reclassification of part Lot 312 DP 566724 (Old Maitland Road, Cessnock) from Community Land to Operational Land.
2. That Council forwards the Planning Proposal 18/2024/6/1 for Reclassification of Council Land to the Minister for Planning and Public Spaces with a recommendation that the plan be made pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979.
3. That Council notifies submission makers of the Minister’s decision.

BACKGROUND

Council resolved on 20 November 2024 to request a Gateway determination for a Planning Proposal from the NSW Department of Planning, Housing and Infrastructure (DPHI) pursuant to Section 3.34 of the *Environmental Planning and Assessment Act 1979* to Reclassify part of Lot 312 DP 566724 (Old Maitland Road, Cessnock) from Community Land to Operational land. Council also resolved to undertake the necessary Public Hearing and public notification requirements for the proposed reclassification of Council owned land, pursuant to the provisions of Sections 29 and 34 of the *Local Government Act 1993*.

On 13 December 2024 DPHI issued a Gateway determination in respect of the Planning Proposal. The Gateway determination required Council to undertake government agency consultation and place the updated Planning Proposal on public exhibition for a minimum of 28 days.

The Planning Proposal was placed on public exhibition between 3 February and 3 March 2025.

A public hearing was held 3 April 2025.

REPORT/PROPOSAL

The Planning Proposal seeks the reclassification of part of Lot 312 DP 566724 (the subject land – see Figure 1) from Community to Operational land under the provisions of the *Environmental Planning and Assessment Act 1979*.

The proposal also seeks to remove the public reserve status from the subject land. If finalised, the Planning Proposal will result in the site being classified as Operational Land. This classification means the site can be sold by Council.

Council has entered into a Deed of Agreement with Land Specialists Estates NSW PTY LTD (Land Specialists), whereby it has agreed to make the subject land available for purchase by Land Specialists. This Deed requires the reclassification of the subject land from Community to Operational land as a prerequisite to sale.

Land Specialists intends to undertake residential subdivision on the adjacent land to the north and requires secondary access via Alkira Avenue, through the subject land. The subject land has been identified as surplus by the asset owner, Council’s Open Space and Community Facilities Section and has no known purpose.

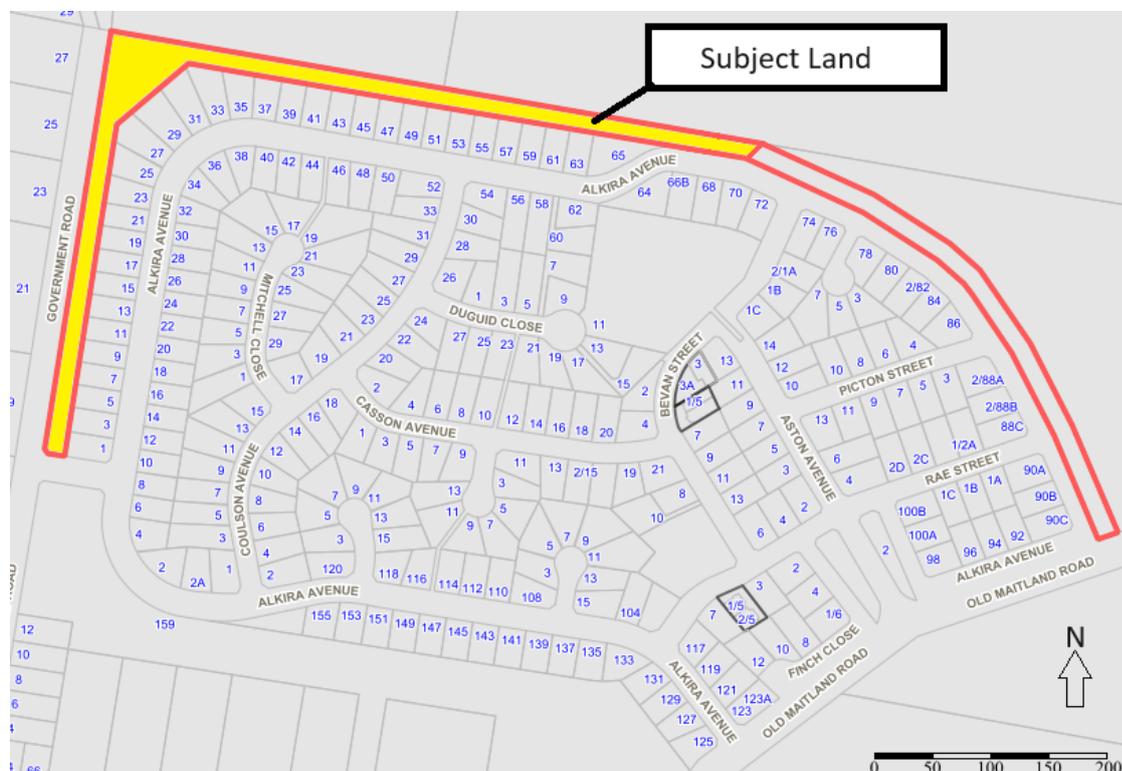
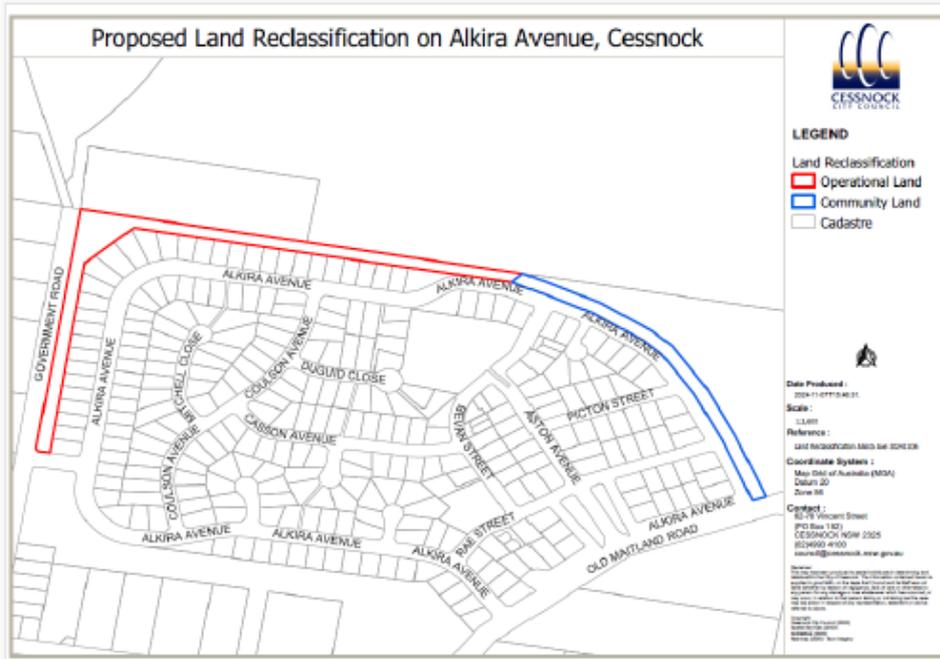
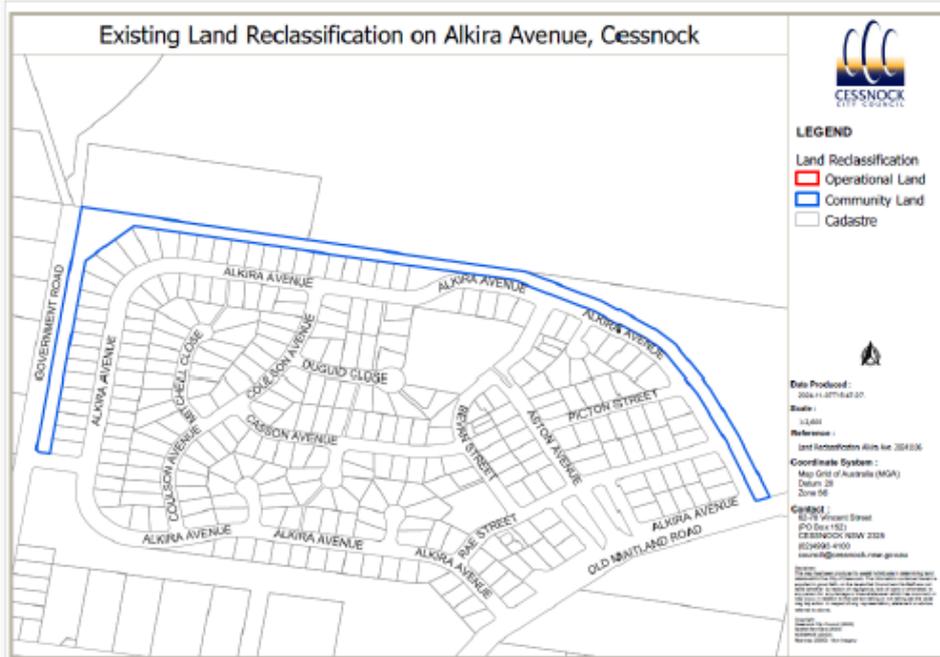


Figure 1: The subject land – Approximately 1.2-hectare portion of LOT: 312 DP: 566724, Old Maitland Road, Cessnock.



Proposed Land Reclassification maps:



OPTIONS

1. Not proceed with the Planning Proposal for the following reasons:

(To be provided by Council).

2. Proceed with the finalisation of the Planning Proposal (**Enclosure 1**). This is the recommended option.

CONSULTATION

Formal public consultation regarding the Planning Proposal was carried out in accordance with the DPHI's Gateway determination and Council's Community Participation Plan (CPP). Community Consultation was conducted from 3 February and 3 March 2025.

A letter was sent to residents in the vicinity of the subject land, a Have Your Say Webpage was developed and social media posts providing notice of the Planning Proposal were posted.

There were seven (7) submissions to the public exhibition of the Planning Proposal. One (1) submission was in favour of the proposal, while the remainder (6) were not supportive. A detailed summary and response to the key issues raised during the exhibition period is provided as **Enclosure 2** to this report.

In accordance with the *Environmental Planning and Assessment Act 1979, Local Government Act 1993* and the LEP Practice Note, PN 16-001 "Classification and Reclassification of Public Land through a Local Environmental Plan" (**Enclosure 3**), a public hearing was held following the completion of the public exhibition period.

The public hearing was held on Thursday, 3 April 2025 from 5.30pm – 6.30pm at East Cessnock Bowling Club (6-12 Victoria Street, Cessnock). The hearing was conducted by an independent facilitator, as required by the legislation. Notice was given on Council's website more than 21 days prior to the public meeting being held. Two community members attended and while no formal submissions were received in relation to the site, one attendee indicated he was in support of the reclassification and sale of the land and hoped it would reduce the number of youth motorcycle riding in the area and damaging property such as his property. The independent public hearing report detailing the outcome of the event can be viewed in **Enclosure 4**.

Consultation occurred with the following public authorities in accordance with the Gateway determination between 16 December 2024 and 17 February 2025. A summary of responses is below:

Rural Fire Service Response (Appendix 5 of the Planning Proposal):

On 1 April 2025, NSW Rural Fire Service advised that the Planning Proposal is supported without any specific bush fire protection measures.

Planning and Environment

Report No. PE12/2025

Planning and Environment



Department of Climate Change, Energy, the Environment and Water Biodiversity, Conservation and Science Directorate (DCCEEW) Response (Appendix 6 of the Planning Proposal):

On 6 February 2025, DCCEEW advised that the Planning Proposal does not provide sufficient detail to determine the extent of potential areas of High Environmental Value (HEV) within the site including the following:

- Known and potential key habitat for a number of threatened species including, *Eucalyptus parramattensis* subsp. *decadens*, *Callistemon linearifolius*, *Grevillea parviflora* subsp. *parviflora*, *Rutidosis heterogama*, Squirrel Glider, Yellow-bellied Glider, Brush-tailed Phascogale and Grey-headed Flying-fox.
- Potential key habitat for a Threatened Ecological Community (TEC), such as Lower Hunter Spotted Gum Ironbark Forest in the Sydney Basin and NSW North Coast Bioregions.

The DCCEEW recommend that:

Further ecological assessment within the appropriate survey period is recommended in areas of HEV. This assessment is to ensure that areas of HEV are adequately identified earlier in the planning process so that measures to avoid and minimise can be applied. The recommended assessment is to include the following:

- Threatened flora search (for the species listed above).
- Daytime camp survey (Grey-headed Flying-fox).

The associated ecological assessment should consider local planning guidelines specifically:

- Flying-fox Camp Management Policy 2015.

The DCCEEW recommended a C2 Environmental Conservation Zone for the remaining portion of Public Reserve which is of High Environmental Value and has Biodiversity Values mapped (Threatened species or communities with potential for serious and irreversible impacts).

Council officer response:

While an area of approximately 100m² of the subject land is mapped as having Biodiversity Values, Council's Senior Environmental Planner has advised that seasonal survey work at this stage is considered unnecessary. The current zoning (R2 low density residential) of the site is not proposed to be changed and the ecological surveying required by DCCEEW can be required to be undertaken as part of any future DA, if and when the site is proposed to be developed. This would allow areas of HEV to be avoided by any future development. On this basis, no change is proposed to the current Planning Proposal.

Mindaribba Local Aboriginal Land Council:

No response was received.

Planning and Environment

Report No. PE12/2025

Planning and Environment



STRATEGIC LINKS

a. Delivery Program

By facilitating the sale of unused land that presents a maintenance burden for Council, the proposed reclassification supports Cessnock Community Strategic Plan 2036 Objective 5.1 Fostering and supporting community leadership: 5.3.3 Our Council is financially sustainable.

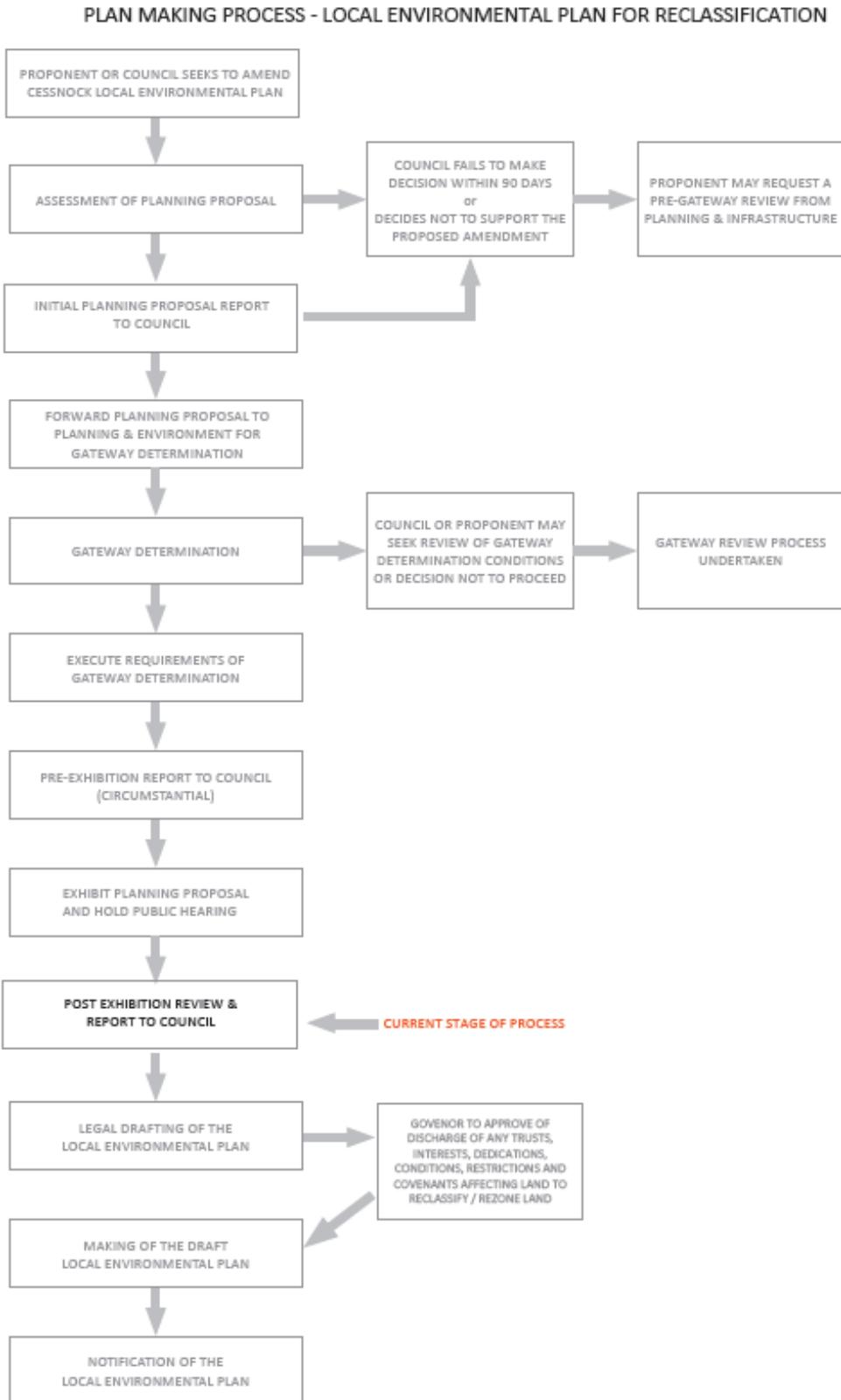
b. Other Plans

This is consistent with the Cessnock Recreation and Open Space Strategic Plan as the subject land is not identified as having a community purpose.

IMPLICATIONS

a. Policy and Procedural Implications

The status of the Planning Proposal is identified in the following process flow chart:





b. Financial Implications

The costs associated with preparing the Planning Proposal to reclassify the subject land will be covered by fees to be paid by Land Specialists Estates PTY LTD, in accordance with Council's adopted fees and charges. Following the proposed reclassification, the subject land portion is proposed to be sold at market value to Land Specialists Estates Pty Ltd. Funds will be credited to Council's Property Investment Fund reserve and allocated in accordance with the adopted Council policies. The proposed reclassification will facilitate the sale of land that has been identified as surplus to Council needs and has no known community purpose. This will reduce the maintenance burden on Council and assists the continued and improved use of recreation facilities that are important to the local community.

c. Legislative Implications

The planning proposal will be undertaken in accordance with the *Environmental Planning and Assessment Act, 1979*, and *Local Government Act 1993*, in addition to the DPHI's Local Environmental Plan Making Guideline (August 2023) and Council's CPP.

Reclassification of public land is also carried out in accordance with the NSW government Practice Note PN 16-001 Classification and reclassification of public land through a local environmental plan.

d. Risk Implications

Nil

e. Environmental Implications

The subject land contains a small area mapped as Biodiversity Values Map under the *Biodiversity Conservation Act 2016*. Therefore, any future development would require a biodiversity development assessment report, but would likely be undertaken as a streamlined assessment in accordance with the Biodiversity Assessment Method.

f. Other Implications

Nil

CONCLUSION

The proposed reclassification will facilitate the sale of land that has been identified as surplus to Council needs and has no known community purpose.

It is anticipated that the Planning Proposal would facilitate opportunities for housing on adjoining land (subject to a separate approval) for the growing Cessnock population.

The proposal has been progressed in accordance with relevant legislation and Council's strategic planning framework, including government agency and public consultation. Therefore, it is recommended Council forward the amended Planning Proposal to DPHI with a recommendation to make the local environmental plan.

Planning and Environment

Report No. PE12/2025

Planning and Environment



ENCLOSURES

- [1](#) ⇨ Planning Proposal for Council Report
- [2](#) ⇨ Summary of Public Submissions
- [3](#) ⇨ Practice Note - Reclassification of Land
- [4](#) ⇨ Independent Public Hearing Report



SUBJECT: *CESSNOCK CITY COUNCIL AND MAITLAND CITY COUNCIL BOUNDARY ADJUSTMENT*

RESPONSIBLE OFFICER: *Strategic Planning Manager*

SUMMARY

The owners of land at the former Hydro Aluminum site at Kurri Kurri have initiated a boundary amendment between Cessnock City Council (CCC) and Maitland City Council (MCC). The proposed boundary amendment will align the Local Government Area (LGA) boundaries with the rail line.

RECOMMENDATION

1. That Council proceed under section 218(E) of the Local Government Act 1993 with the proposal to affect a minor Local Government boundary adjustment and inform Maitland City Council that it has no objection to the transfer of:
 - Part Lot 1, DP 1309303 (0.6ha) currently within the Maitland City Council to be incorporated by the boundary adjustment into the Cessnock City Council, and
 - Lot 1, DP 62332 (3.4ha) currently within the Cessnock City Council to be incorporated by the boundary adjustment into the Maitland City Council.
2. That Council notes that the standard provision be included in the Proclamation:

Rates and charges

- a. Appropriate arrangements are to be made in relation to the payment of any outstanding rates and charges over the rateable land affected by this Proclamation.
- b. The General Manager of Maitland City Council and the General Manager of Cessnock City Council are to reach a negotiated agreement on the nature of those arrangements.
- c. In the event that the General Managers of Maitland City Council and Cessnock City Council cannot come to a negotiated agreement on the matter of rates and charges, the councils shall request that the Minister for Local Government make a determination on that matter.

BACKGROUND

The Kurri Kurri Aluminum Smelter production ceased in September 2012 and the smelter was formally closed in May 2014. Since the closure, plans for the future of the site have been significantly progressed and the site has been rezoned to a mix of residential, employment, recreation, conservation and infrastructure zones.



REPORT/PROPOSAL

The former Hydro Aluminum site is intended to be developed for a significant residential development with supporting employment and recreational land. The Urban Release Area contains land in both the Cessnock and Maitland Local Government Area (LGA).

The Developers land holding is currently split by the rail corridor and the LGA boundary (Figure 1). This has resulted in two triangular parcels of land, Lot: 1 DP: 62332 in the Cessnock LGA and Lot 1 DP 1309303 in the Maitland LGA being disjointed from the remainder of the developable land (Figure 1).

The current LGA boundaries mean that Lot: 1 DP: 62332 which is within the Cessnock LGA, can only be accessed from the Maitland LGA given the location of the rail corridor. Likewise, Lot 1 DP 1311441 which is located in the Maitland LGA, can only be accessed via the Cessnock LGA due to the rail corridor. The difficulty in accessing the site is likely to cause issues in the future when the site is developed for a range of reasons including access from garbage trucks and neighboring dwellings being located in different LGAs.

The boundary amendment has been requested by the land owners. The proposed boundary amendment is to have the LGA boundary follow the rail corridor on its northern side (Figure 2). This will place the rail line in Cessnock LGA. Cessnock Council will receive an additional 0.6ha of land, being Lot 1, DP 1311441, currently located in the Maitland LGA. Maitland City Council will receive an additional 3.4ha of land being Lot 1 DP 62332 currently located in the Cessnock LGA. A summary of the boundary amendment is provided in Table 1.

Table 1: A summary of the proposed amendment

	Site 1	Site 2
Owner	McCloy Loxford Land Pty Ltd and Dowmere Pty Ltd	McCloy Loxford Land Pty Ltd
Address	0 Main Road Cliftleigh	N/A
Lot and DP	Lot 1 DP 62332	Lot 1 DP 1314431
Size of the area	3.412Ha	0.6Ha
Current LGA	Cessnock	Maitland
Proposed LGA	Maitland	Cessnock

If Council did not wish to proceed with the boundary amendment Council could seek to enter into an agreement between the two councils to have reciprocal servicing agreements for each council to “service” the others lands. However, this is not the preferred option.

Figure 1: The existing LGA boundaries and the subject land.

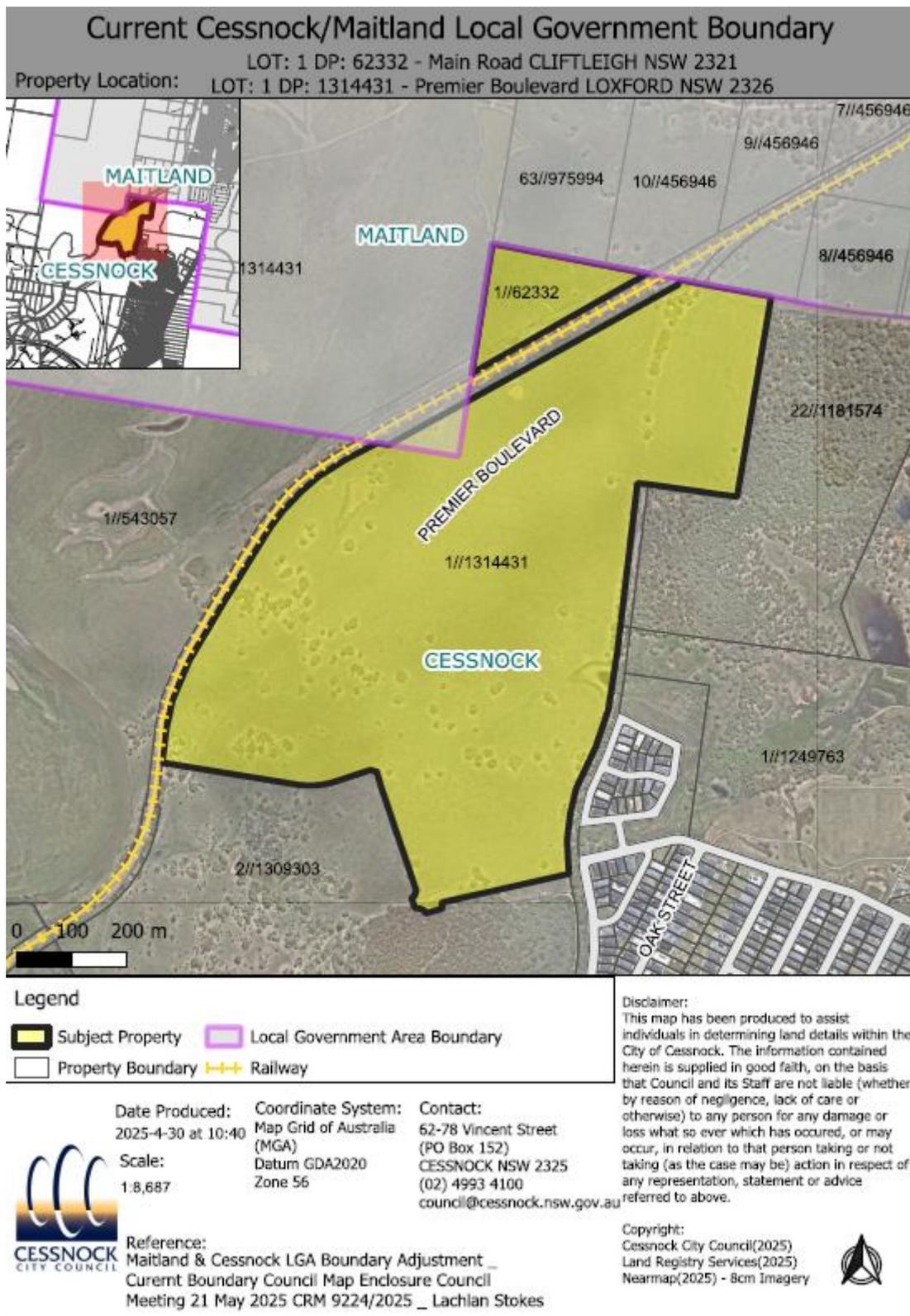
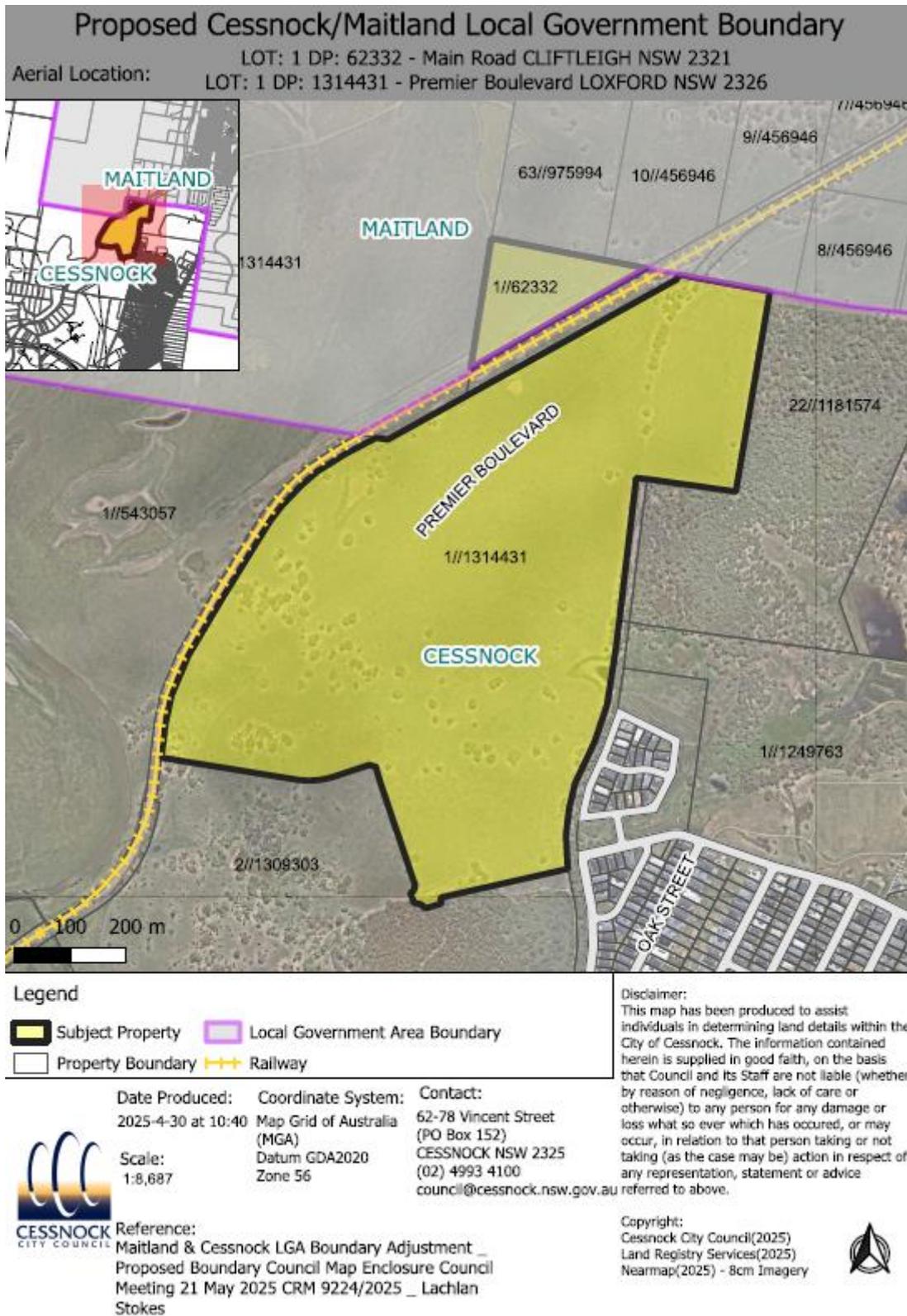


Figure 2: The proposed LGA boundary and the subject land.





OPTIONS

1. Proceed with the recommended option.
The wording in the resolution has been provided by the Office of Local Government (OLG) and meets the requirement of the *Local Governate Act 1993*.
2. Not proceed with the recommended option for the following reasons:
.....
(To be provided by Council).

CONSULTATION

The proposed boundary amendment was initiated by McCloy Loxford Land Pty Ltd and Dowmere Pty Ltd. Consultation has occurred between Strategic Property staff at both Cessnock and Maitland councils. Advice on how to proceed with the proposal has been sought from the OLG. The recommendations of this report are consistent with the OLG advice.

STRATEGIC LINKS

a. Delivery Program

N/A

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

Maitland City Council is the lead applicant for the boundary amendment, however support from Cessnock Council is needed to allow the proposal to proceed.

b. Financial Implications

McCloy Loxford Land Pty Ltd has advised they will cover costs associated with the boundary adjustment including legal, title, surveys and fees.

c. Legislative Implications

The *Local Government Act 1993* outlines the process under which a LGA boundary can be altered. Section 218E notes that a proposal may be made by the Minister, by a council affected by the proposal, or by an appropriate minimum number of electors. In this instance a non-contentious boundary proposal initiated by Maitland City Council with support of Cessnock City Council is proposed. An application of this nature is processed by the Office of Local Government, rather than by referral to the NSW Boundaries Commission

Planning and Environment

Report No. PE13/2025

Planning and Environment



d. Risk Implications

N/A

e. Environmental Implications

N/A

f. Other Implications

Nil

CONCLUSION

The owners of land at the former Hydro Aluminum site at Kurri Kurri have initiated a boundary amendment between Cessnock City Council and Maitland City Council. Maitland City Council is the lead Council and Cessnock City Council the supporting Council.

Cessnock Council will receive an additional 0.6ha of land, being Lot 1, DP 1309303, currently located in the Maitland LGA. Maitland City Council will receive an additional 3.4ha of land being Lot 1 DP 62332 currently located in the Cessnock LGA. The proposed boundary amendment will align the Local Government boundaries with the rail line.

ENCLOSURES

There are no enclosures for this report

Corporate and Community

Report No. CC22/2025

Corporate and Community Services



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

RESPONSIBLE OFFICER: *Chief Finance Officer*

SUMMARY

The purpose of this report is for Council to note the update on the progress against Council's 2022-26 Delivery Program and the Operational Plan 2024-25 (incorporated into the 2022-26 Delivery Program).

RECOMMENDATION

That Council notes the progress in implementing the 2022-26 Delivery Program, for the 2024-25 Quarter 3 period (January to March 2025).

BACKGROUND

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

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

Council adopted the 2022-26 Delivery Program and incorporated Operational Plan 2024-25 in June 2024. The Delivery Program outlines the activities that Council will undertake to implement the strategies identified in the Community Strategic Plan and is the single point of reference for all principal activities undertaken by an elected Council during its term in office.

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

REPORT/PROPOSAL

The 2024-25 Operational Plan is a one-year plan and was developed to implement the adopted actions from the 2022-26 Delivery Program.

Some of the highlights for Quarter Three are provided below:

- The Seniors Festival was held from 3 to 16 March 2025. The call for community sponsorship supporting the Seniors Festival was well received by local businesses. The program was developed in consultation with the Seniors Reference Group, and over 50 activities were listed that aligned with the 5 Ways to Wellbeing.
- The 2025 Australia Day Awards and Citizenship Ceremony took place on Australia Day with a great deal of positive comments. We welcomed 33 new citizens from 12 different Countries, and awarded 13 Australia Day awards with the assistance of Australia Day Ambassador Nic Newling.

Corporate and Community

Report No. CC22/2025

Corporate and Community Services



- Clean-up Australia Day was held on 2 March, with the Council actively supporting the initiative through organised collections and responsible disposal of waste.
- Grant funding secured for Stage 2 of Wollombi Road Cessnock under the Federal Governments Housing Program.
- Grant funding secured for Wollombi Road Upgrade project to allow scope increase for Stage 1, originally Abbotsford Street to West Avenue and Now Abbotsford Street to Allandale Road.

2022-26 Delivery Program Objectives

At the conclusion of Quarter Three 12 (10%) of the 116 Actions from the 2024-25 Operational Plan were Completed with 103 (89%) currently In Progress. The 'In Progress' Actions will continue to be monitored and reported as part of the quarterly review process. There were no Actions at Risk, Not Progressing and Deferred. 1 (1%) Action is Not Due to Start at the time of reporting.

Table 1 shows the overall status of actions at 31 March 2025

Table 1

	A connected, safe, and creative community	A sustainable and prosperous economy	A sustainable and healthy environment	Accessible infrastructure, services and facilities	Civic leadership and effective governance	Total	%
Not Due to Start	0	0	0	0	1	1	1%
In Progress	29	13	31	9	21	103	89%
Not Progressing	0	0	0	0	0	0	0%
Complete	3	4	2	0	3	12	10%
Deferred	0	0	0	0	0	0	0%
At Risk	0	0	0	0	0	0	0%
Not Updated	0	0	0	0	0	0	0%
Total	32	17	33	9	25	116	100%

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

2024-25 Delivery Program Capital Works

At 31 March 2025, 77 of the 199 projects from the 2024-25 Capital Works Program 77 were Completed, 19 were Not Progressing, 82 were In Progress, 3 were Deferred and 18 projects are Not Due to Start at the time of reporting. Table 2 shows a summary the overall status of projects at 31 March 2025.

Table 2

Program	Not Due to Start	In Progress	Complete	Not Progressing	Deferred	Total
Cemeteries	0	2	3	0	0	5
Buildings	0	4	5	1	0	10
Recreation & Community Facilities	0	20	20	0	0	40
Libraries	0	1	0	0	0	1
Aquatic Facilities	0	1	0	0	0	1
Project Management	0	2	0	0	0	2
Kurri Kurri Town Centre Program	0	0	1	0	0	1
Drainage	3	8	2	1	0	14
Floodplain Management	1	3	0	0	0	4
Waste Management	0	3	4	1	1	8
Infrastructure Management	2	2	4	1	0	9
Traffic & Transport	5	10	4	6	0	25
Roads	2	16	9	9	1	37
Civil Works	0	0	6	0	0	6
Bridges	1	2	3	0	0	6
Airport	0	0	0	0	1	1
Fleet Management	0	1	1	0	0	2
Depot Management	3	2	11	0	0	16
Network & Systems	1	0	3	0	0	4
Asset Planning	0	4	1	0	0	5
Open Space and Community Facilities Management	0	1	0	0	0	1
Depot Management	0	1	0	0	0	1
Total	18	82	77	19	3	199

OPTIONS

N/A

CONSULTATION

All levels of management were provided the information for this report and its enclosures.

STRATEGIC LINKS

a. Delivery Program

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

b. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

Nil

Corporate and Community

Report No. CC22/2025

Corporate and Community Services



b. Financial Implications

The quarterly budget review forecasts are reported separately to Council.

c. Legislative Implications

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

d. Risk Implications

Nil

CONCLUSION

The review of the 2022-26 Delivery Program against the Operational Plan 2024-25, for the three months ended 31 March 2025, is submitted for Council's consideration.

ENCLOSURES

[1](#) 2024-25 Operational Plan Quarter 3 Report

SUBJECT: *QUARTERLY BUDGET REVIEW STATEMENT - QUARTER 3, 31 MARCH 2025*

RESPONSIBLE OFFICER: *Chief Finance Officer*

SUMMARY

The purpose of this report is to present the Quarterly Budget Review Statement (QBRS) for the 3RD quarter March 2025 for Council's information.

RECOMMENDATION

1. That Council receives the March 2025 Quarterly Budget Review Statement in accordance with Clause 203 of the Local Government (General) Regulation 2021.
2. That Council approves proposed changes to the 2024-25 operating and capital budgets as presented in the Quarterly Business Report March 2025.

BACKGROUND

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

The QBRS for March 2025 is presented to Council for consideration and contains all necessary Quarterly Budget Review Statements. The QBRS was presented to the Audit Risk and Improvement Committee at the 7 May 2025 Committee meeting.

REPORT

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

General Budget Commentary

The QBRS Q3 March 2025 is provided to Council at **Enclosure 1** and shows a projected operating surplus of \$37.8m for the year ending 30 June 2025, or a forecast net operating deficit of \$29.3m excluding capital grants and contributions income.

The QBRS also shows a revised capital works program forecasting changes that decrease the current program of \$83.7m by \$19k. March YTD spend on the capital works program is \$53.1m with the largest spend on natural disaster grant funded projects and road renewal projects.

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

Corporate and Community

Report No. CC23/2025

Corporate and Community Services



Key Performance Indicators

Council's QBRs forecasts that four out of six key performance indicators will exceed Office of Local Government benchmarks. Due to the net operating position forecasting a deficit, the Operating Performance Ratio is no longer meeting the benchmark to break even. Additionally increasing grant income, particularly for ongoing natural disaster works is placing the Own Source Operating Revenue below the benchmark. A listing of the key performance indicators (ratios) is included in the QBRs suite of reports.

Responsible Accounting Officer Statement

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

The RAO statement is:

It is my opinion that the Quarterly Budget Review Statement for Cessnock City Council for the quarter ended 31 March 2025 indicates that Council's projected financial position at 30 June 2025 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure and remains in line with Council's financial strategy. As noted previously the ongoing increase in capital works, dedicated assets and increasing maintenance requirements will continue to place a pressure on financial sustainability primarily through depreciation, maintenance costs and brought forward losses on disposal of assets. This can be sustained in the short term but with substantial construction projects underway there will be required adjustments to budgets in the future through sourcing ongoing additional income via a Special Rate Variation and/or a reduction in expenditure via a decrease in service levels.

CONSULTATION

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

- General Manager
- Directors
- Managers
- Senior finance staff

STRATEGIC LINKS

a. Delivery Program

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

IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

The QBRS is presented in accordance with the adopted budget strategy. The detailed review of all operational and capital budgets is a continuous process.

c. Legislative Implications

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

d. Risk Implications

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

- Losses on disposal of asset values as a result of assets being upgraded or renewed prior to the end of their effective lives;
- Unrealised losses associated with the managed fund held with TCorp;
- Increased operational employee costs due to lower capitalisation of labour; and
- Increased costs associated with materials including electricity and fuel.

e. Other Implications

N/A

CONCLUSION

The Quarterly Budget Review Statement for March 2025 is submitted for approval.

ENCLOSURES

- [1](#) ➔ March Quarterly Budget Review Statement

Corporate and Community

Report No. CC24/2025

Corporate and Community Services



SUBJECT: *TENDER T2025-11 WESTON BEARS PARK GRANDSTAND, AMENITIES & CARPARK UPGRADE*

RESPONSIBLE OFFICER: *Chief Finance Officer*

SUMMARY

Evaluation and selection of tender for Tender No. T2025-11 Weston Bears Park Grandstand, Amenities & Carparking Upgrade.

RECOMMENDATION

That Council accepts the tender (T2025-11) from Connex Management & Construction Pty Ltd for the lump sum of \$6,429,197.50 (including GST) for the Weston Bears Park Grandstand, Amenities & Carparking Upgrade.

BACKGROUND

The Weston Bears Facility Upgrade is a key infrastructure project designed to enhance the sporting amenities at Weston Bears Park, supporting both current demand and future growth in participation. The project includes the construction of new changerooms, amenities, a gym pavilion, carparking, and refurbishment of the existing grandstand into a clubroom and canteen. This upgrade aligns with broader strategic goals to improve community sport and recreation facilities and create inclusive spaces that encourage participation across all demographics.

The project is part-funded by the NSW Government under the Growing Regions Fund, which supports regional communities through targeted investment in essential infrastructure. A significant focus of this initiative is promoting greater participation of women and girls in sport, and the upgraded facilities at Weston Bears will provide gender-inclusive changerooms and improved access for all users. The redevelopment will enable the club to accommodate increased female participation and support equitable access to quality facilities across the region.

The proposed works will not only improve the amenity and capacity of the site but also foster a welcoming environment for local players, visiting teams, and the broader community, helping secure the long-term sustainability of sport in the Weston area.

REPORT

Request for Tender

The Request for Tender (RFT) documents were prepared by Council officers, and reviewed by the Tender Audit Panel (TAP) before tenders were called. The form of contract selected was Construction General Works GC21 (NSW Government) The RFT called for a lump sum tender for the Weston Bears Park Grandstand, Amenities & Carparking Upgrade.

Corporate and Community

Report No. CC24/2025

Corporate and Community Services



Invitation

Tenders were invited on 26 February 2025 on Council’s VendorPanel and advertised in the following publications:

Publication	Day	Date
Newcastle Herald	Saturday	8 March 2025
Sydney Morning Herald	Tuesday	4 March 2025

Addenda

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

No.	Date	Description
1	27 February 2025	MWREF Weston Bears Facility r.PDF
2	03 March 2025	230376 Agility – SCR.pdf
3	03 March 2025	230376 – BCA – 70% Stage Report.pdf
4	07 March 2025	Weston Bears Tender Schedule Master.xlsx
5	11 March 2025	240744_Survey_DET-001_Rev-A.pdf
6	25 March 2025	NSW25081 Weston Bears Grandstand Paint Spec.pdf

All questions were answered through Vendor Panel.

Closure

Tenders closed 2pm Tuesday April 1 2025

TIME FRAME

The submission of a program to undertake the works formed part of the tender process with site establishment due to commence in June 2025.

The project is identified in the 2024/25 Open Space & Community Facilities Capital Works Program and project completion is expected by March 2026.

LOCAL CONTENT

Local content scoring was not applicable to this tender.

OPTIONS

Option 1: Accept the tender from Connex Management & Construction in the amount of \$6,429,197.50 (including GST). This is the preferred option.

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

CONSULTATION

The following officers were consulted during the tender process:

- Open Space & Community Facilities Manager, Works & Infrastructure
- Open Space Project Officer, Works & Infrastructure
- Senior Open Space Project Officer, Works & Infrastructure
- Building Maintenance Coordinator, Works & Infrastructure
- Acting Building Projects Coordinator, Works & Infrastructure
- Procurement Coordinator, Corporate & Community Services
- Procurement Administration Officer, Corporate & Community Services

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

STRATEGIC LINKS

a. Delivery Program

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

2022-26 Delivery Program:

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

b. Other Plans

Cessnock City Council Operational Plan 2024-25
Recreation & Open Space Strategic Plan (2019)
Weston Bears Park Masterplan

IMPLICATIONS

a. Policy and Procedural Implications

The tender process has been carried out in accordance with:

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

b. Financial Implications

The tender from Connex Management & Construction in the amount of \$6,429,197.50 (including GST) is within the anticipated budget and the project is included in the 2024-25 and 2025-26 Operational Plans.

c. Legislative Implications

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

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

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

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

d. Risk Implications

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

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

Corporate and Community

Report No. CC24/2025

Corporate and Community Services



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

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

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

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

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

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

e. Other Implications

Nil

CONCLUSION

The tender from Connex Management & Construction in the lump sum amount of \$6,429,197.50 (including GST) offers the best value for money for the Weston Bears Park Grandstand Amenities & Carparking Upgrade. The contract sum and contingency are fully funded from the available project budget identified in this report.

ENCLOSURES

- [1](#) T2025-11 - Tender Evaluation Report
- 2** T2025-11 - Evaluation Matrix - *This matter is considered to be confidential under Section 10A(2) (di) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.*

SUBJECT: *INVESTMENT REPORT - APRIL 2025*
RESPONSIBLE OFFICER: *Chief Finance Officer*

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 April 2025 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 \$70,219,883.

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 April 2025 are exceeding budget.

Investment Portfolio Information

Table 1 Total cash and investments held by Council as at 30 April 2025

Invest No	Financial Institution Investment Held With	Invest Type	Interest Coupon Term	Maturity	Current Coupon Rate	Par Value \$'000
	Commonwealth Bank	CASH			3.75%	7,647
	Commonwealth Bank	At Call			4.35%	12,441
	Commonwealth Bank	At Call			3.75%	739
1243	AMP Bank	At Call			2.75%	540
1515	AMP Bank	TD	301	03-Jun-25	5.20%	2,500
1517	National Bank	TD	283	16-May-25	5.07%	2,500
1519	AMP Bank	TD	302	26-Jun-25	5.02%	2,500
1521	Suncorp Bank	TD	273	03-Jun-25	5.01%	4,000
1523	National Bank	TD	363	23-Sep-25	4.90%	4,000
1525	Bank of Queensland	TD	183	24-Jun-25	5.05%	2,000
1526	Bendigo Bank	TD	182	01-Jul-25	5.05%	3,000
1527	Suncorp Bank	TD	302	19-Nov-25	5.05%	5,000
1528	Suncorp Bank	TD	245	05-Nov-25	4.70%	3,000
1529	Bank of Queensland	TD	189	10-Sep-25	4.75%	2,000
1530	Suncorp Bank	TD	182	23-Sep-25	4.70%	4,000
1531	National Bank	TD	147	24-Sep-25	4.42%	5,000
1532	National Bank	TD	209	25-Nov-25	4.32%	5,000
1463	Treasury Corporation	Growth Fund				4,353
TOTAL						70,220

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

Financial Institution	Credit Rating	Institution Maximum	Amount \$'000	% of Portfolio
National Australia Bank	AA-	40%	16,500	33.77%
Suncorp Bank	AA-	40%	16,000	32.76%
AMP Bank	BBB+	10%	5,000	10.23%
Bank of Queensland	A-	40%	4,000	8.19%
Bendigo and Adelaide Bank	A-	40%	3,000	6.14%
Treasury Corporation	Unrated	10%	4,353	8.91%
TOTAL			48,853	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.

Corporate and Community

Report No. CC25/2025

Corporate and Community Services



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.

The April 2025 unrealised return was a gain of \$19,504 or 0.45% (5.20% annualised).

Table 3 NSW Treasury Corporation Performance Summary

	10 year (% pa)	7 year (% pa)	3 year (% pa)	1 year %	FYTD %	1 month %
IM Medium Term Growth Fund	3.83	3.81	4.69	6.11	5.15	0.45
Benchmark: CPI + 2.0% p.a. (over rolling 5 years)	4.73	5.15	6.45	4.91	3.97	0.39
Return above benchmark p.a.	(0.90)	(1.34)	(1.76)	1.20	1.18	0.06

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

Investment Type	Risk Assessment		Amount	% of
	Capital	Interest	\$'000	Portfolio
Term Deposits	Low	Low	44,500	63.37%
Cash/At Call Deposits	Low	Low	21,367	30.43%
Capital Growth Fund	Medium	Medium	4,353	6.20%
TOTAL			70,220	100.00%

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)	5.13%	5.02%
BBSW Average Interest Rate (year to date) *	4.46%	4.35%
Actual Investment Interest Earned (for the current month)	\$202,764	\$295,874
Actual Investment Interest Earned (year to date) ^	\$2,552,850	\$3,024,978
Revised Budget Investment Interest (year to date)	\$2,291,667	\$1,458,435
Original Budget Investment Interest (annual)	\$2,500,000	\$1,380,122
Revised Budget Investment Interest (annual)	\$2,750,000	\$1,750,122
TCorp unrealised movement (year to date)	5.20%	5.48%

Investment and Cash Balances (Par Value) #	This Year	Last Year
Opening Balance as at 1 July	\$83,084,775	\$73,085,190
Closing Balance as at 30 April	\$70,219,883	\$74,498,860

* 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

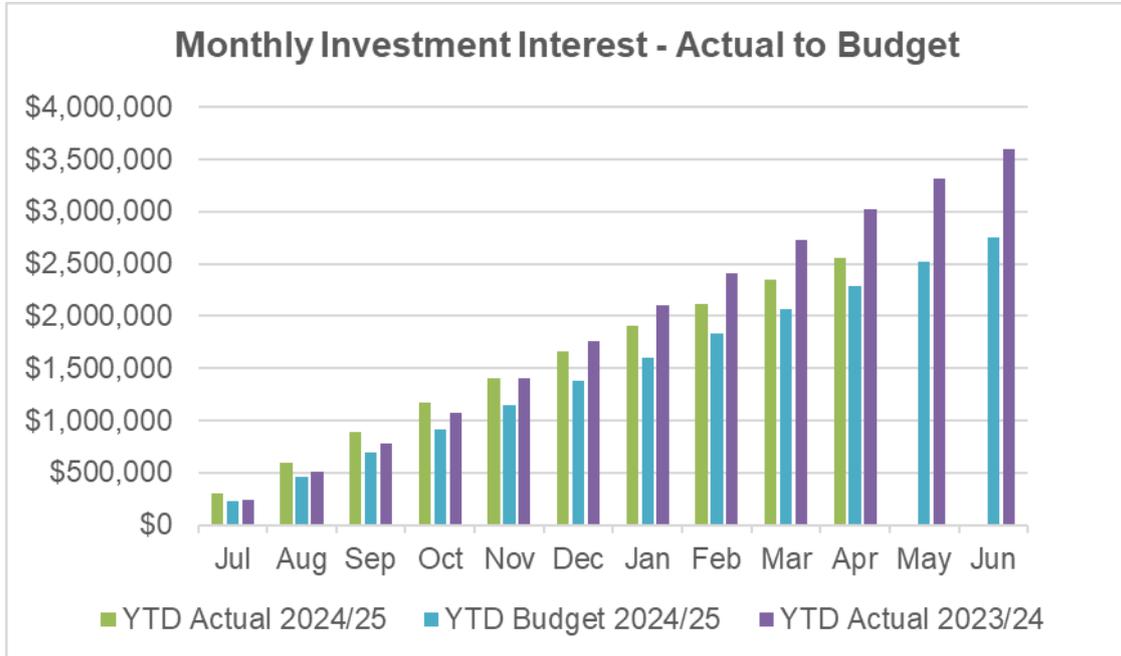


Table 6 Internal and external restrictions over cash and investments held

Month End Totals \$'000	Apr 2025	Mar 2025	Feb 2025	Jan 2025	Dec 2024	Nov 2024	Oct 2024
External Restrictions	65,828	59,434	61,357	59,170	63,057	57,635	53,278
Internal Restrictions	3,450	3,450	3,800	3,629	5,099	10,305	12,130
Total Restrictions	69,278	62,884	65,157	62,799	68,156	67,940	65,408
<i>Prepaid grant expenditure to be reimbursed</i>	-	-	-	(2,163)	(2,163)	(4,010)	(1,353)
Unrestricted	942	303	826	737	298	317	509
Total Cash & Investments	70,220	63,187	65,983	61,373	66,291	64,247	64,564

CONSULTATION

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

Corporate and Community

Report No. CC25/2025

Corporate and Community Services



STRATEGIC LINKS

a. Delivery Program

Investment returns are an integral part of funding for future services and community expectations within the Delivery Program and Operational Plan. This report is a part of Council's governance framework – providing feedback on the progress against the investment policy and budget. 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 Councils reporting obligations.

ENCLOSURES

There are no enclosures for this report.

SUBJECT: *DISCLOSURES OF INTERESTS IN WRITTEN RETURNS*
RESPONSIBLE OFFICER: *Corporate Governance Manager*

SUMMARY

The purpose of this report is to table returns received from designated persons for the period 1 February 2025 to 30 April 2025 in accordance with the Code of Conduct (the Code).

RECOMMENDATION

That Council notes the tabling of the disclosures of interests written returns for the period 1 February 2025 to 30 April 2025 in accordance with Council's Code of Conduct.

BACKGROUND

Part 4 of the Code governs matters concerning disclosures of interests in written returns. Clause 4.24 of the Code requires the General Manager to keep a register of returns lodged by Councillors and designated persons and to table them at a meeting of Council.

REPORT/PROPOSAL

In accordance with Clause 4.21 of the Code, a Councillor or designated person must make and lodge a return within three months of becoming or ceasing to be a Councillor or designated person, 30 June each year, and or becoming aware of an interest they are required to disclose.

Clause 4.8 of the Code provides that designated persons are:

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

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

OPTIONS

N/A

CONSULTATION

Designated persons were provided the [Self-Help Guide](#) from the Office of Local Government to assist them in the completion of their returns.

STRATEGIC LINKS

a. Delivery Program

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

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

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

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

b. Financial Implications

N/A

c. Legislative Implications

N/A

d. Risk Implications

Failure to table the register of written returns could mean not meeting legislative obligations.

e. Environmental Implications

N/A

Corporate and Community

Report No. CC26/2025

Corporate and Community Services



f. Other Implications

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

CONCLUSION

Tabling of the register of returns satisfies requirements under the Code.

ENCLOSURES

There are no enclosures for this report.

Corporate and Community

Report No. CC27/2025

Corporate and Community Services



SUBJECT: *RESOLUTIONS TRACKING REPORT*

RESPONSIBLE OFFICER: *Corporate Governance Manager*

SUMMARY

The enclosure contains pending actions from previous meetings as well as completed actions for period 10 April 2025 to 13 May 2025.

RECOMMENDATION

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

ENCLOSURES

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

Notices Of Motion

Report No. BN10/2025

General Manager's Unit



NOTICES OF MOTION No. BN10/2025

SUBJECT: *POLITICAL SIGNAGE*

COUNCILLOR: *Jay Suvaal*

MOTION

1. That Council notes it's concern with the way political signage is managed in the Cessnock LGA.
2. That Council requests the General Manager urgently review the procedure or policy with the intention of implementing a revised policy before the 2025 Federal Election.
3. That Council requests the new procedure or policy:
 - a. Provide clarity to political candidates around the requirements for election signage display in our LGA.
 - b. Bring the way political signage is managed in our LGA into line with other LGAs across the Hunter region.
 - c. Implement a more reasonable fine structure for incorrectly placed signage.
 - d. Ensures Council continues to monitor and ensure the removal of illegal signage across the LGA.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 21 May 2025.

RATIONALE

Following the 2022 Federal Election during which dozens of political posters for the National's candidate were placed on council property, in the road reserve, street signs, roundabouts and other unsafe positions Council requested the General Manager implement a way to manage illegal election signage across our LGA.

This action was then determined by Council staff who treat illegal signage as an unauthorised development which attracts fines of approximately \$3000 for individuals and \$6000 for organisations.

I understand Council has issued these fines during the 2023 NSW State Election and the 2024 Council Election. I believe these fines are excessive and potentially create a prohibitive barrier for people considering participating in the electoral process.

I feel a more appropriate system potentially including removal of illegal signage by Council, the issuing of a warning for the first infringement, and then fines of around \$100 or \$300 would be more appropriate to still act as a deterrent against the placement of illegal signage while not issuing unreasonable fines.

Notices Of Motion

Report No. BN10/2025

General Manager's Unit



I note that election signage for the federal election has already been placed on properties in other LGAs across the Hunter region where in our Council area candidates have been requested to remove the signage or face the significant fines imposed by Council.

SOURCE OF FUNDING:

(Start typing source of funding here)

DELIVERY PROGRAM:

(Start typing link to Delivery Program here)

Sgd: Jay Suvaal

Date: 17 April 2025

DIRECTOR'S COMMENTARY

Councillors will have received an All Councillor Memo on 'election signage' that outlines the approach taken and clarifies the advice on exempt signage, together with notice given to candidates where non-compliance is determined. That memo also clarifies that Local Government does not have power to set penalty notice levels. Where candidates comply with the requirements there are no enforcement actions. Officer experience is that major political parties are aware of the requirements and are counselling new candidates and their support staff.

On the specific issue with the NOM, it is respectfully suggested that:

- it is not appropriate from a probity perspective to be addressing a Policy change during the conduct of the current Federal Election.
- the matter is operational in nature and the specific manner in which enforcement is conducted is not a matter for Council/Councillors. Council is legally precluded from effectively or indirectly fettering the discretion available to its enforcement officers.
- the legislation is clear and the elected Council's intention was unambiguous. Sufficient advisory and warning advice is provided to political parties and political candidates.

The General Manager will be provided with an update following the 2025 Federal Election on the election sign matter.

ENCLOSURES

There are no enclosures for this report.