



Vincent Street
CESSNOCK

14 August 2025

ORDINARY MEETING OF COUNCIL

WEDNESDAY, 20 AUGUST 2025

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Cessnock City Council Compliance and Enforcement Policy

Date Adopted 20/05/2020 Revision: 1

1. POLICY OBJECTIVES

- 1.1. To establish clear principles and guidelines to assist Council staff, Council and the community on best practice enforcement principles and procedures so as to ensure Council acts promptly, consistently and effectively in response to allegations of Unlawful Activity while upholding the principles of Procedural Fairness and Natural Justice.
- 1.2. This policy is developed to:
 - 1.2.1. ensure Compliance with legislation and policies that Council administers by encouraging voluntary Compliance through education, implementing monitoring programs to detect non-Compliance and taking appropriate enforcement action in cases of non-Compliance;
 - 1.2.2. confirm Council's adherence to core values of respect, ethics, quality and communication while adopting a minimum tolerance approach to Unlawful Activity;
 - 1.2.3. specify the criteria which Council will consider when deciding:
 - a) if enforcement action is necessary; and
 - b) the most appropriate form of action.
 - 1.2.4. improve Community and Council understanding of the importance of Compliance in protecting the environment and human and public health;
 - 1.2.5. confirm Council's focus on educating the community on legislative requirements and the importance of acting in accordance with the law;
 - 1.2.6. ensure Compliance activities are undertaken in an effective, timely, transparent, fair, consistent and lawful manner by applying best practice decision making principles and processes; and
 - 1.2.7. minimise negative impacts to the environment and human health as a result of non-Compliance by applying a risk based approach to investigating Unlawful Activity.

2. POLICY SCOPE

- 2.1. Authorised Officers who have responsibilities for regulatory Compliance as defined by their job descriptions and/or their delegations are responsible for the implementation of this policy and undertaking investigation and enforcement activities in line with relevant legislation.
- 2.2. The scope of this policy does not extend to handling complaints 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. Such Complaints will be handled in accordance with Council's [Complaints Handling Policy](#).

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3. POLICY STATEMENT

- 3.1. Council is strongly opposed to Unlawful Activity at any time or under any circumstances. Council will initiate enforcement action where appropriate in accordance with this policy.
- 3.2. Council acknowledges that it has an obligation under section 8 of the *Local Government Act 1993* (NSW) to ensure that the exercise of its regulatory power is carried out consistently and without bias.
- 3.3. Council's Charter and Values are committed to serving the community with integrity, respect, teamwork, accountability and excellence.

4. PRINCIPLES

4.1. Anonymous Complaints

- 4.1.1. We accept anonymous Complaints and will carry out an investigation of the issues raised where there is sufficient information provided to substantiate the complaint.

4.2. Confidentiality of complaints

- 4.2.1. Council operates in accordance with the *Privacy and Personal Information Protection Act 1998* (NSW); however as Council is a government entity certain information is obtainable under the *Government Information (Public Access) Act 2009* (NSW) (**GIPA**). All access to information is considered by appropriately delegated staff and/or Council's Public Officer.
- 4.2.1. In order for Council to help resolve the matter circumstances may require the details of the Complainant to be made public, however, this will not be done unless it is deemed justified under GIPA or the Complainant approves the disclosure of the details to another party.

4.3. Community education

- 4.3.1. Council has a focus on educating the community and will take a proactive approach by developing programs to educate the community on legislative requirements and the importance of acting in accordance with the law. Education programs will be adopted and resources allocated in accordance with Council's adopted yearly budget.

5. INVESTIGATING AND PRIORITISING UNLAWFUL ACTIVITY

- 5.1. Many complaints are able to be resolved informally by providing prompt and accurate advice to the Complainant. For minor alleged Unlawful activities, if considered appropriate, Council will encourage the Complainant to approach the person undertaking the alleged Unlawful Activity with the aim of resolving the matter amicably and civilly.
- 5.2. Timeframes for responding to complaints about unlawful activities may vary, however every effort will be made to ensure that all complaints about Unlawful Activity are actioned within a timely manner and the Complainants are given appropriate feedback on the progress of their complaint.
- 5.3. Council will prioritise notifications of potential non-Compliance on the basis of risk to public safety, human health and environment. The risk category will determine



priorities for allocation of Council resources to investigate matters and will also determine response times to Complainant.

5.4. Priority will be given to complaints in accordance with the following risk categories:

5.4.1. Priority 1

Urgent and life threatening matters should be actioned as soon as possible following receipt of the complaint. This means either on the day received or the day immediately following. Examples can include:

- i. Buildings declared unsafe by an experienced professional practitioner;
- ii. Collapsed or fire damaged buildings that pose an immediate risk to life and safety;
- iii. Fire safety breach relating to a public building;
- iv. Serious pollution incidents;
- v. Food poisoning incidents;
- vi. Abandoned vehicles posing immediate safety hazard;
- vii. Dog attacks (after the event);
- viii. Livestock on roads;
- ix. Dangerous/aggressive dog complaints;
- x. Roaming dogs;
- xi. Swimming pool fencing confirmed by evidence of immediate risk to life and safety;
- xii. Parking safety issues (Business hours only, after hours Police);
- xiii. Other serious incidents where the environment or public health and safety is at immediate risk.

5.4.2. Priority 2

General Compliance matters within 15 working days. Examples can include:

- i. Significant unauthorised and non-complying land use;
- ii. Significant unauthorised and non-complying construction/demolition works;
- iii. Works not carried out in accordance with development consent;
- iv. General noise matters affecting several persons from two (2) or more separate premises;
- v. Standard complaints about food premises;
- vi. Abandoned vehicles not posing immediate safety hazard;
- vii. Dog Barking (complaints from two (2) or more separate premises);
- viii. Parking general complaint;
- ix. Unhealthy premises posing a risk of environmental harm or public health such as – putrescible waste, residential swimming pool water quality);
- x. Illegal signage public place;
- xi. Illegal dumping.

5.4.3. Priority 3

Minor matters will be actioned within 30 working days. Examples can include:

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- i. Minor non-Compliance of development consents;
- ii. Minor non-Compliances such as overgrown land;
- iii. Minor matters where there is no immediate adverse impacts to the environment, public health or safety

5.5. Council must consider a range of factors when determining whether the particular matter will warrant further and detailed investigation. However if a decision is made not to investigate or act upon a complaint, the decision must be recorded with clear reasons as to why the investigation did not proceed. The Complainant must then be advised of the decision in an outcome letter within 20 working days.

5.6. It is important to emphasise that Council resources are partly funded by public funds therefore, Council has an obligation to the community and rate payers for these funds to be used in a justified manner. In this context, Council will apply a risk-based approach to Compliance assurance for both proactive and reactive activities in accordance with Council's risk management framework and ISO 31000. This involves identifying, analysing and prioritising non-Compliance risks, followed by application of appropriate Compliance measures to control the risks. Applying a risk based approach will enable Council resources to be expended on matters that justify the use of public funds in the interests of protecting the environment and preserving human and public health.

5.7. How does Council decide on what action to take?

5.7.1. When deciding whether Unlawful Activity requires investigation, Council staff will consider the following factors:

- a) Is the matter within the jurisdiction of Council or of a civil or private nature e.g. is it a workplace health and safety matter where Safework NSW is the appropriate regulatory authority or does it relate to a civil matter such as a dividing fence or neighbourhood amenity issue?
- b) Does the complaint relate to some unfinished aspect of works that are still in progress e.g. has enforcement action already been taken and/or continuing such as a Notice/Order has been issued allowing for a period of time to have the matter resolved? It may be unreasonable to take action prematurely.
- c) Has the Unlawful Activity affected the health, safety and well-being of several residents or the wider community? Breaches which affect the health and safety of several residents or the wider community would warrant affirmative and effective enforcement remedial action.
- d) Is the activity or work permissible with or without development consent? Does the development meet the exempt provisions in accordance with the State Environmental Planning Policy (Exempt & Complying Development Codes) 2008?
- e) Whilst a use or activity may not be approved is it possible that the works or use (as built) would have been approved if a development application had been submitted to Council, e.g. according to the land zoning a deck is permitted with consent, however the owner acts on the incorrect advice from a builder and builds the deck. Upon further investigation the owner discovers consent was required and actively seeks out Council in an attempt to have the works regularised.



- f) Has too much time elapsed since the alleged Unlawful Activity took place? E.g. a pollution incident is lodged with Council a month after the actual incident. Given the nature of the incident it is likely that too much time has passed since the event and little to no evidence exists for Council to take action.

NB – Council may also be restricted in enforcement activities due to statute of limitations under various legislation.

- g) Is there another body that is more appropriate to investigate or deal with the matter? E.g. a pollution incident is lodged with Council relating to a large industrial facility which is regulated by the NSW EPA or a noise complaint relates to a pattern of harassing, intimidation or offensive behaviour more appropriately dealt with by the Police.
- h) Is it cost effective to take action. Consideration should be given to the relative costs and benefits of taking formal enforcement action as opposed to taking no action or taking informal action. Council's action should be commensurate with the seriousness of the offence.
- i) Is it in the public interest to investigate the complaint? E.g. does the breach affect a number of people; would enforcement action be in the public interest or merely benefit only private interests in the case of neighbourhood disputes; are there hardships applicable; would enforcement action impact unreasonably on disadvantaged groups?

5.7.2. If the process is being used as a delaying action or there has been a blatant attempt to contravene the law, appropriate enforcement action will be instigated without delay.

5.7.3. In taking enforcement action Council must recognise that the statutory process also provides avenues for representation and appeal and thereby Natural Justice Principles will still be observed.

5.7.4. There are however certain matters that may not warrant investigation. These may include the following:

- a) The matter has already been actioned, resolved or deemed finalised (in these circumstances unless a new issue is raised or new evidence is presented to Council officers will not action matters previously resolved or deemed finalised);
- b) Council is not the appropriate authority to regulate the activity, for example, a private certifier who has responsibility regarding a building under construction or matters involving Safework NSW for workplace health and safety matters.
- c) The activity is determined to be lawful without an investigation;
- d) The complaint is Frivolous, Vexatious or Trivial in nature as determined by a suitably delegated officer; or
- e) The complaint is anonymous and there is insufficient information to support a risk to public health or safety or a Prima Facie case.

5.7.5. Where a decision is made not to investigate an alleged Unlawful Activity, the Complainant will be advised of the decision and the reasons why no further action is being taken. The decision must be recorded in Council's Customer



Service Management System with clear reasons as to why the investigation did not proceed.

5.8. Options for investigating Unlawful Activity

5.8.1. A number of enforcement options are available to council, when a breach or non-Compliance action is identified and proven. These include:

- a) Record only (no response).
- b) Verbal warnings.
- c) Written warnings or Cautions.
- d) Penalty Infringement Notices (**PINs**).
- e) Orders.
- f) Notices.
- g) Prosecution/Civil proceedings.

5.8.2. These options are arranged to reflect an escalation in response that is proportionate to the severity of the offence. The severity of the offence can be considered to be the combination of the level of harm to the environment and culpability of the offender.

5.8.3. Enforcement action may vary for each circumstance and situation. Action may be either informal or formal.

5.9. Options for informal action may include:

5.9.1. Taking no action on the basis that there is no reliable evidence or other appropriate reason (Frivolous/vexatious complaints, no legal jurisdiction, etc.);

5.9.2. Counselling the person who carried out an Unlawful Activity to educate them on the relevant requirements. Council recognises that educational initiatives may lead to Compliance being achieved without enforcement action in some circumstances;

5.9.3. Negotiating with the person who carried out the Unlawful Activity to obtain an agreement that certain processes and actions will be followed to rectify and/or regularise the breach;

5.9.4. Council can refer parties to the Community Justice Centre (**CJC**) for mediation in instances where it is determined that mediation would be more appropriate to resolve an issue, rather than enforcement such as for civil matters or neighbourhood disputes;

5.9.5. Formal written or verbal Cautions requiring an activity to be carried out or works to cease. Verbal warnings may also be given and these are recorded in Council's Customer Request Management System for future reference and consideration.

5.10. If informal action is unsuccessful or the Unlawful Activity is deemed significant, formal action may be undertaken.

5.11. Options for formal action may include:

5.11.1. Issuing of Notices, Notices of Intention, Orders, Directions and Declarations requiring Compliance with legislative requirements;

5.11.2. Issuing of PINs;

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5.11.3. Commencement of civil or criminal proceedings in a Court to either remedy or restrain Unlawful Activity.

5.12. Following up enforcement action

5.12.1. It is important for consistency, Transparency and Procedural Fairness that Council's authorised officers follow up and review enforcement action undertaken in relation to Unlawful Activity. Failure to review and finalise enforcement action may expose Council to significant liability such as has been proven to be the case in past incidents where the High Court has deemed Council liable for failure to fulfil their statutory obligations (e.g. *Sutherland Shire Council v Heyman* (1985) 157 CLR 424 & *Pyrenees Shire Council v Day*; *Eskimo Amber Pty Ltd v Pyrenees Shire Council* (1998) 192 CLR 330) – (See Appendix B).

5.12.2. Therefore Council staff will:

- a) Make decisions whether to act or not so as to protect Council's liability, risk or interests;
- b) Follow up all defective inspections where matters are deemed non-compliant in relation to a Caution, notice, order, direction or the like;
- c) Record all notes in Council's Customer Requests Management System chronologically;
- d) Contact all relevant parties as necessary to advise what action has or will be undertaken in relation to the alleged Unlawful Activity.

5.13. Use of discretion by authorised officers in enforcement action

5.13.1. Council will use discretion in considering the most appropriate enforcement action. The NSW Ombudsman defines discretionary powers as "...powers granted either under statute or delegation which do not impose a duty on the decision maker to exercise them or to exercise them in a particular way." Though authorised officers may have discretion in the decisions they make, this power is not unrestrained and must be based on applicable legal requirements and utilised reasonably, impartially and avoid oppression and coercion.

5.13.2. In this regard, Council's delegated staff will comply with the following:

- a) Use discretionary power in good faith and for a proper purpose. That is to use the powers with integrity and only within the scope of the purpose for which the power was given;
- b) Base decisions on logically probative material. This means decisions are based on logical reasons, information that proves the issues in question as well as reliable and relevant evidence;
- c) Consider only relevant considerations and not consider irrelevant considerations;
- d) Give weight to matters of greater risk and importance and not to matters of low risk or low importance;
- e) Exercise discretion independently and not under the dictation or order of any third party;
- f) Give proper, genuine and realistic consideration to the merits of each particular case and not apply policy inflexibly;



- g) Observe the rules of Procedural Fairness and Natural Justice.

6. ADJUDICATION OF PENALTY INFRINGEMENT NOTICE (PIN) APPEALS

- 6.1. Adjudication is a process required of Council under a Deed of Agreement with Revenue NSW. Appeals must be forwarded by offenders directly to Revenue NSW where they are recorded and Revenue NSW may then send to Council for adjudication where Revenue NSW deem necessary. Offenders who wish to have infringements withdrawn or cancelled as part of this process must be advised to make representations to Revenue NSW directly to enable Council to comply with the Deed. In this way all representations are collected by Revenue NSW and Council considers them in a consistent and standard format. On occasion Revenue NSW may adjudicate on a matter without reference to Council. It is important the process is followed to ensure Compliance with the Deed and that all representations are handled consistently and in the correct way.
- 6.2. All appeals regarding the issuing of infringements must therefore in the first instance be adjudicated on by Revenue NSW and it is acknowledged that the interference, demanding behaviour, placing pressure including the use of threats or enticements upon Council staff or adjudication panel members for any infringement notice to be withdrawn therefore bypassing or interfering with the infringement notice review process in any way by Councillors, Council staff or third parties may be perceived to be corruption and the matter of the interference may be referred to ICAC for determination.
- 6.3. Using Revenue NSW to undertake the adjudication allows a third party to independently rule on the facts outlined in the infringement notice and any correspondence relating to the infringement notice whilst allowing the alleged offender the opportunity to elect the matter to be determined by the Courts. It should be noted that Revenue NSW guidelines are published on their web site.
- 6.4. It is acknowledged that Revenue NSW may refer infringements to Councils Adjudication Panel for clarification, especially regarding Environmental Planning and Assessment Act and Protection of the Environment Operations Act infringements and these rulings are open to appeal to the Local Courts where Magistrates have the ultimate discretion.
- 6.5. The relevant Manager and/or the relevant Principal/Team Leader have the discretion to convene an Adjudication Panel to review all client representation Schedules from Revenue NSW. The Adjudication Panel will consist of the relevant Section Manager, relevant Principal/Team Leader and an independent delegate or other panel members as authorised by the relevant Manager or Director. The Client Representation Schedules contain representations from persons who have received a PIN for an offence.
- 6.6. Adjudication will be carried out in accordance with Revenue NSW Policy on Infringement Representations.
- 6.7. In considering infringement appeals, the relevant Manager and/or relevant Team Leader will:
- 6.7.1. Refer to and abide by any Revenue NSW Guidelines
- 6.7.2. Operate in accordance with the Adjudication Panel Charter (see **Appendix A**)

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6.7.3. Refer to and abide by the principles outlined in this and other Council policies

6.8. The process by which the panel considers appeals is in itself an avenue for an infringement to be reviewed, in addition to the statutory right to have the matter determined in a Court.

6.9. Council acknowledges that once the adjudication panel have decided on a matter that no further consideration will be given unless new supporting evidence is received.

6.10. This ensures consistency and Transparency in all adjudications relating to infringement notices.

7. SPECIAL PROVISIONS

7.1. Development & Building Compliance

7.1.1. Complaints relating to Private Certifiers

- a) Council is not the regulatory authority for private certifiers and will not investigate or take action in relation to a private certifier unless it is in the public interest to do so. Only delegated staff are authorised to make a complaint against a private certifier on behalf of Council.
- b) Council will advise customers of their need to make contact with the relevant private certifier to discuss their concerns with them. Alternatively, any person may make a complaint to the relevant state authority (e.g. NSW Fair Trading) regarding the actions of a private certifier.

7.1.2. Building Information Certificate Applications (Division 6.7 Environmental Planning and Assessment Act 1979)

- a) Council does not solicit or encourage the submission of Building Information Certificate (**BIC**), applications to justify or rectify unlawful works. Council supports the lawful processes intended to ensure that development consent and associated building approvals are obtained from Council or other authorised authorities. Regardless, in certain circumstances it may be considered prudent and appropriate for Council to encourage the BIC process to be followed in the regulation of unauthorised development (refer Ireland v Cessnock City Council [1999] NSWLEC 153).
- b) It is acknowledged that the EP&A Act makes provision for particular persons to make application to Council for a BIC. If issued, the BIC prevents Council from issuing certain orders relating to the demolition, rebuilding or alteration of the subject building for a period of seven (7) years but does not preclude the taking of legal action in relation to fire safety or offences such as undertaking development without the benefit of consent. Matters relating to the application process, fees, supporting documentation and the like are addressed within the *Environmental Planning & Assessment Act 1979* and Council's procedures.

7.1.3. Development Compliance

- a) Council will investigate and monitor unauthorised and non-complying development within the Cessnock Local Government Area (LGA) in accordance with the provisions contained in Section 6 of this Policy. This involves enforcing the requirements of various Acts, Regulations, planning controls, conditions of consent and other statutory requirements



surrounding development approvals and/or unauthorised development. Specifically, Council's role includes, but is not limited to:

- i. Investigating and monitoring unauthorised and non-complying development within the LGA in response to complaints from the community, customers and staff;
- ii. Developing and implementing educational programs, and initiatives of a proactive nature in relation to unauthorised and/or non-complying development; and
- iii. Commencing informal/formal enforcement action to rectify breaches of legislation.

7.1.4. Signage

- a) Council will respond to illegal signage when a complaint is received in relation to an alleged breach, or when dangerous signage is observed during patrols.
- b) Development consent is required for all building and business identification signage and advertising signs and structures, unless the signage is specifically identified as exempt development in an environmental planning instrument, including:
 - i. Cessnock Local Environmental Plan 2011;
 - ii. State Environmental Planning Policy (Exempt and Complying Development Codes) 2008;
 - iii. State Environmental Planning Policy (Infrastructure) 2008; and
 - iv. State Environmental Planning Policy No 64 – Advertising and Signage.
- c) Despite any exemption afforded to signage under an environmental planning instrument, any signage that is erected in, on or over public land, including the road or road related area also requires an approval under the *Local Government Act 1993* or *Roads Act 1993*.
- d) When a complaint is received in relation to illegal signage the complaint will be registered in Council's Customer Request Management System. Following investigation if it is determined by Council that the signage requires a consent or approval that has not been obtained, enforcement action will be commenced.
- e) Council will also commence enforcement action against dangerous signage when it is observed during patrols or when a complaint is received.

7.1.5. Illegal signage erected on public land, including the public road or road related area

- a) Council officers will impound all signs erected unlawfully on public land, including the public road or road related areas.
- b) Council becomes aware of unauthorised signage through customer complaint, Councillor Enquiry or by officers during routine patrols.
- c) Impounded signage will be held by Council for a minimum of 28 days after which time the signage will be disposed of in accordance with the *Impounding Act 1993* (NSW).
- d) Illegal signage that is attached to another agency's infrastructure (e.g. Ausgrid's power poles) will be referred to that agency for removal.

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- e) In exceptional circumstances Council may prosecute in relation to illegal signage in accordance with relevant legislation and the provisions of this Policy.

7.1.6. **Illegal signage on private land**

- a) Council will contact the owner of the land and/or the person to whom the sign relates to show cause as to why Compliance action should not be taken.
- b) A reasonable timeframe will be afforded to the property owner to allow them to seek development consent for the signage, or to remove the signage. The timeframe may vary depending upon the nature of the illegal signage.
- c) If development consent is not granted for the signage or the signage is not removed within the specified timeframe further action may be instigated by Council in accordance with relevant legislation.

7.2. **Swimming Pool Safety fencing requirements**

- 7.2.1. The *Swimming Pools Act 1992* (NSW), associated Regulation and Australian Standards AS1926 outlines the obligations of pool owners and safety requirements in relation to private backyard swimming pools.
- 7.2.2. Due to the significant risk to life and safety, especially to children aged 0 – 5 years old Council will take strict action in relation to breaches of swimming pool safety requirements. Council has a statutory duty of care and obligation to respond to complaints received relating to backyard swimming pools.
- 7.2.3. Council has an adopted Swimming Pool Inspection Program that guides the functions and services provided in relation to swimming pool regulation and education. Council actively promotes swimming pool safety via annual education campaigns. Council will seek to educate pool owners of their obligations and pool safety requirements in the first instance but must act promptly to enforce Compliance for matters of immediate risk or where voluntary Compliance is unsuccessful.
- 7.2.4. All pools (including spa pools) must be registered on the NSW Swimming Pool Register. In addition, tenanted properties or properties for sale that contain a pool must obtain a valid Swimming Pool Certificate of Compliance which can be sought from Council or an accredited certifier.
- 7.2.5. For further details on swimming pool safety and your legal obligations under the *Swimming Pools Act 1992* (NSW) please refer to Council's website at www.cessnock.nsw.gov.au.

7.3. **Existing Building Fire Safety Compliance**

- 7.3.1. Along with Fire and Rescue NSW, Council is the regulatory authority for the fire safety of existing buildings. Council has a Building Fire Safety Strategy that guides Council's functions and services in relation to regulating fire safety matters.
- 7.3.2. Although all residential buildings must maintain fire safety requirements such as smoke alarms, Council's resources are focused on public buildings such as hotels/motels, shopping centres and other commercial and industrial buildings.
- 7.3.3. The *Environmental Planning and Assessment Regulation 2000* contains a list of statutory fire safety measures such as exit signs, smoke detection and alarm systems that may be installed and maintained within a building. A building owner has a legal obligation to submit to Council at least annually, a Fire Safety Statement that certifies that the relevant fire safety measures and exits within the

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building are being maintained. Council has statutory powers to require the submission of an annual Fire Safety Statement as well as the inspection and upgrading of existing buildings for the purposes of improving fire safety.

7.3.4. It is an offence not to submit an annual Fire Safety Statement. The penalties under the legislation are significant emphasizing the legislative importance of maintaining fire safety standards.

7.3.5. For further details on your legal obligations under relevant legislation please refer to Council's website at www.cessnock.nsw.gov.au.

7.4. Environmental Health and Protection Compliance

7.4.1. Food safety

- a) Council is appointed as an enforcement agency under the food regulation partnership with the NSW Food Authority. As part of this appointment Council inspects retail food businesses to prevent food borne-illness and to ensure Compliance with the national food safety standards in the Australia New Zealand Food Standards Code, the *Food Act 2003* (NSW) and the *Food Regulation 2015* (NSW).
- b) It is considered this preventative approach has contributed to a high standard of hygiene in food businesses and to a low incidence of food borne illness in the Cessnock LGA.
- c) Under the *Food Act 2003* (NSW) Council's authorised Environmental Health Officers carry out food safety inspections of all food businesses in accordance with NSW Food Authority requirements. Inspection fees are charged in accordance with Council's adopted Fees and Charges. Fees are graduated according to the risk assessment of the premises and the cost of carrying out the service. This is as recommended by the NSW Food Authority and in keeping with other Council's in NSW. The legislation provides for a range of Compliance and enforcement options where breaches are found.
- d) Enforcement of the *Food Act 2003* (NSW) is essential for the effective management of food safety risks and the prevention of misleading conduct in connection with the sale of food.
- e) Council will implement the legislative provisions fairly and consistently in accordance with the minimal tolerance approach outlined in this policy.

7.4.2. Bed and Breakfast Accommodation

- a) Establishments which accommodate up to four (4) guests or six (6) guests where all guests come from one family unit are not required to comply with the requirements of Australian Standard 4674-2004 'Design, construction and fit-out of food premises' but are subject to the following requirements:
 - i. The kitchen area shall be provided with a suitable portable fire extinguisher and fire blanket.
 - ii. All refrigerators shall be capable of maintaining food temperatures at 5°C and shall be supplied with a thermometer located in an accessible position within the refrigerator so as to ensure adequate temperatures are being maintained.
 - iii. A dishwashing machine and single bowl sink OR a double bowl sink shall be installed in the kitchen area to ensure adequate provision is made for



the hygienic cleansing of utensils and materials. Such fixtures shall be provided with a continuous supply of hot water.

- iv. A wall mounted liquid soap dispenser and disposable hand towel shall be provided in close proximity to the kitchen sink so as to provide adequate hand-washing and drying facilities.
- v. A comprehensive cleaning schedule shall be provided and clearly displayed within the kitchen detailing regular areas to be cleaned and the methods of cleaning.
- vi. The changing or storage of soiled nappies is prohibited within the kitchen area.
- vii. The premises shall be maintained free of any vermin and shall be regularly treated with approved pest control measures.
- viii. No animals are to be permitted within the dining room or kitchen area, with the exception of assistance animals that are permitted in the dining room.
- b) Bed and Breakfast establishments which accommodate more than four (4) guests or six (6) guests where all guests come from one family unit are required to comply with the requirements of Australian Standard 4674-2004 'Design, construction and fit-out of food premises'.

7.4.3. Legionella – Prevention of Legionnaire's Disease

- a) Within the Cessnock LGA there are a number of cooling towers which are subject to regulation under the *Public Health Act 2010* (NSW) (the *Act*) & *Public Health Regulation 2012* (NSW) (the *Regulation*). Residents and visitors have the potential for exposure to the risk of Legionnaires' disease on a daily basis if these systems are not properly operated and maintained.
- b) Correct installation, operation and maintenance of systems are legal requirements under the *Act* and *Regulation*. The purpose of the *Act* and *Regulation* is to ensure owners and occupiers of buildings comply with minimum legislative responsibilities in order to prevent or prohibit the growth of microorganisms in these regulated systems that are liable to cause Legionnaires' disease.
- c) Building owners and occupiers have the prime responsibility to properly install and maintain all regulated systems (as defined by legislation), including water-cooling systems, air-handling systems and hot and warm-water systems. Building occupiers who fail to meet these requirements are liable to fines and legal action for not implementing adequate controls.
- d) In an effort to prevent outbreaks of Legionnaire's Disease, Council works closely with NSW Health in the implementation of the legislative provisions of the *Act* and *Regulation* in an effort to ensure owners of regulated systems fully comply.
- e) Non-Compliance with the legislative requirements is considered a serious public health risk and will result in prompt Compliance action being taken in accordance with this Policy.

7.4.4. Skin Penetration

- a) Council acknowledges that certain practices carried out in hairdressers, beauty salons, tattoo studios and the like have the potential to spread infection to consumers. Practices where the skin of customers is pierced or penetrated and where sterile procedures are not followed increases the risk

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of infection with serious blood borne diseases including Human Immuno-deficiency Virus (HIV), Hepatitis B and Hepatitis C. Other skin diseases can also be transmitted through poor hygienic practices.

- b) Premises where skin penetration is carried out must be registered with Council and will be inspected by Council's Authorised Officers under the *Act* at least once annually to ensure the legislation, Skin penetration Guidelines and Code of Practice are being complied with. Council maintains a register of skin penetration premises within the local government area.
- c) Operators of these premises must comply with the Code of Practice and legislation. Failure to comply is an offence under the *Act*.

7.4.5. On-site Sewage Management Systems

- a) Council acknowledges that certain lands within the Cessnock local government area do not have access to the Hunter Water Corporation Sewerage System and are therefore reliant on providing on-site sewage management (OSSM) systems to treat and dispose of waste water.
- b) Council is committed to managing the local environment and protecting public health from the risks associated with the operation of OSSM systems.
- c) Our Environmental Health Officers and Building Surveyors are authorised under the *Local Government Act 1993* (NSW) to assess applications for approval under section 68.
- d) There are two separate types of approvals:
 - i. Approval to install; and,
 - ii. Approval to operate.
- e) Under the *Local Government (General) Regulation 2005* (NSW), all Councils have a duty to monitor the performance of existing systems and take action in relation to defective systems or systems which pose a risk to public health or the environment.
- f) This means that all on-site sewage management systems within the Cessnock local government area are subject to proactive monitoring and Compliance in accordance with Council's [OSSM program](#) and adopted [On-Site Sewage Management Strategy](#). System inspections are prioritised based on the risk of the system to the environment and public health.
- g) The framework for managing approvals and inspections and the relevant legislation, standards and guidelines used by Council in assessing approvals are outlined in Council's On-site Sewage Management Strategy.
- h) This On-Site Sewage Management Strategy incorporates three key objectives:
 - i. Promote Sustainability
 - o Ensure sustainable management of wastewater generated on all unsewered properties within the local government area, including best practice and the approval of systems advocating treated wastewater reuse.
 - o Monitor and manage cumulative impacts from OSSM systems.
 - o Implement and facilitate best management practice in relation to the installation and operation of onsite sewage management systems.



- Pursue long term, viable sewage management solutions for identified high risk areas.
 - ii. Effective Management of On-Site Sewage Management Systems
 - Ensure that all sewage management systems have the required operating approval and are operating in accordance with approval conditions.
 - Progressively eliminate illegal discharges of effluent from OSSM systems.
 - Protect surface water, stormwater, land and vegetation, public health and community amenity from the impacts associated with OSSM systems.
 - iii. Education & Stakeholder Involvement
 - Ensure that all stakeholders are aware of their responsibilities and have access to enough appropriate information to ensure their responsibilities are met.
 - Work in partnership with the community and other stakeholders to ensure sustainability of on-site sewage management within Cessnock LGA.
 - Ensure that the community is provided with an efficient, cost effective OSSM program which meets both the needs of the stakeholders and the responsibilities of Council.
- a) Although approvals under Section 68 of the *Local Government Act 1993* (NSW) are separate to Development Consents under the Environmental Planning and Assessment Act 1979, Council may require that section 68 approvals are required as a condition of development consent under the *Environmental Planning and Assessment Act 1979* (NSW).
- b) Domestic grey water treatment systems are considered to be OSSM systems and require the same approvals and monitoring processes as other OSSM systems.
- c) Failure to comply with an approval is an offence under section 627 of the *Local Government Act 1993* (NSW). Failure to obtain the approval in the first instance is an offence under section 626 of the *Local Government Act 1993* (NSW).

7.4.6. Pollution incidents

- a) Council is an “appropriate regulatory authority” for the purposes of the *Protection of the Environment Operations Act 1997* (NSW) for non-scheduled activities in its area.
- b) Council will respond to all reports of air, noise, land or water pollution in accordance with section 6 of this Policy.
- c) Council will implement the provisions of the *Protection of the Environment Operations Act 1997* (NSW) where offences are identified. Provisions to consider where there are offences include:
 - i. Clean-up Notices under section 91 - Where a pollution incident has occurred or is likely to occur. They may be given verbally but will



- have no effect after 72 hours if not followed up with a written Clean-up Notice;
- ii. Prevention Notice under section 96 - This applies where an activity is being carried out in an environmentally unsatisfactory manner;
- iii. Compliance Cost Notice under section 104 - This may be issued where a Clean-up Notice was issued under section 91 and Council has incurred costs monitoring Compliance with that Notice or where Council has cleaned up a pollution incident.
- iv. Issuing PINs or alternatively commencing proceedings for an offence
- d) All actions will be carried out in consideration of the principles outlined in this Policy.
- e) Additionally Council recognises certain administrative law principles in terms of issuing Notices generally and affording representations prior to issuing those Notices and enforcing those Notices once issued. It is noted that some of these provisions are over-ridden by the *Protection of the Environment Operations Act 1997* (NSW) and will only be considered where necessary and in accordance with legal advice. For example, a written warning of Council's impending action may be advisable in the circumstances where the Act has not provided such an avenue, to permit representations to be submitted by an alleged polluter.

7.4.7. Water pollution generally

- a) Council recognises that pollution can severely impact on marine and aquatic ecosystems and action to prevent it should be taken as a priority.
- b) Authorised Officers will respond as soon as practicable to reports of water pollution in accordance with section 6 of this Policy. It is acknowledged that the quicker an officer gets to the scene the more likelihood there is of tracing the pollution, identifying an offender and arranging mitigating measures to prevent the water pollution continuing or recurring.
- c) Persons who pollute any waters are guilty of an offence under Section 120 of the *Protection of the Environment Operations Act 1997* (NSW).

7.4.8. Erosion & sediment control and water pollution on building sites

- a) Council will audit construction sites to ensure Compliance with erosion & sediment control requirements.
- b) Under the *Environmental Planning & Assessment Act 1979* (NSW) a notice of commencement must be submitted to Council prior to commencement of construction. Council will conduct audits of sites following submission of the notice of commencement.
- c) There are two (2) possible courses of enforcement action where sediment controls are not maintained and/or there is water pollution coming from a building site:
 - i. It is an offence under the *Protection of the Environment Operations Act 1997* (NSW) and Council may issue a PIN and/or Environment Protection notices requiring works to be carried out or clean up to occur; and
 - ii. It is also an offence under the *Environmental Planning & Assessment Act 1979* (NSW) to fail to comply with a condition of development consent. Development consents should have a standard condition

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requiring sediment controls to be maintained to prevent pollution.
Again a PIN may be issued and Notices and Orders may be issued requiring Compliance with the development consent.

- d) The course of Compliance action will be determined in accordance with the principles outlined in section 6 of this Policy.

7.4.9. Air pollution

- a) Air pollution may include discharges of dust, smoke, soot, fumes or odours from a range of sources. Sources might include emissions from commercial and industrial premises as well as backyard burning and domestic solid fuel heaters and open fireplaces.
- b) Council will investigate complaints and implement the provisions of the *Protection of the Environment Operations Act 1997* (NSW) to remedy any breaches. It is accepted however that the air pollution provisions of the legislation are convoluted and difficult to enforce. Distinct from the water pollution provisions, there is no specific offence.
- c) The type of air pollution is important and determines the legislative options available to regulate it. Authorised Officers must have appropriate evidence of the air pollution, which includes visiting the site affected and smelling or seeing the pollution first hand.

7.4.10. Noise pollution

- a) Council will investigate noise complaints where Council is considered to be the appropriate regulatory authority under the *Protection of the Environment Operations Act 1997* (NSW). Council officers will where practicable investigate noise complaints during normal office hours (between 8.30am to 5.00pm Monday to Friday). When alleged offensive noise occurs outside of Council's normal operating hours the affected persons should be referred to the Police who are the appropriate regulatory authority to attend to after hour's complaints.
- b) Residents are advised that Council requires complaints (that in the opinion of Council are justified) from two (2) or more affected parties from two (2) or more separate premises for Council to carry out an investigation.
- c) Persons with complaints of a private nature involving only one (1) Complainant are to be advised that the following civil remedies are available under the *Protection of the Environment Operations Act 1997* (NSW) and common law:
 - i. Where Council is unable to take further action, the customer can be advised of their right under section 268 of the *Protection of the Environment Operations Act 1997* (NSW) to obtain a Noise Abatement Order from the local court. Council may also advise the customer to seek their own legal advice in relation to pursuing a Noise Abatement Order or other remedies which may be available under common law.
 - ii. The customer can also be referred to the CJC as an independent, government funded centre that specialises in settling neighbourhood disputes. This approach can avoid lengthy and costly legal processes.



The phone number is (02) 4929 1211 or they can visit:
www.cjc.nsw.gov.au for further information.

- d) Common noise sources where Council has jurisdiction to act include:
- o Air conditioners,
 - o Swimming pool and spa pumps,
 - o Commercial and Industrial equipment and air ventilation systems,
 - o Musical instruments and sound equipment,
 - o Power tools and equipment, and
 - o Motor bikes on private property.

7.4.11. Difficulty resolving noise issues

- a) Council recognises that in some cases it will not be able to resolve a noise issue to the satisfaction of an affected party. This is a common occurrence and situations where this may occur include:
- o inability to find or isolate a noise source,
 - o authorised officers are unable to hear the noise,
 - o Council has taken all action to ensure Compliance but noise is still emitted within levels considered acceptable under the legislation or guidelines,
 - o the complaint is of a private nature involving only two parties, and/or
 - o further enforcement may result in Council incurring unreasonable costs commensurate with the number of persons allegedly affected.
- b) In those circumstances Council will clearly advise the affected party as to why further action will not be taken.

7.4.12. Civil remedies – Noise Abatement Orders

- a) As stated in clause 7.4.10 (c) Complainant is to be advised that the following civil remedies are available under the *Protection of the Environment Operations Act 1997* (NSW) and common law:
- o Where Council is unable to take further action or it is determined that the matter would be more appropriately settled privately the customer can be advised of their rights under section 268 of the *Protection of the Environment Operations Act 1997* (NSW) to obtain a Noise Abatement Order from the local court. Council may also advise the customer to seek their own legal advice in relation to pursuing a Noise Abatement Order or other remedies which may be available under common law.
 - o The customer can also be referred to the CJC, an independent, government funded centre, which specialises in settling neighbourhood disputes. This approach can avoid lengthy and costly legal processes. The phone number is (02) 4929 1211 or they can visit: www.cjc.nsw.gov.au for further information.

7.4.13. Noise from Licensed Premises

- a) Council often receives complaints in relation to noise from licensed premises. All complaints should be referred to Liquor and Gaming NSW for investigation.



- b) Council recognises the conditions of a liquor licence issued under the *Liquor Act 2007* (NSW) are very strict and that Liquor and Gaming NSW has an effective tool to ensure the licensed premises complies. Noise conditions on liquor licences are more comprehensive and more restrictive than Council imposed conditions of consent.
- c) In the interests of assisting those parties affected by noise from licensed premises, as defined under the *Liquor Act 2007* (NSW), will be referred to Liquor and Gaming NSW as a general rule. However, where there is a condition of a development consent relating to noise that is being breached it is considered reasonable that Council will take Compliance action itself in addition to referring the matter to Liquor and Gaming NSW subject to resources being available. Often these complaints relate to times when Council does not have staff on duty. Council will also assist Liquor and Gaming NSW where requested subject to available technical knowledge and resources.

7.5. Overgrown Vegetation

7.5.1. **Overgrown Property complaints**

- a) Council receives a large number of customer requests about overgrown properties. To ensure this is managed effectively and resources are directed to where they are most needed a procedure has been developed.
- b) It helps to keep in mind that not all property owners wish to maintain their properties in a perfect 'park like' condition. Often a property owner is not aware of the situation and most of the time they are eager to address the matter once informed.
- c) In the first instance and prior to contacting Council Complainants are encouraged to contact the property owner and discuss their concerns first to have the situation resolved without the involvement of Council.
- d) Property owner information may be sought under the GIPA by lodging an access to information request via Council's [website](#).
- e) If you are unable to contact the owner or your concerns are ignored Council requests you contact the CJC to arrange mediation with the property owner prior to contacting Council for investigation.
- f) The CJC is an independent, government funded centre that specialises in settling neighbourhood disputes. This approach can avoid lengthy and costly legal processes. Call (02) 4929 1211 or visit: www.cjc.nsw.gov.au for further information.
- g) If you are concerned the overgrown vegetation poses a bushfire hazard, you may contact the NSW Rural Fire Service local fire control centre on 02 4015 0000 or by completing the online *Bush Fire Hazard Complaint Form* at: www.rfs.nsw.gov.au.
- h) The following guidelines will help you determine if Council can assist:
 - i. The customer has attempted to resolve the matter themselves with the property owner;
 - ii. The customer has attempted mediation through the CJC;
 - iii. The property in question must be located in a residential zone (R1, R2, R3, R4 or R5). As a general rule Council will not respond to customer requests in rural, semi-rural or those classified Environment Protection (E1 and E2);

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- iv. The overgrown vegetation has been confirmed as a harbourage for vermin likely to create unsafe or unhealthy conditions. Evidence of vermin will be required and can include rodent sightings, faeces, nests, runs or eggs. (Vermin however does not include any native fauna); and/or;
- v. The vegetation in question is more than 600mm (approximately) in height and covers a significant portion of the property. Please note: Overgrown Vegetation does not include any vegetation that is protected by the Threatened Species Conservation Act, Environment Protection or Council's Tree Preservation Order, and does not include a commercial crop.

7.5.2. Weed Management

- a) The definition of a Weed is a plant that is growing in the wrong place at the wrong time. Some plants are determined to be noxious weeds due to their detrimental impact on human health, agriculture and/or our environment.
- a) All land owners or occupiers have general biosecurity duty under the *Biosecurity Act 2015* (NSW) to control any declared weed on their property. All residents or property owners, occupiers or people leasing or renting properties are responsible for the control of noxious weeds on their land.
- b) Authorised officers of Council enforce the management of weeds within the LGA. This includes but is not limited to inspecting, entering and searching property or premises as well as issuing notices and Control Orders.
- c) For further details on weed management and your legal obligations under the *Biosecurity Act 2015* (NSW) please refer to Council's website at www.cessnock.nsw.gov.au.

7.6. Tree Preservation

- 7.6.1. Trees and vegetation play an important role in our natural and built environment. In the urban environment trees provide valuable shade and soften the general appearance of a sometimes harsh and hard urban landscape. They make our urban environment a pleasant place to live and visit through the array of heights, shapes, colours and general form they offer.
- 7.6.2. Certain trees and vegetation cannot be damaged, lopped or removed without the approval of Council or other authorities.

7.6.3. Approval

- a) The *Cessnock Local Environmental Plan 2011* (CLEP 2011) is the principal statutory item that determines when consent is required to damage vegetation in the Cessnock LGA. Chapter 7 of the *Cessnock Development Control Plan 2010* (DCP 2010) outlines Council's approach to the management of urban urea trees and vegetation on public and private land across the LGA.
- b) Approval to damage, lop or remove trees and vegetation may be via Development Consent or by the granting of a permit in accordance with Clause 5.9 (3) of the CLEP 2011.
- c) Where the damage, lopping or removal of trees is not considered as part of the assessment of a development application, Council considers applications for the damage, lopping or removal of trees using a set criteria based predominantly on the evaluation of hazards. Following a site



inspection of the tree/s or vegetation officers issue a Tree Preservation Permit or a Denial. In some cases Council may request a professional report from an appropriately qualified Arborist (or the like) to further substantiate damage, lopping or removal of trees.

- d) In non-urban zones the removal or damage of native vegetation is considered to be solely regulated by the provisions of the *Native Vegetation Act 2003* (NSW).

7.6.4. When approval is not required

- a) In the simplest terms approval is not required where the tree or vegetation:-
 - i. is less than 3 metres in height and has a branch spread (crown) of less than 3 metres; or
 - ii. base of the trunk or stem is within 3 metres of the face of a lawful existing building; or
 - iii. base of the trunk or stem is within 3 metres of the face of a proposed building authorised under a current development consent under the *Environmental Planning and Assessment Act 1979* (NSW).
- b) Numerous pieces of legislation outline other circumstances when approval is not required and these are listed in the CLEP 2011 and DCP 2010.

7.6.5. Unauthorised damage, lopping or removal of trees and vegetation

- a) Council maintains a good rapport with Arborists working in the LGA. The conditions around the damage, lopping or removal of trees are widely known resulting in very little unauthorised activity. Where a new service provider is identified Council will approach them to discuss the approval process.
- b) From time to time Council receives enquiries and reports of unauthorised damage, lopping or removal of trees and vegetation. These matters are investigated on a case by case basis and depending on the outcome of the investigation a number of activities varying from issuing warning letters and/or PINs to legal action may be taken.

7.7. Companion Animal Compliance

- 7.7.1. Cessnock City Council has an adopted [Companion Animals Management Plan \(CAMP\)](#) which addresses issues associated with companion animal ownership against the framework of Council's legislative requirements under the *Companion Animals Act 1998* (NSW).
- 7.7.2. The CAMP also details Council's initiatives and actions that are being undertaken to meet these legislative requirements and which promote responsible companion animal ownership. Under the CAMP a companion animal is defined as a dog or a cat.
- 7.7.3. All dog and cat owners must complete a "two-step" process to identify and register their pet. **Step one** is permanent identification through micro chipping which can be done by your veterinarian, RSPCA or Council Rangers. **Step two** is lifetime registration through Council.
- 7.7.4. All cats and dogs in NSW are required to be registered for life by 6 months of age and must be microchipped by the age of 12 weeks, or earlier if there is a change of ownership.
- 7.7.5. The framework for regulating companion animals and the relevant legislation is outlined in Council's CAMP.

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7.7.6. Dog attacks

- a) The *Companion Animals Act 1998* (NSW) includes provisions for liability of owners whose dogs are involved in attacks.
- b) An attack is deemed to have occurred if a dog rushes at, attacks, bites, harasses or chases any person or animal (other than vermin) regardless whether or not injury is caused to the person or animal.
- c) Council encourages responsible dog ownership and views dog attacks very seriously. Council Rangers will take immediate action on receipt of notification regarding dog attacks.

7.7.7. Dangerous and menacing dogs

- a) Under the provisions of the *Companion Animals Act 1998* (NSW) an authorised officer of Council may declare a dog that is ordinarily kept in the Council's LGA to be dangerous or menacing.
- b) A dog can be declared dangerous if it:
 - i. Has, without provocation, attacked or killed a person or animal (other than vermin), or
 - ii. Has, without provocation, repeatedly threatened to attack or repeatedly chased a person or animal (other than vermin), or
 - iii. Is kept or used for the purposes of hunting (This provision is not intended to include hunting dogs that are kept and used by responsible owners and are no threat to the public. Legitimate and responsible hunting is dealt with under the *Game and Feral Animal Control Act 2002* (NSW) and its regulations)
- c) A dog can be declared menacing if it:
 - i. Has displayed unreasonable aggression towards a person or animal (other than vermin), or
 - ii. Has, without provocation, attacked a person or animal (other than vermin) but without causing serious injury or death.
- d) Once a dog is declared dangerous or menacing the owner must comply with specified control conditions detailed within the *Companion Animals Act 1998* (NSW).
- e) Council will follow standard process in issuing dangerous dog or menacing dog declarations and inspections by Council's authorised officers will be undertaken annually in accordance with the provisions of the *Companion Animals Act 1998* (NSW) to ensure Compliance with control requirements.
- f) Failure to comply with any of the control measures required under the *Companion Animals Act 1998* (NSW) will result in further enforcement action.

7.7.8. Restricted breeds

- a) Under the *Companion Animals Act 1998* (NSW) a breed or kind of dog can be prescribed as restricted breeds.
- b) The following dogs are examples of restricted dogs for the purposes of the *Companion Animals Act 1998* (NSW):
 - i. Pit Bull Terriers
 - ii. American Pit Bull Terriers

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- iii. Japanese Tosas
- iv. Argentinean Fighting Dogs
- v. Brazilian Fighting Dogs
- c) The owner of any restricted dog must comply with the control requirements under the *Companion Animals Act 1998* (NSW). Inspections by Council's authorised officers will be undertaken annually to ensure Compliance with these requirements.
- d) Failure to comply with any of the control measures required under the *Companion Animals Act 1998* (NSW) will result in further enforcement action.

7.7.9. Seizure, impounding

- a) Standard investigation procedures will be strictly followed to determine the required action in each instance.
- b) Council will comply with legislation and make all reasonable attempts to contact owners where microchipped dogs have been found away from home.
- c) If the owner cannot be contacted the dog will be taken to Council's pound – RSPCA Rutherford facility.
- d) Council will not unlawfully enter any land or premises to seize an animal however, lawful entry and seizure may be carried out in accordance with the legislation. For example, where an inspection reveals there is a non-Compliance with a Dangerous Dog Declaration, Council will work with the NSW Police Service to obtain a search warrant.

7.7.10. Nuisance dogs

- a) Under the *Companion Animals Act 1998* (NSW), a dog is a nuisance if it:
 - i. is habitually at large,
 - ii. makes a noise by barking or otherwise, that persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises,
 - iii. repeatedly defecates on property (other than a public place) outside the property on which it is ordinarily kept,
 - iv. repeatedly runs at or chases any person, animal or vehicle,
 - v. endangers the health of any person or animal, or
 - vi. repeatedly causes substantial damage to anything outside the property on which it is ordinarily kept.
- b) Nuisance Orders can be applied when companion animal owners allow their pet to continually breach the *Companion Animals Act 1998* (NSW) and remain in force for a period of six months.

7.7.11. Barking dog complaints

- a) In order for Council to take action in relation to allegations regarding nuisance from barking dogs the council officer must have a brief of evidence that can prove a breach of the law. Council must prove that the dog makes a noise, by barking or otherwise, that persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises.

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- b) Residents are advised that Council requires complaints (that in the opinion of Council are justified) from two (2) or more affected parties from two (2) or more separate premises for Council to carry out an investigation.
- c) Prior to contacting Council regarding a barking dog complaint, Council requires Complainants who believe they are affected by noise from a barking dog(s) to communicate with the owner of the dog(s) in the first instance to seek a resolution.
- d) Property owner information may be sought under the *GIPA* by lodging an access to information request via Council's [website](#).
- e) If you are unable to contact the owner or your concerns are ignored Council requests you contact the CJC to arrange mediation with the dog owner prior to contacting Council for investigation.
- f) The CJC is an independent, government funded centre that specialises in settling neighbourhood disputes. This approach can avoid lengthy and costly legal processes. Call (02) 4929 1211 or visit www.cjc.nsw.gov.au for further information.
- g) Should mediation not resolve the barking issue the Complainant may report the matter to Council for investigation. Where complaints are lodged in accordance with this policy, noise diaries are provided to affected residents for them to record dates and times that the noise is occurring to determine the noise frequency and its impact. Residents that complete noise diaries must be prepared to give evidence in Court to support their complaint.
- h) If a person with a complaint is not prepared to go to court or the complaints are of a private nature involving only two parties then the customer is advised of the following alternate options available to them to address nuisance from barking dogs:
 - i. Where Council is unable to take further action, the customer can be advised of their right under section 268 of the *Protection of the Environment Operations Act 1997* (NSW) to obtain a Noise Abatement Order from the local court. Council may also advise the customer to seek their own legal advice in relation to pursuing a Noise Abatement Order or other remedies which may be available under common law.
 - ii. The customer can also be referred to the CJC – as detailed above.

7.8. Policy on Parking, Roads, Vehicles and Abandoned Vehicles/Articles

7.8.1. Parking offences

- a) Roads and regulated car parks in Cessnock are patrolled routinely to ensure Compliance with parking and traffic restrictions. Offences are considered strict liability, meaning Council will issue PINs for all breaches.
- b) School safety zones will be monitored on a rotating roster by Council Rangers for breaches of parking restrictions. Rangers will be highly visible within school zones.
- c) It is noted that Council Rangers have very limited discretion in their enforcement of parking offences. To fail to take action in relation to an observed offence may first create hazards or risks for the community. In addition, it may expose Council and Council officers to accusations of partiality and potential claims for damages where an unsafe situation has arisen.



- d) Council will co-operate with the NSW Police in enforcement of parking on roads and in school safety zones.
- e) For information in relation to on-street parking please refer to Council's [Parking Enforcement Policy](#).

7.8.2. Load limits for heavy vehicles

- a) Council will enforce the provisions of the *Road Transport Act 2013* (NSW) and Road Rules 2014 in relation to heavy vehicles unlawfully using load limited roads.
- b) Heavy vehicles cause traffic problems for other road users and road damage to local roads. The structure of these local roads was never built to accommodate heavy vehicles and the cost of repairs over time to the community is significant. Licensed heavy vehicle drivers carry specially modified street directories indicating which roads are load limited. Council will not accept non-local residency as an excuse for non-Compliance.
- c) PINs will be issued for all breaches.

7.8.3. Vehicle and article sales on Public Roads

a) Article Sales

Under Part F of the Approvals Table to section 68 of the *Local Government Act 1993* (NSW), approval from Council is required in order to use a standing vehicle or article to sell any article on a public road. It is an offence under section 626 of the Act if a person does not obtain the approval of Council before carrying out this activity. Penalties apply under the *Local Government Act 1993* (NSW) including the issuing of PINs and/or court proceedings.

b) Vehicle Sales

- i. Council Rangers can issue PINs under the Road Rules 2014 for various offences related to the sale of vehicles, including:
 - 1. Stop on path/strip in built up area;
 - 2. Not parallel park in direction of travel;
 - 3. Not parallel park near left;
 - 4. Not parallel park in direction of travel (road related area).
- ii. Vehicles for sale parked in accordance with the provisions of the Road Rules 2014 do not attract penalties.
- iii. It is acknowledged however that vehicles for sale on public roads attract and encourage pedestrian traffic onto roads to view the exterior and interior of vehicles. Potential buyers are placed into unsafe circumstances and are at increased risk of being hit by passing vehicular traffic. Additionally passing drivers may also be distracted by signage and pedestrian buyers creating a further hazard to following traffic and pedestrians alike.
- iv. Council therefore encourages persons with vehicles for sale to ensure the vehicle is advertised and available for inspection in a safe location in accordance with the Road Rules 2014 as Council has a duty of care to ensure Compliance with the legislative provisions in terms of the protection of public safety.
- v. Compliance monitoring will be carried out and failure to comply will result in appropriate enforcement action.



8. ROLES AND RESPONSIBILITIES

8.1. Reporting in respect to issues outlined within the policy are with each responsible Manager in accordance with relevant legislation.

9. POLICY DEFINITIONS

Authorised Officer:	A person who is empowered to carry out specific legislative functions as defined within the respective Act and Regulation.
Bed and Breakfast	<p>An establishment operated by the permanent residents of the dwelling house which:</p> <ol style="list-style-type: none"> 1. Provides temporary accommodation for the short-term traveller; 2. Offers meals for guests only; 3. Does not accommodate more than (12) persons; 4. Does not have a floor area greater than 300m²; 5. Does not contain cooking facilities in rooms for the preparation of meals by guests; and 6. Is not used in whole or in part for the permanent or long-term accommodation of any person other than the person or persons who normally reside in the dwelling
Caution:	A formal warning that further enforcement action may occur should further Unlawful Activity be undertaken.
Community Land:	Same meaning as defined in the Local Government Act 1993.
Complainant:	A person or agency who notifies Council of an alleged Unlawful Activity. This is the person/agency Council will liaise with regarding the matter including requests for additional information and/or response on what action was taken in relation to the matter.
Compliance	The act of adhering to and demonstrating adherence to laws, regulations, conditions, standards or policies.
Consistency:	Remaining consistent in how matters of similarity are actioned.
Council	means Cessnock City Council
Council staff:	Includes staff employed under permanent, part-time, casual or contractual arrangement who undertakes Compliance and enforcement action on behalf of Cessnock City Council.



Delegated Authority:	The authority to carry out specific functions in behalf of Cessnock City Council as delegated by the General Manager under section 377 of the Local Government Act 1993.
Frivolous:	Lack of seriousness or sense, of little weight or importance
Natural Justice:	See Procedural Fairness
Operational Land:	Same meaning as defined in the Local Government Act 1993.
Penalty Infringement Notice (PIN):	A penalty or fine issued in accordance with the New South Wales Self Enforcing Infringement Notice (SEIN) System in lieu of court prosecution for an offence. Now commonly referred to as a "Penalty Notice".
Prima Facie:	A Latin term describing matters that are self-evident or obvious upon first appearance without further investigation.
Prioritising:	The process by which decisions are made based on the category or risk and importance.
Procedural Fairness:	<p>A process by which decisions are made adhering to the principles of justice and equality. Procedural Fairness and the term Natural Justice are interchangeable.</p> <p>The rules of Procedural Fairness require:</p> <ul style="list-style-type: none"> i) a hearing appropriate to the circumstances; ii) lack of bias; iii) evidence to support a decision; and iv) inquiry into matters in dispute.
Punitive Action (Informal):	Legal action that involves issuing of Cautions, warnings, consultation, mediation and the like.
Punitive Action (Formal):	Legal action that involves the issuing of PINs, Notices, Orders, court prosecutions and the like.
Senior Management Staff:	The General Manager and contractual senior staff appointed under the Local Government Act 1993.
Transparency:	To ensure all actions and procedures are understood, auditable and open for critique as necessary.
Trivial:	Of insignificant value or importance



Unlawful Activity:	<p>Is any activity or work that has been or is being carried out:</p> <ul style="list-style-type: none"> • Contrary to the terms or conditions of a development consent, approval, permit or licence; • Contrary to the Cessnock Local Environmental Plan 2000, as amended, that regulates the activities or work that can be carried out on particular land; • Contrary to a legislative provision regulating a particular work or activity without a development consent, certificate, approval, permission or licence; • Contrary to the laws of New South Wales where Cessnock City Council is the Appropriate Regulatory Authority
Vexatious:	A complaint instituted without real grounds, chiefly to cause annoyance

10. POLICY ADMINISTRATION

Business Groups	<p>Planning and Environment</p> <p>Works & Infrastructure</p>
Responsible Officers	<p>Director Planning and Environment</p> <p>Director Works & Infrastructure</p>
Associated Procedure (if any, reference document(s) number(s))	NIL
Policy Review Date	Three years from date of adoption unless legislated otherwise
File Number / Document Number	DOC2017/083408
Relevant Legislation (reference specific sections)	<ul style="list-style-type: none"> • <i>Biosecurity Act 2015</i> (cth); • <i>Building Professionals Act 2005</i> (NSW); • <i>Companion Animals Act 1998</i> (NSW); • <i>Contaminated Land Management Act 1997</i> (NSW); • <i>Environmental Planning and Assessment Act 1979</i> (NSW); • <i>Food Act 2003</i> (NSW); • <i>Impounding Act 1993</i> (NSW);



<p>Relevant Legislation (reference specific sections) cont...</p>	<ul style="list-style-type: none"> • <i>Land and Environment Court Act 1979</i> (NSW); • <i>Liquor Act 2007</i> (NSW); • <i>Local Government Act 1993</i>; • <i>Environmental Planning and Assessment Act 1979 & Regulation</i> (NSW); • <i>Food Act 2003</i> (NSW), Regulations & NSW Food Safety Standards; • <i>Plumbing & Drainage Act 2011</i> (NSW); • <i>Protection of the Environment Operations Act 1997</i> (NSW); • <i>Public Health Act 2010</i> (NSW); • <i>Roads Act 1993</i> (NSW) & Regulations; • <i>Road Transport Act 2013</i> (NSW); • <i>Rural Fires Act 1997</i> (NSW); • <i>Swimming Pools Act 1992</i> (NSW); • <i>Waste Avoidance & Resource Recovery Act 2001</i> (NSW); • <i>Companion Animals Regulation 2018</i>; • <i>Environmental Planning and Assessment Regulation 2000</i> (NSW); • <i>Food Regulation 2015</i> (NSW); • <i>Impounding Regulation 2013</i> (NSW); • <i>Liquor Regulation 2018</i> (NSW); • <i>Local Government (General) Regulation 2015</i> (NSW); • <i>Protection of the Environment Operations (General) Regulation 2009</i> (NSW); • <i>Public Health Regulation 2012</i> (NSW); • <i>Roads Regulation 2018</i> (NSW); • <i>Swimming Pools Regulation 2018</i> (NSW); • <i>Road Rules 2014</i> (NSW); • <i>Australia New Zealand Food Standards Code (FSANZ)</i>.
<p>Relevant desired outcome or objectives as per Council's Delivery Program</p>	<p>Civic Leadership and Effective Governance Objective 5.3: Making Council more responsive to the community</p>
<p>Related Policies / Protocols / Procedures / Documents (reference document numbers)</p>	<ul style="list-style-type: none"> ▪ Agency Information Guide ▪ Complaint Handling Policy ▪ Parking Enforcement Policy ▪ Records Management Policy



11. POLICY AUTHORISATIONS

No.	Authorised Function	Authorised Business Unit / Role(s)
	Reporting in respect to issues outlined within the policy in accordance with relevant legislation.	Managers

12. POLICY HISTORY

Revision	Date Approved / Authority	Description Of Changes
1	17 April 2013 QS27/2013	New Policy
2	1 May 2013	Review
3.	18 September 2013 PM91/2013-581	Review
4.	1 November 2017 PE59/2017	Review
5	20 May 2020 PE15/2020	Update to new template, review

13. Appendices

Appendix A – Adjudication Panel Charter

Appendix B – *Ireland v Cessnock City Council* [1999] NSWLEC 153



Appendix A - ADJUDICATION PANEL CHARTER

1. Purpose

To review client representation schedules sent to the Council for adjudication by Revenue NSW and advise Revenue NSW of the Panel's decision to either, let the Penalty Stand, Caution or No action (cancel the Penalty infringement notice (PIN)).

1. Objectives

To improve outcomes by ensuring openness, Transparency, Procedural Fairness and Natural Justice principles are followed in the decision making process with regard to PIN appeals and representations.

Ensure a balanced assessment is made against each representation and that standard Revenue NSW Guidelines and Council Policies are consistently and fairly considered and applied; and,

To prevent Council process being called into question by external parties or the Office of the NSW Ombudsman.

2. Outcomes

Reduction in the number of inconsistencies in relation to PIN appeals.

A reduction in the number of Court Appeals.

Full and transparent records of all decisions made by the Panel will be kept on Council's electronic records management system.

3. Functions

1. To assess requests relating to infringement notices issued and to make determinations on the matters presented to the panel having regard to:

- The information available to the Panel, including Acts, regulations, Council Policies, any Revenue NSW Guidelines, Council records, PINs, contemporaneous notebooks, EDMS records, photographs or Authorised Officer Interviews; and
- The recommendation of the relevant Team Leader.

2. To ensure that the referring officer has demonstrated to the adjudication panel that they have considered the following matters in forming a recommendation:

- Compliance with statutory requirements.



- The standard NSW Infringement Processing adjudication guidelines and principles.
- Specific considerations outlined in Council's Compliance and Enforcement Policy.
- Whether the PIN was correctly issued by the Officer. Significant Officer Error in issuing a PIN will lead to cancellation without the need to consider the representation further.
- Did the Issuing Officer act professionally, lawfully and in accordance with Council Policy and standard procedure?
- Has the person who received the PIN admitted the offence?
- Are there any mitigating or aggravating factors to consider?
- Is there any doubt over the evidence relied upon to issue the PIN?

NB - The Adjudication Panel will not recommend cancellation of PIN's based on the grounds of age, gender, nationality, race, length of driving record, whether there is an illness in the family or of an associate which had no bearing on the offence at the time or if the representation does not have the required documentary evidence to support the reasons provided.

4. Panel Appointment

The Adjudication Panel will consist of the relevant Section Manager, relevant Principal/Team Leader and an independent delegate or other panel members as authorised by the relevant Manager or Director.

- No member of the Panel shall have an interest in the matters being reported to the Panel.
- Should a Panel member or alternate not be available for a meeting, the relevant Manager or Director can make an appointment as required.

5. Meeting Notification and Reporting

- Agendas for meetings shall include information on meeting date, venue, business proposed to be conducted and reports prepared by the relevant Team Leader.
- Agendas should be made available to Panel Members and staff prior to the meeting.
- Additional to the meeting agenda containing the Report from the relevant Principal/Team Leader, Panel members shall be provided with associated documents from Council records, including copies of the infringement notices, any photos taken, as well as copies of contemporaneous notebook entries where relevant. The relevant Team leader will source the required documents for Administration to collate into the agenda.
- Panel meetings will be held as required.

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6. Meeting Procedures

- All matters are confidential;
- Any member of the Panel can request further information for clarification;
- Any matter presented can be deferred for the purpose of clarification;
- Two (2) members shall form a quorum;
- The first item of business at Panel inspections and the meeting will be members identifying any pecuniary or non-pecuniary conflicts of interest that may prevent them from participating in or considering any item on the agenda;
- The relevant Manager and the relevant Principal/Team Leader have the discretion to refer any item to the adjudication panel for consideration.

7. Determination Procedures

- The Panel's decision can be a recommendation for a PIN to be cancelled, to stand, for a Caution to be issued or for a decision to be deferred for clarification.
- In assessing each matter the panel members may request additional information and have the matter deferred.
- If the Panel members do not support the relevant Principal/Team Leader's recommendation reasons are to be provided in the resolution.
- All Panel decisions shall be by unanimous decision. Where a Panel member requires additional information to enable a unanimous decision to be reached the item shall be deferred and referred to the next meeting.
- Where a unanimous decision is not reached at the next meeting the application shall be referred to Revenue NSW for a decision.
- Should the Panel in its deliberation, note significant officer errors in process or performance it shall refer such matters to the relevant Principal/Team Leader and/or relevant Manager to enable the issue to be addressed.



Appendix B - Ireland v Cessnock City Council [1999] NSWLEC 153

"In the case Ireland v Cessnock City Council [1999] NSWLEC 153, it was determined that a Council has discretion in the issuing of a building certificate under sections 149A(1) and 149B-149E of the Environmental Planning and Assessment Act in respect of a building that already existed (including one that had been unlawfully erected). The express terms of section 149E of the Act did not refer to the 'lawfulness' of the erection of a building and the issuing of a building certificate did not declare the erection to be lawful. A building certificate does in certain forms prescribe legal immunity (by no means complete or absolute) in respect of the building. It was also determined that where a building certificate has been issued, it is appropriate to consider development consent for the use of an unlawfully erected building."

Sutherland Shire Council v Heyman (1985)

In the case of Sutherland Shire Council v Heyman (1985) 157 CLR 424, the High Court recognised that in some circumstances liability could arise for failure to exercise a statutory function. Mason CJ said (at page 464) that there may be a 'general expectation' by the community that a power will be exercised.

"...there will be cases in which the plaintiff's reasonable reliance will arise out of a general dependence on an authority's performance of its function with due care, without the need for contributing conduct on the part of a defendant or action to his detriment on the part of a plaintiff. ...The control of air traffic, the safety inspection of aircraft and the fighting of a fire...by a fire authority...may well be examples of this type of function. ...Whether the inspection of motor vehicles for registration purposes could generate such a general reliance is a more complex question..."

Pyrenees Shire Council v Day; Eskimo Amber Pty Ltd v Pyrenees Shire Council (1998)

The 'doctrine of general reliance' was rejected by the High Court in the case of Pyrenees Shire Council v Day; Eskimo Amber Pty Ltd v Pyrenees Shire Council (1998) 192 CLR 330. The majority of the High Court said that the doctrine was a 'fiction'. It was considered that it would lead to great uncertainty if the general expectations of the community were to be the touchstone of liability. There is no doubt that often it would be difficult for a plaintiff to prove that a 'general expectation' existed.

The case concerned a negligence action brought against a council arising out of a fire that destroyed adjoining premises. The fire spread from a defective fireplace. The council was aware of the defective fireplace and had ordered that it be repaired. However, it did not follow up its order.

The High Court justices all gave separate judgments. It is clear however that they all recognise there can sometimes be liability for failure to exercise a statutory function. For example, Brennan CJ found that the council was under a public law duty to enforce the legislation relating to fire prevention and was liable for failure to do so, where such failure was 'irrational'. Kirby J considered liability differently and relied upon concepts such as 'proximity' and 'fairness'.

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Integrity, Respect, Teamwork, Accountability and Excellence

(An analysis of the different reasons is published in Litigation Notes, No. 2, 27 May 1998. The note points out that because of the case, serious questions arise as to the principle to be applied in determining liability in negligence.



Cessnock City Council Compliance and Enforcement Policy

Last Updated: TBA Revision: 2

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ACKNOWLEDGEMENT

Council acknowledges that within its local government area boundaries are the traditional lands of the Wonnarua people, the Awabakal people and the Darkinjung people. We acknowledge these Aboriginal peoples as the traditional custodians of the land on which our offices and operations are located, and pay our respects to Elders past and present. We also acknowledge all other Aboriginal and Torres Strait Islander people who now live within the Cessnock Local Government Area.

COUNCIL VALUES

Integrity, Respect, Teamwork, Accountability, and Excellence.

DISCLAIMER

The information contained in this publication is based on knowledge and understanding at the time of the adoption date and may not be accurate, current or complete at the time of viewing. While every effort has been made to ensure the accuracy of the information in this publication, Cessnock City Council expressly disclaims any liability to any person in respect of anything done or not done as a result of the contents of this publication or the data provided therein. Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

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Compliance and Enforcement Policy

1 POLICY OBJECTIVES

The purpose of this Policy is to promote regulatory compliance and create a deterrence whilst actively seeking to identify, mitigate or eliminate potential risks that may impact the natural and built environments of the Cessnock Local Government area whilst enabling Council:

- to act promptly, effectively and consistently in response to the allegations of unlawful activity or when undertaking proactive investigation of unlawful activity;
- to ensure those functions are exercised proportionally, without bias, are procedurally fair and in accordance with relevant legislation;
- to improve Compliance and reduce the impact of unlawful activity on the community and the environment;
- to ensure that Council's officers exercise their discretion in relation to unlawful activity in an appropriate manner and that Council's resources to deal with unlawful activity are appropriately allocated in a manner consistent with the public interest.

This Policy will not limit Council's authorised officers in their use of discretion and exercise of official functions. The full circumstances and facts of each case will need to be considered and a decision made on merits.

2 SCOPE

This Policy provides information for all internal and external stakeholders and interested parties about Council's position on compliance and enforcement matters in the Cessnock City Council Local Government Area.

The purpose of this Policy is to provide structure for consistency and transparency in decision making, and to facilitate a proportionate approach to compliance and enforcement. It is also intended to assist Council staff to act promptly, effectively and consistently in response to allegations of unlawful activity.

This Policy outlines matters to be considered at the various stages of the enforcement process, from the receipt and investigation of reports alleging unlawful activity, through to what enforcement option Council will consider and whether to commence criminal or civil proceedings.

In certain circumstances, Council will have shared enforcement responsibilities with other regulatory authorities.

Council's regulatory responsibilities are applicable to threatened or actual unlawful activity, as well as a failure to take action (in order to be compliant with certain legal requirements). For simplicity, this Policy refers to both an act and/or an omission by an alleged offender as 'unlawful activity'.

Council strives to:

- Protect and promote public health.
- Protect and promote environmental health.
- Promote responsible companion animal ownership.
- Encourage and support ethical land use.
- Protect the community from behaviour likely to cause harm or impact their amenity.
- Regulate the use and development of land so that it meets agreed community objectives.
- Evolve its capability to detect and respond to non-Compliance before it affects communities or businesses.

2.1 The scope of this policy does not extend to handling complaints 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. Such Complaints will be handled in accordance with Council's [Complaints Handling Policy](#).

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3 PRINCIPLES

3.1 Regulatory Principles:

The following principles establish Council's regulatory approach.

- 3.1.1 **Risk-based:** Council will use a risk-based approach to regulation to ensure regulatory responses support the objectives of this policy.
- 3.1.2 **Evidence-based:** Council's regulatory approach will rely on the best available evidence and data systems to inform regulatory, compliance and enforcement decision-making.
- 3.1.3 **Proportionate:** Regulatory, compliance and enforcement action will be proportionate to the circumstances and seriousness of the alleged non-compliance should Council elect to act.
- 3.1.4 **Transparent:** Council will communicate regulatory, compliance and enforcement obligations clearly. The principles of procedural fairness will be applied during compliance monitoring and enforcement activities, and Council officers will consider the 'public interest' in regulatory decision-making.
- 3.1.5 **Collaborative:** Council will work collaboratively with other regulators to share information where possible and avoid unnecessary regulatory burden and duplication of effort.
- 3.1.6 **Consistent:** Compliance monitoring and enforcement action, to the extent possible, will be applied consistently across all sectors of industry, the community and government.
- 3.1.7 **Effective:** Council will make regulatory decisions, including enforcement action, in an effective manner, within legislated timeframes.
- 3.1.8 **Accountable:** Council Officers are accountable and will conduct Compliance monitoring and enforcement activities in an ethical manner in line with Council's Code of Conduct and recognised best practice.

3.2 Anonymous Complaints

- 3.2.1 We accept anonymous complaints, and will carry out an investigation of the issues raised where there is sufficient information provided to substantiate the complaint.

3.3 Confidentiality of Complaints

- 3.3.1 Council operates in accordance with the Privacy and Personal Information Protection Act 1998 (NSW); however, as Council is a government entity, certain information is obtainable under the Government Information (Public Access) Act 2009 (NSW) (GIPA). All access to information is considered by appropriately delegated staff and/or Council's Public Officer.

3.4 Education and Advisory Services

Council recognises its important role in informing and educating businesses and individuals in the community to build understanding of their regulatory obligations and duties and promote voluntary Compliance.

Education initiatives will be adopted and resources allocated in accordance with Council's adopted yearly budget.

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4 POLICY DETAILS

4.1 Approach

Council may utilise its resources where opportunities arise to educate, identify, mitigate or eliminate potential regulatory risks.

Council values consistency, accountability, transparency and procedural fairness as our Officers work within their statutory powers.

4.2 How Regulation is Prioritised

Council Officers will apply a risk-based approach to compliance and enforcement activities. Proactive monitoring programs will be focussed on achieving the best outcome and minimising the regulatory burden on compliant businesses and community members. Council Inspection programs are undertaken to meet Council's regulatory obligations and are targeted and prioritised according to risk.

Responsive compliance and enforcement rely upon information and intelligence related to reported non-Compliance with regulated activities.

Requests received are triaged based on the information available, identified risks associated with the alleged activity, severity of the impact and the available resources at a given time to apply the most appropriate response.

Council Officers will analyse and use intelligence gathered from compliance activities, investigations, stakeholder engagement, surveys, complaints and other industry information to highlight trends, identify emerging risks and develop potential responses to avoid or mitigate harm.

Where reasonable and practicable avenues are available to resolve an issue privately, it is Council's expectation that Complainants will take steps to do so prior to seeking Council intervention.

Following an initial review or preliminary investigation of an incident, it may be determined that an alternative means of resolution exists or there are circumstances where it has been determined that further investigation is not in the public interest and Council may refer the Complainant to a partner agency or direct them towards other resources so that they progress without the need for some form of litigation. Alternative processes can include arbitration, mediation or settlement conferences.

After an initial review or preliminary investigation of an incident, if Council is not deemed the regulating authority the matter will be referred to the Appropriate Regulatory Authority.

4.3 Rules and Procedures

Council is committed to achieving legislative Compliance regarding all of its regulatory responsibilities. To support legislative Compliance, Council relies upon a series of internal processes and procedures as well as utilising recognised operational best practices.

4.4 Inspection Programs, Requests and Complaints Handling

Council operates a range of proactive inspection programs in the regulatory environment. These are statutory programs intended to ensure appropriate standards are being applied regarding environmental health and safety issues such as food safety and the use of on-site sewage management systems, fire safety and swimming pool Compliance.

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4.5 Investigation and Enforcement

Protecting the natural and built environment while ensuring community safety requires good governance, especially when electing to take enforcement action. To best manage the risks across each sector, Council Officers will prioritise the activities that present the highest risk of adverse impacts to the community or Council's duty of care and statutory responsibility.

Enforcement action aims to mitigate adverse impacts on the community, environment, business or industry and the potential for, or actual harm caused to the community, the environment or the economy. The purpose of an enforcement response is to discourage and prevent further offending whilst encouraging future voluntary Compliance.

An enforcement action may result in a financial penalty, e.g. a monetary fine; or additional costs imposed by a statutory direction; order; or further legal action in some cases.

Council will employ a graduated and proportionate approach to enforcement, based on the environmental, economic or social harm caused (or could be caused) and other factors

Where the evidence suggests that the impacts are low, Council Officers will apply a corresponding enforcement response. Where the evidence suggests the impacts are serious or urgent, a more immediate or severe enforcement response will be applied, which may result in more intensive investigations and significantly higher Compliance requirements or penalties.

As part of determining an appropriate regulatory or enforcement response, Council considers the full extent of the non-Compliance or offending and the resulting impacts, including discretionary factors such as, but not limited to:

- Based on the circumstances and information available, if a reasonable belief is able to be formed that unlawful activity, that falls within jurisdiction of Council has, or is likely to occur.
- the seriousness of the offence.
- any mitigating or aggravating circumstances.
- the need for strong deterrence.
- whether the matter is obsolete or obscure
- the length of time that has passed since the offence was committed.
- the culpability and previous compliance history of the alleged offender or their willingness to assist Council.
- the likely outcome, given the options available to council.¹

If appropriate, Officers may provide the individual or business operator with the opportunity to provide any statutory defences or explain any mitigating factors surrounding the alleged non-Compliance and then consider their explanation as part of determining any resulting action. Where a business owner or an individual (regulated entity) does not respond to a regulatory direction, Council reserves the right to reconsider their regulatory response and may deploy the use of additional and more intrusive regulatory enforcement options, which have greater impacts and/or are more resource intensive for the regulated entity.

4.6 Integrated Enforcement

In circumstances where offending spans across multiple functions of Council or other enforcement agencies, an integrated approach using combined powers and authorities may be pursued. Integrated enforcement is an effective means to address Compliance in a holistic manner.

4.7 Multiple Compliance Measures

In certain circumstances, Council may choose to simultaneously use multiple enforcement responses, especially in response to complex issues where multiple non-conformances are

¹ Criteria drawn from Chapter 1.4, Prosecution Guidelines of the NSW Director of Public Prosecutions, March 2021

Compliance and Enforcement Policy

detected that vary in significance. Applying multiple enforcement responses enables an alleged offender(s) to be dealt with fairly whilst encouraging future Compliance.

4.8 Use of discretion by authorised officers in enforcement action

4.8.1 Council will use discretion in considering the most appropriate enforcement action. Though authorised officers may have discretion in the decisions they make, this power is not unrestrained and must be based on applicable legal requirements and utilised reasonably, impartially and avoid oppression and coercion.

4.8.2 In this regard, Council's delegated staff will comply with the following:

- a) Use discretionary power in good faith and for a proper purpose. That is to use the powers with integrity and only within the scope of the purpose for which the power was given;
- b) Base decisions on logical reasons, information that proves the issues in question as well as reliable and relevant evidence;
- c) Consider only relevant considerations and not consider irrelevant considerations;
- d) Exercise discretion independently and not under the dictation or order of any third party;
- e) Give proper, genuine and realistic consideration to the merits of each particular case and not apply policy inflexibly;
- f) Observe the rules of Procedural Fairness and Natural Justice.

5 ADJUDICATION OF MATTERS

5.1 Adjudication is a process required of Council under a Deed of Agreement with Revenue NSW. Appeals including requests to have infringements withdrawn or cancelled must be forwarded by offenders directly to Revenue NSW where they are recorded and Revenue NSW may then send to Council for adjudication where Revenue NSW deem necessary.

5.2 All appeals regarding the issuing of infringements must therefore be adjudicated on by Revenue NSW.

5.3 Using Revenue NSW to undertake the adjudication allows a third party to independently rule on the facts outlined in the infringement notice and any correspondence relating to the infringement notice whilst allowing the alleged offender the opportunity to elect the matter to be determined by the Courts.

5.4 It is acknowledged that Revenue NSW may refer infringements to Councils Adjudication Panel for clarification.

5.5 The relevant Manager and/or the relevant Co-Ordinator have the discretion to convene an Adjudication Panel to review all client representation from Revenue NSW. The Adjudication Panel will consist of the relevant Section Manager, relevant Co-Ordinator and an independent delegate or other panel members as authorised by the relevant Manager or Director.

5.6 Adjudication will be carried out in accordance with Revenue NSW Policy on Infringement Representations.

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5.7 In considering infringement appeals, the relevant Manager and/or relevant Co-Ordinator will:

5.7.1 Refer to and abide by any Revenue NSW Guidelines.

5.7.2 Refer to and abide by the principles outlined in this and other Council policies.

5.8 The process by which the panel considers appeals is in itself an avenue for an infringement to be reviewed, in addition to the statutory right to have the matter determined in a Court.

Council acknowledges that once the adjudication panel have decided on a matter that no further consideration will be given unless new supporting evidence is received. This ensures consistency and Transparency in all adjudications relating to infringement notices.

6 ROLES AND RESPONSIBILITIES

6.1 Reporting in respect to issues outlined within the policy are with each responsible Manager in accordance with relevant legislation.

7 POLICY DEFINITIONS AND ABBREVIATIONS

Act	means the <i>Local Government Act 1993</i> (NSW).
Authorised Officer	A person who is empowered to carry out specific legislative functions as defined within the respective Act and Regulation.
Caution	A formal warning that further enforcement action may occur should further Unlawful or Unauthorised Activity be undertaken.
Complainant	A person or agency who notifies Council of an alleged Unlawful or Unauthorised Activity. This is the person/agency Council will liaise with regarding the matter including requests for additional information and/or response on what action was taken in relation to the matter.
Compliance	The act of adhering to and demonstrating adherence to laws, Regulations, conditions, standards or policies.
Consistency	Remaining consistent in how matters of similarity are actioned.
Council	means Cessnock City Council.
Council Official	includes Councillors, members of staff (permanent, casual or temporary), Council advisors, administrators, Council committee members, volunteers and delegates of Council.
Enforcement	Any punitive measure taken against an individual or a business for breaching a law (NSW Ombudsman)
Infringement	A penalty or fine issued in accordance with the New South Wales Self Enforcing Infringement Notice (SEIN) System in lieu of court prosecution for an offence. Now commonly referred to as a "Penalty Notice".
Natural Justice	See Procedural Fairness
Prioritising	The process by which decisions are made based on the category or risk and importance.
Procedural Fairness	<p>A process by which decisions are made adhering to the principles of justice and equality. Procedural Fairness and the term Natural Justice are interchangeable.</p> <p>The rules of Procedural Fairness require:</p>

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	<p>i) a hearing appropriate to the circumstances;</p> <p>ii) lack of bias;</p> <p>iii) evidence to support a decision; and</p> <p>iv) inquiry into matters in dispute.</p>
Regulation	Any function under an Act, Regulation or other statutory instrument which empowers local government to create, impose, enforce or administer rules that control the actions of others (NSW Ombudsman).
Transparency	To ensure all actions and procedures are understood, auditable and open for critique as necessary.
Unlawful or Unauthorised Activity	<p>For the purposes of this Policy, 'unlawful activity' is any activity or work that has been or is being carried out contrary to the terms and conditions of consents, construction certificates, approvals, licences, planning instruments or applicable legislation, or illegally (whether in the sense of being prohibited or merely unauthorised). This may include activities or work carried out:</p> <ul style="list-style-type: none"> • without a required development consent, approval, permission or licence • contrary to the terms or conditions of a development consent, approval, permission or licence • contrary to an environmental planning instrument that regulates the activities or work that can be carried out on particular land • contrary to a legislative provision regulating a particular activity or work. <p>Unlawful activity encompasses an omission or a failure to comply with conditions of consents, approvals, licences, and undertakings, and not just an active contravention of a law or Regulation. (NSW Ombudsman)</p>

8 POLICY AUTHORISATIONS

No.	Authorised Function	Authorised Business Unit / Role(s)
	Reporting in respect to issues outlined within the policy in accordance with relevant legislation.	Managers

9 POLICY ADMINISTRATION

Directorate	Planning and Environment		
Responsible Officer	Director Planning and Environment		
Associated Procedure	NIL	Policy Review Date	Three years from date of adoption unless legislated otherwise
Document Reference Number	DOC2025/017997		
This policy supports Council's compliance with the following legislation:			

Compliance and Enforcement Policy

- *Biosecurity Act 2015 (cth);*
- *Building Professionals Act 2005 (NSW);*
- *Companion Animals Act 1998 (NSW);*
- *Contaminated Land Management Act 1997 (NSW);*
- *Environmental Planning and Assessment Act 1979 (NSW);*
- *Food Act 2003 (NSW);*
- *Public Spaces (Unattended Property) Act 2021*
- *Land and Environment Court Act 1979 (NSW);*
- *Liquor Act 2007 (NSW);*
- *Local Government Act 1993;*
- *Environmental Planning and Assessment Act 1979 & Regulation (NSW);*
- *Food Act 2003 (NSW), Regulations & NSW Food Safety Standards;*
- *Plumbing & Drainage Act 2011 (NSW);*
- *Protection of the Environment Operations Act 1997 (NSW);*
- *Public Health Act 2010 (NSW);*
- *Roads Act 1993 (NSW) & Regulations;*
- *Road Transport Act 2013 (NSW);*
- *Rural Fires Act 1997 (NSW);*
- *Swimming Pools Act 1992 (NSW);*
- *Waste Avoidance & Resource Recovery Act 2001 (NSW);*
- *Companion Animals Regulation 2018;*
- *Environmental Planning and Assessment Regulation 2000*
- *Food Regulation 2015 (NSW);*
- *Liquor Regulation 2018 (NSW);*
- *Local Government (General) Regulation 2015 (NSW);*
- *Protection of the Environmental Operations (General) Regulation 2009 (NSW);*
- *Public Health Regulation 2012 (NSW)*
- *Roads Regulation 2018 (NSW);*
- *Swimming Pools Regulation 2018 (NSW);*
- *Road Rules 2014 (NSW);*
- *Australia New Zealand Food Standards Code (FSANZ).*

Compliance and Enforcement Policy

This policy contributes to the achievement of the following desired outcome or objectives as per Council's Delivery Program:

Civic Leadership and Effective Governance

Objective 5.3: Making Council more responsive to the community

Related Documents (include reference document numbers)	<ul style="list-style-type: none"> Records Management Policy (DOC2019/038769) Complaints Handling policy (DOC2018/048382) Privacy Management Plan (DOC2014/005148) Parking Enforcement Policy Agency Information Guide
---	---

10 POLICY HISTORY

Revision	Date Approved / Authority	Description Of Changes
1	17 April 2013 QS27/2013	New Policy
2	1 May 2013	Review
3	18 September 2013 PM91/2013-581	Review
4	1 November 2017 PE59/2017	Review
5	20 May 2020 PE15/2020	Update to new template, Review

11 APPENDICES

NIL



Property Management Policy

Last Updated: xx/xx/xxxx Revision: 2

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ACKNOWLEDGEMENT

Council acknowledges that within its local government area boundaries are the traditional lands of the Wonnarua people, the Awabakal people and the Darkinjung people. We acknowledge these Aboriginal peoples as the traditional custodians of the land on which our offices and operations are located, and pay our respects to Elders past and present. We also acknowledge all other Aboriginal and Torres Strait Islander people who now live within the Cessnock Local Government Area.

COUNCIL VALUES

Integrity, Respect, Teamwork, Accountability, and Excellence.

DISCLAIMER

The information contained in this publication is based on knowledge and understanding at the time of the adoption date and may not be accurate, current or complete at the time of viewing. While every effort has been made to ensure the accuracy of the information in this publication, Cessnock City Council expressly disclaims any liability to any person in respect of anything done or not done as a result of the contents of this publication or the data provided therein. Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

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Property Management Policy

PART A - INTRODUCTION**1 OBJECTIVES**

~~1.1~~ The objective of this policy is to provide a framework for the consistent approach to property management and an integrated framework for all elements of property ownership management of Council's real estate assets.

~~4.1.2~~ This policy should be read in conjunction with Council's Property Management Guidelines.

~~4.2~~ This Policy applies to all land and buildings owned and managed by Cessnock City Council

2 SCOPE

~~2.1~~ This policy applies to all Council's real estate assets, including investment property.

~~2.2.1~~ Investment Property is property held for income generation under the Property Investment Fund, which has been established to provide an ongoing income stream which will supplement Council's rate revenue.

3 POLICY STATEMENT

~~3.1~~ The *Local Government Act 1993 (NSW) (the Act)* and *Local Government (General) Regulation 2021 (NSW) 95* sets out Council's obligations in regard to public land.

4 PRINCIPLES

~~4.1~~ Council's approach to property management is based on the following principles:

~~4.1.1~~ Accountability and transparency – achieved by operating within a framework which provides a system of transparent and merit-based support and accountability.

~~4.1.2~~ Collaboration and Strategic focus – achieved through a multidisciplinary process that considers the long-term service delivery of all Council services.

~~4.1.3~~ Alignment with Council Strategies – achieved through consideration of priorities identified in adopted strategies of Council.

~~4.1.4~~ Compliance with legislation – achieved by Council meeting its obligations under relevant legislation.

~~4.1.5~~ Consistency – achieved by mandating merit-based assessments and adhering to principles of equity and opportunity to ensure facilities allocated to community based not-for-profit organisations support the diverse needs of all demographic groups within the community.

~~4.1.6~~ Efficiency and reliability – achieved through a system of procedural fairness which facilitates setting of charges, allocates responsibility for property maintenance and, where applicable, supports granting long term tenure to community based not-for-profit organisations.

~~4.1.7~~ Sustainability – achieved through co-location of compatible community based not-for-profit organisations to facilitate greater utilisation of assets, improve security and reduce costs.

Property Management Policy

PART B – PROPERTY MANAGEMENT**45 CLASSIFICATION AND ACQUISITION OF LAND****Why does Council hold and manage property?**

- 5.1** Council holds property to support the effective delivery of the broad range of services it provides for the people who live, work in and visit the Cessnock local government area.
- 5.2** Property assets are used and deployed in many different ways so that the Council can provide these services (both directly and indirectly).

Classification of public land

- 5.3** In accordance with section 25 of the Act, Council is required to classify all public land as either "Operational" or "Community" land.
- 5.3.1** **Operational Land** refers to land which Council may hold as a temporary asset or as an investment, or to land that is necessary for Council to carry out its functions e.g. a works depot.
- 5.3.2** **Community Land** is land that Council should retain for public use e.g. a recreation area.
- 5.4** As a default, Council will classify land acquired as "Operational land" unless required under the Act to be classified as 'Community Land'.

Community Land

- 5.5** Section 35 of the Act sets out the way in which Community land is required to be used and managed.
- 5.6** Plans of Management must be prepared for all "Community land". The Act allows a Plan of Management to cover more than one area of land.
- 5.7** Cessnock City Council has prepared specific Plans of Management for its Community Land and these Plans provide an overriding framework for the management or disposal of this land.

Operational Land

- 5.8** Operational Land held by Council can be divided into four (4) categories:
- 5.8.1** **Direct Community Service** - First and foremost, the Council uses property to provide direct services to the community, such as carparks, libraries, youth centres, leisure facilities, waste management facilities, etc.
- 5.8.2** **Service Support** - Council occupies properties in order to house office, administrative and support functions, which support direct service provision such as civic centre, depots, etc.
- 5.8.3** **Indirect Community Service** - The Council also makes properties available, often on preferential lease terms, to outside organisations so that they can provide services to the community, which support the Council in the exercise of its powers and duties. These include services such as pre-schools, community organisations, etc. By making properties available to others on preferential terms, the value of the concession given can often be used to generate or to leverage funding from external sources. In certain cases, funding can be generated which could exceed the property value.
- 5.8.4** **Investment Property** - Council holds land for certain investment purposes, primarily for income generation. The investment properties have been divided into three (3) sub-categories:
- a) **Commercial** - The Council has a general power to hold land for the benefit of its area and it is in pursuance of that power that the Council can own/manage commercial properties. Through ownership the Council can not only control the balance of property

Property Management Policy

uses but it can also influence how the commercial vitality and viability of the local government area grows and develops. In addition, the rental income and capital generation support the various services and facilities the Council provides.

b) *Development* - The Council holds areas of land for future re-generation. In this way the Council can use its land ownership to control or influence the way areas are improved or developed. Many of the areas of land that fall into this category have not yet been identified with any particular development, re-generation scheme or project, but are strategically placed. Land held for an identified development, which is intended to be in support of one of the other five uses listed above, would fall into that respective category.

c) *Surplus/vacant* - From time to time, the Council will declare land or property assets surplus to requirements. These may be surplus to operational requirements, or may have become surplus to the commercial or development requirements. At the same time, property, which is held for investment purposes, may occasionally fall vacant (e.g. between tenant occupiers).

4.1 Council's Property Management Guidelines establish a consistent approach to property management and an integrated framework for all elements of property ownership.

Classification of Public Land

4.2 The *Local Government Act 1993* (NSW) requires Council to classify public land as either operational or community land. No restrictions apply to the management of operational land, however restrictions do apply to community land. Council is required to prepare Plans of Management for community land and these plans of management identify how the land is to be used and whether the land may be leased or licensed.

Property Acquisition

4.3 Council mayThe power to acquire land is not to be delegated and where Council acquires land a resolution of the Council is required. Sin accordance with section 186 of the *ActLocal Government Act 1993* (NSW) provides that Council may only acquire land for the purpose of exercising any of its functions. The functions of Council are defined in the *Local Government Act 1993* (NSW) and include but are not limited to:

4.3.1 Community services and facilities

4.3.2 Public health services and facilities

4.3.3 Cultural educational and information services and facilities

4.3.4 Sporting, recreational and entertainment services and facilities

4.3.5 Waste removal and disposal services and facilities

4.3.6 Stormwater drainage and flood prevention protection and mitigation services and facilities

4.3.7 Land and property development

4.3.8 Tourism development and assistance.

4.45.9 Council also has the power to acquire landand for road purposes under the *Roads Act 1993* (NSW).

4.55.10 The *Land Acquisition (Just Terms) Compensation Act 1991* (NSW) sets out the requirements for Council in regard to compulsory acquisition of land.

6 LEASING AND LICENSING OF COUNCIL PROPERTY

Leasing and licensing

Property Management Policy

~~4.66.1~~ Council is responsible for the care and management of a significant land bank as well as parcels of crown land.

~~4.7~~ Council may enter into leases or licences of community land in accordance with sSections 45 to 47F of the *Act, Local Government Act 1993 (NSW)* set out the restrictions applying to the leasing or licensing of community land.

6.2

~~4.86.3~~ Applications to license Council property ~~for held for~~ sporting, recreational and other community purposes are assessed ~~against to evaluate alignment with the Principles and the~~ following eligibility criteria:

6.3.1 Alignment with the principles of this policy:

~~4.8.16.3.2~~ The group is not operating for the profit or (direct or indirect) gain of its individual members.

~~4.8.26.3.3~~ The group is financially viable.

~~4.8.36.3.4~~ The group has a Committee of Management with established accountability and reporting methods.

~~4.8.46.3.5~~ The group adheres to all relevant Council policies.

~~4.8.56.3.6~~ The group is able to demonstrate that the use of the property will further the strategic objectives of the Cessnock local government area.

~~4.96.4~~ Applications are ~~a~~Assessed ~~ment methodology involves mandatory use of procedural attachments to their~~ accordance with Council's Property Management Guidelines, with a focus on ~~The procedure was designed with direct reference to Consistency Principles and facilitates merit-based evaluation of an applicant's financial capacity to contribute to facility costs and community benefit derived from their functions and services.~~

~~4.106.5~~ Council property held for investment purposes is generally on Operational Land. Eligibility criteria and statutory leasing and licensing restrictions that relate to Community Land do not apply. Commercial proposals and applications to lease or license Council property held for investment purposes are assessed against the criteria outlined in Council's Property Management Guidelines. ~~Where appropriate to do so, Council may enter into leases or licences in accordance with the Property Management Guidelines.~~

Valuation

~~4.116.6~~ Suitably qualified valuers are to be engaged to value Council land for the purposes of acquisition, sale or rental.

Property Management Policy

Disposal

~~4.12 The power to dispose of Council land is not to be delegated and requires the resolution of Council. Council has no power to dispose or sell public land classified as community land except as provided for in s45 (4) of the Local Government Act 1993 (NSW).~~

PART C – ROLES AND RESPONSIBILITIES**7 ELECTED COUNCIL**

7.1 The Elected Council is responsible for:

7.1.1 Approving lease agreements over Community Land or Council Crown Land for a period greater than five years;

7.1.2 Disposing of Council land in accordance with section 45(4) of the Act;

7.1.3 Granting, or where appropriate, relinquishing, an easement over Council land

8 EXECUTIVE LEADERSHIP TEAM (ELT)

8.1 ELT are responsible for:

8.1.1 As required, reviewing and approve a proposed Lease to be granted; or

8.1.2 Where required by legislation, referring the decision to grant a proposed Lease to the Minister or elected Council.

9 DIRECTORS

9.1 Directors are responsible for:

9.1.1 Promoting organisation-wide awareness and ensure compliance with this Policy;

9.1.2 Periodically confirming Asset Owner designations in the Council Property Matrix of Responsibility.

10 CHIEF FINANCE OFFICER

10.1 The Chief Finance Officer is responsible for the ongoing oversight and review of this Policy and Council's Property Management Guideline.

11 ASSET OWNERS AND OTHER MANAGERS

11.1 Asset Owners are responsible for:

11.1.1 Pre-approving draft conditions and associated actions related to a proposed Lease which affects land or facilities under their delegated control; and

11.1.2 Ensuring line staff are aware of and understand their responsibilities under this Policy and Council's Property Management Guideline.

12 DELEGATED COUNCIL OFFICERS

12.1 Council staff with the appropriate delegations are responsible for:

12.1.1 Approving a proposed Lease agreement over Community land or Council Crown land for a period less than five years.

12.1.2 Approving a proposed Lease agreement over Operational land to a community-based not-for-profit organisation for any period.

12.1.3 Maintaining all records relevant to administering this policy in accordance with Council's Records Management Policy.

Property Management Policy

PART D – POLICY ADMINISTRATION**513 POLICY DEFINITIONS AND ABBREVIATIONS**

Act	means the <i>Local Government Act 1993</i> (NSW).
Asset Owner	<u>means the Manager or delegated officer responsible for delivery of a Council service and management of Council land used for a related function or purpose. Where the land is used to deliver multiple services, the appropriate Asset Owner is determined by the predominant purpose for which the land is held.</u>
Community land	<u>means land that is classified as community land under Division 1 of Part 2 of Chapter 6 of the Act.</u>
Council	means Cessnock City Council.
Council Official	includes Councillors, members of staff (permanent, casual or temporary), Council advisors, administrators, Council committee members, volunteers and delegates of Council.
Investment Property	<u>means property held for income generation under the Property Investment Fund, which has been established to provide an ongoing income stream which will supplement Council's rate revenue.</u>

614 POLICY AUTHORISATIONS

No.	Authorised Function	Authorised Business Unit / Role(s)
	<p>The functions that are set out within and authorised by adopting this policy.</p> <p>Execution of the policy is subject to delegations as established by the relevant legislation.</p> <p>Policy implementation starts with Principal Property Specialist and escalates in line with delegations.</p>	<p>The role(s) authorised to perform the said function:</p> <ul style="list-style-type: none"> Principal Property Specialist Chief Finance Officer Director of Corporate and Community Services General Manager
	<p>Manage all breaches under this policy. Review and determine any potential breaches or complaints under this policy and refer them to Council's Code of Conduct Coordinator if needed.</p>	<p>The role(s) authorised to perform the said function:</p> <p>General Manager</p>

715 POLICY ADMINISTRATION

Directorate	Corporate and Community Services		
Responsible Officer	Chief Finance Officer		
Associated Procedure	Property Management Guideline (DOC2018/063690)		
Policy Review Date	[To be updated by Governance upon finalisation of Policy]	Is this a local policy pursuant to Part 3, Chapter 7 of the <i>Local Government Act 1993</i>	No

Property Management Policy

Document Reference Number	DOC2018/063689	(NSW)?
<p>This policy supports Council's compliance with the following legislation:</p> <ul style="list-style-type: none"> – Local Government Act, 1993 – Local Government (General) Regulation, 2021¹⁹05 – Land Acquisition (Just Terms) Compensation Act, 1991 – Roads Act, 1993 – Real Property Act, 1900 – Conveyancing Act, 1919 – Minister for Local Government's Investment Order – Residential Tenancies Act 2010 – Retail Leases Act 1994 – Valuation of Land Act 1916 – Environmental Planning & Assessment Act 1979 – Crown Land Management Act 2016 – Crown Land Management Regulation 2018 		
<p>This policy contributes to the achievement of the following desired outcome or objectives as per Council's Delivery Program:</p> <ul style="list-style-type: none"> – Civic leadership and effective governance 		
Related Documents (include reference document numbers)	<ul style="list-style-type: none"> ▪ Records Management Policy (DOC2019/038769) ▪ Complaints Handling Policy (DOC2018/048382) ▪ Privacy Management Plan (DOC2014/005148) ▪ Property Investment and Development Policy (DOC2018/063559) ▪ Major Capital Projects Governance Policy ▪ Investment Policy (DOC2024/03797) 	

816 POLICY HISTORY

Revision	Date Approved / Authority	Description Of Changes
1	12 December 2018 (PE90/2018)	New policy adopted.
2	TBA	Periodic review. <u>Addition of 'Principles' and 'Roles and Responsibilities' sections.</u> <u>Additional information on classification and acquisition of land. Removal of text copied from legislation.</u> <u>Administrative changes.</u>



CESSNOCK LGA
2025-2029



DISABILITY INCLUSION ACTION PLAN



CESSNOCK CITY COUNCIL



Journey Through Time, created by local school students and artist Steven Campbell.

Acknowledgement of Country

Cessnock City Council acknowledges that within its local government area boundaries are the traditional lands of the Wonnarua people, the Awabakal people and the Darkinjung people. We acknowledge these Aboriginal peoples as the traditional custodians of the land on which our offices and operations are located, and pay our respects to Elders past and present. We also acknowledge all other Aboriginal and Torres Strait Islander people who now live within the Cessnock Local Government Area.

A note on language used in this Plan

Cessnock City Council has chosen to use 'people first' language in this Plan, such as "people with disability". This is consistent with the language used within the United Nations Convention on the Right of Persons with Disabilities. Council acknowledges that people have different preferences, some preferring 'identity first' language for example "disabled person" instead of "person with disability". We acknowledge that there is diversity across our community and respect every person's right to choose one use of language over another.

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Mayor's message

Daniel Watton

As someone with a background working with individuals who have experienced barriers, I am pleased to present Council's Disability Inclusion Action Plan 2025-29. The Plan is one that is close to my heart and I firmly believe that communities that are accessible and inclusive are vital to enabling people with disability the opportunity to participate equally in community life.

This Plan demonstrates Council's commitment to improving access and outlines how it intends to address barriers to participation, creating a more inclusive community

for people living in and visiting the Local Government Area.

Consultation with people with disability, friends and family of people with disability and the disability services sector has directly informed the Plan. As such, I would like to thank all the members of our community who contributed to the development of the Plan and have helped to shape it. I look forward to seeing Council delivering the actions, alongside community stakeholders.



Interim General Manager's message

Peter Chrystal

The Disability Inclusion Action Plan 2025-29 lays out the key strategies and actions Council will deliver over the next four years to fulfill our commitment to improving opportunities for people with disability and supporting access to services, activities, facilities and information in our community.

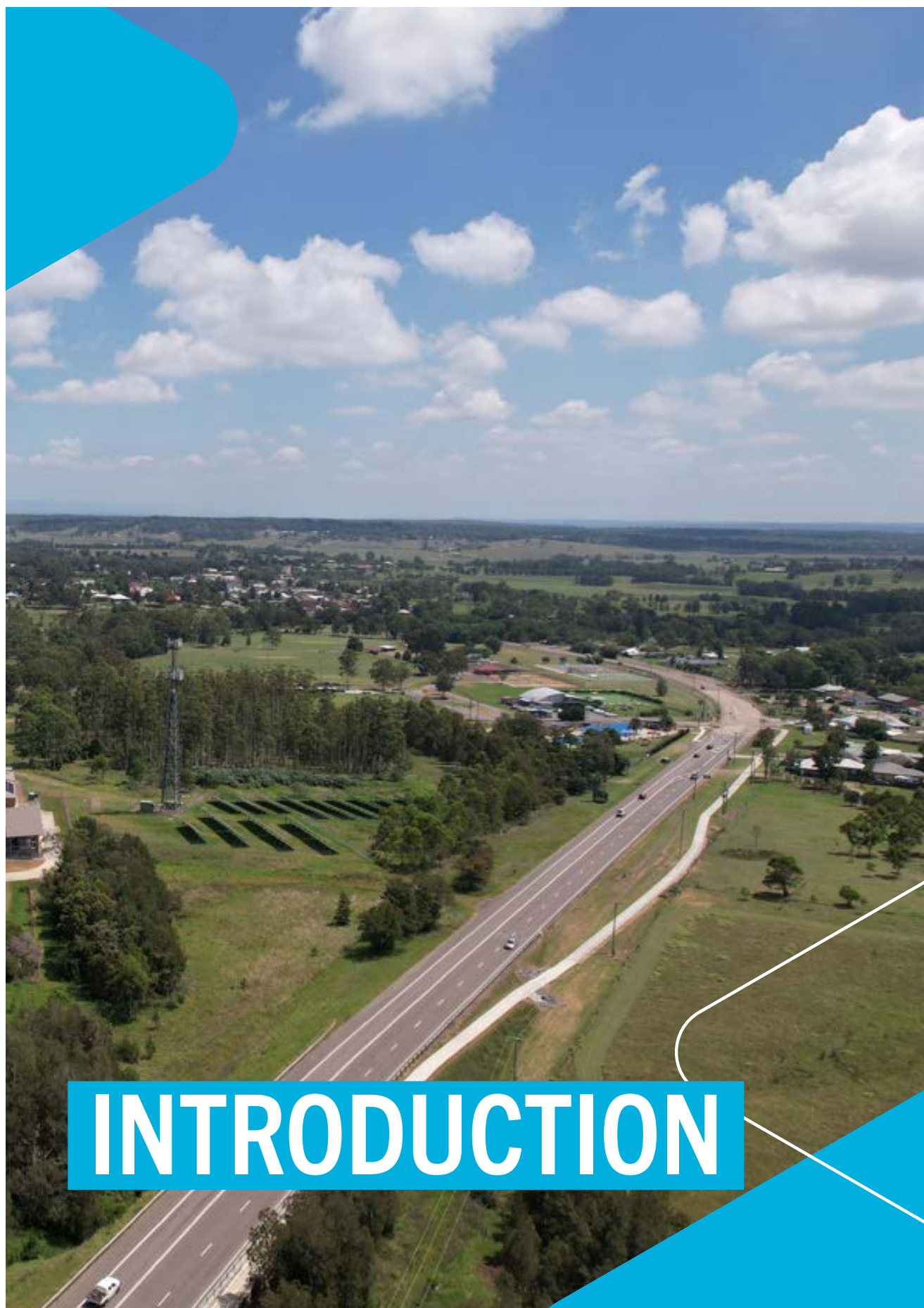
The Plan builds on the work Council has done in previous Disability Inclusion Action Plans, which has seen access upgrades to community infrastructure, introduced systems that support inclusion and improved access at our community events and activities.

Council is committed to reducing barriers for people with disability and ensuring our facilities, services and processes can be accessed by the community equally.

The Plan is embedded in Council's overarching Integrated Planning and Reporting framework and will be reviewed annually with progress reported to the community through the annual report.

I look forward to seeing continued progress in this area as we work together to roll out this Plan.





Introduction

Cessnock City Council's Disability Inclusion Action Plan 2025-29 demonstrates Council's commitment to improving opportunities for people with disability to access services, activities, facilities and information within the local community. The Plan outlines the practical steps Council will take over the next four years to create a more inclusive community for people with disability living in, and visiting, the Cessnock Local Government Area.

At Census 2021, 5.5 million Australians reported having disability. Within the Cessnock Local Government Area 4,952 people reported having disability, and 6,661 people aged 15 years and over reported that they provide unpaid assistance to a person with a disability, long term illness or old age¹.

Council recognises that there are a number of barriers people with disability encounter when accessing services, activities and facilities. We are aware that we can play an important part in working towards removing these barriers to build inclusion and participation in our community.

This Plan is a legislative requirement under the NSW Disability Inclusion Act 2014, which makes sure Councils have a plan in place to help people with disability to be able to participate fully in the community.

Our Plan supports the goals of the NSW Disability Inclusion Plan 2021-25, focusing on the four key areas of action:

1. Developing positive community attitudes and behaviours.
2. Creating liveable communities.
3. Supporting access to meaningful employment.
4. Improving access to mainstream services through better systems and processes.

When developing the Plan, Council engaged with 359 people and included people with disability, family and friends of people with disability, carers and local service providers to help us identify barriers to access and opportunities to improve inclusion within the community. During the consultation, we noticed an increase in discussion around the challenges faced by people with invisible disabilities compared to when we were developing our 2021-25 Plan.

The actions developed in this Plan have been embedded within Council's Integrated Planning and Reporting framework and are aligned to the objectives, strategies and deliverables in the Cessnock Community Strategic Plan 2040 and annual Operational Plan. To keep track of the Plan's commitment to action, our progress will be reported to the community in Council's Annual Report.

By delivering the actions in this Plan we aim for people with disability to feel more considered and included in our community, as well as fostering a more inclusive community with improved awareness.

¹ Australian Bureau of Statistics (2016) Census of Population and Housing, Compiled and presented by .id (informed decisions)



Definitions

Inclusion is the process whereby every person (irrespective of age, disability, gender, religion, sexual preference or ethnicity) who wishes to can access and participate fully in all aspects of an activity or service in the same way as any other member of the community².

Disability, in relation to a person, includes a long-term physical, psychiatric, intellectual or sensory impairment that, in interaction with various barriers, may hinder the person's full and effective participation in the community on an equal basis with others³.

Invisible disabilities refers to impairments that are not immediately visible to other people but which can have a significant impact on a person's daily life, activities, or interactions⁴. These may include neurological, physical or mental health conditions.

Our commitment to our community

This Plan follows a set of guiding principles:

- Council will demonstrate leadership in providing and advocating for an inclusive and accessible community.
- People with disability will be provided with equal opportunity to access Council services and facilities.
- Council community events will be inclusive of people with disability.
- Council will provide the community with information that is able to be understood.
- People with disability will be encouraged to participate and be included in community consultation processes.
- People with disability will be provided the same opportunities to obtain and maintain employment at Council.
- Council will collaborate with other government departments, businesses, community organisations and groups in advocating for and achieving an inclusive and accessible community.

² ACE DisAbility Network, Inclusion in the Community

³ Disability Inclusion Act 2014 (NSW)

⁴ Life Without Barriers – Understanding Invisible Disabilities



STRATEGIC AND LEGISLATIVE CONTEXT

"We're more than just our disabilities, but if this is about recognising and supporting us, you need to acknowledge our disabilities"

XT

Strategic and Legislative Context

Council Framework

Council's Disability Inclusion Action Plan 2025-29 has been developed to align with the Cessnock Community Strategic Plan 2040, the highest-level plan in an interconnected set of documents that allows Council to sustainably plan for the future of the Cessnock Local Government Area. The Cessnock Community Strategic Plan 2040 identifies the community's main priorities and aspirations for the future and guides us to develop and implement strategies for achieving these goals. This Plan sits under the strategic theme 'A connected, safe and creative community'.

Our Community Strategic Plan provides the direction for our Delivery Program, which covers a four-year timeframe, as well as our yearly Operational Plans. The delivery of this Plan will be incorporated into Council's Delivery Program and Operational Plans. The Plan will be monitored as part of Council's Integrated Planning and Reporting framework, and our progress will be reported in Council's Annual Report.



NSW Disability Inclusion Act 2014

The New South Wales Disability Inclusion Act 2014 and Disability Inclusion Regulation 2014 shape the state wide focus on building inclusive communities, and provide a foundation for Local Government. It is important to make sure our Plan aligns with International, Federal and State Legislation, Policies and Plans.

Disability reform impacting inclusion in NSW

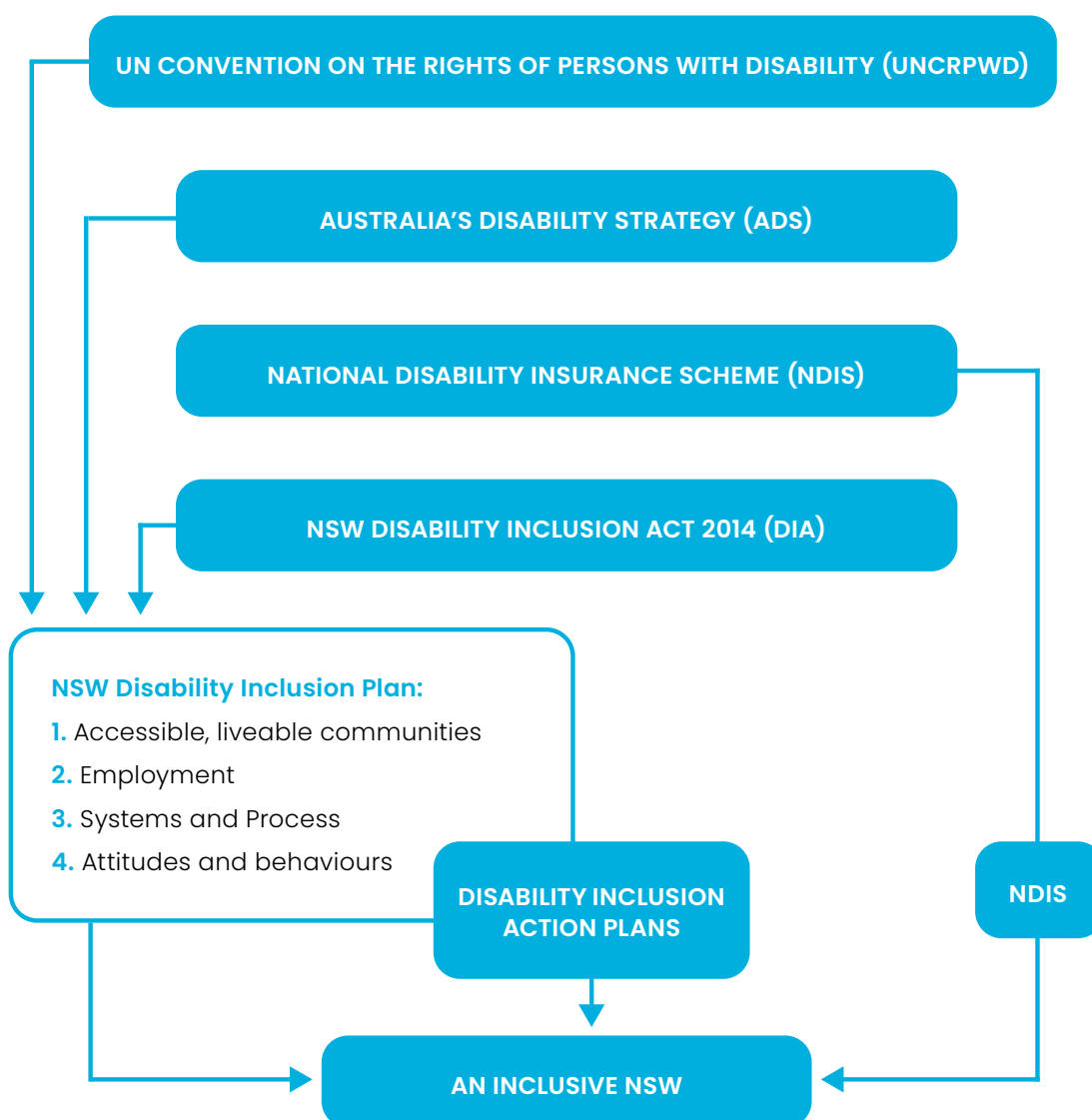


Figure 1: The relationships between the relevant policy and legislative instruments

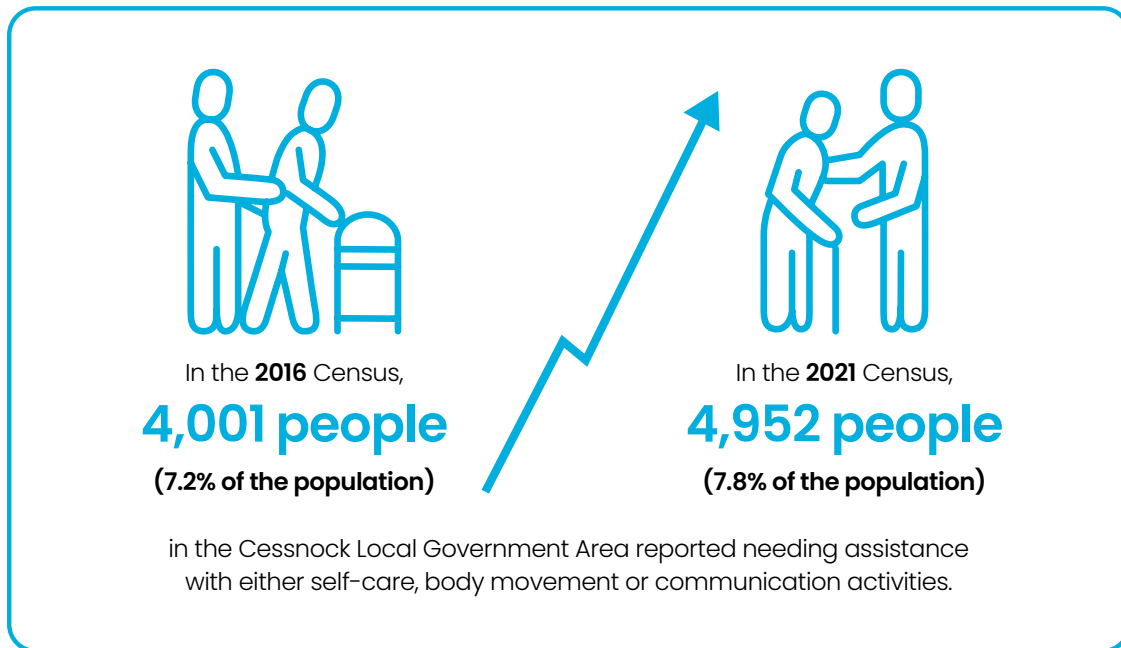
Source: NSW Government, NSW Disability Inclusion Action Plan Guidelines





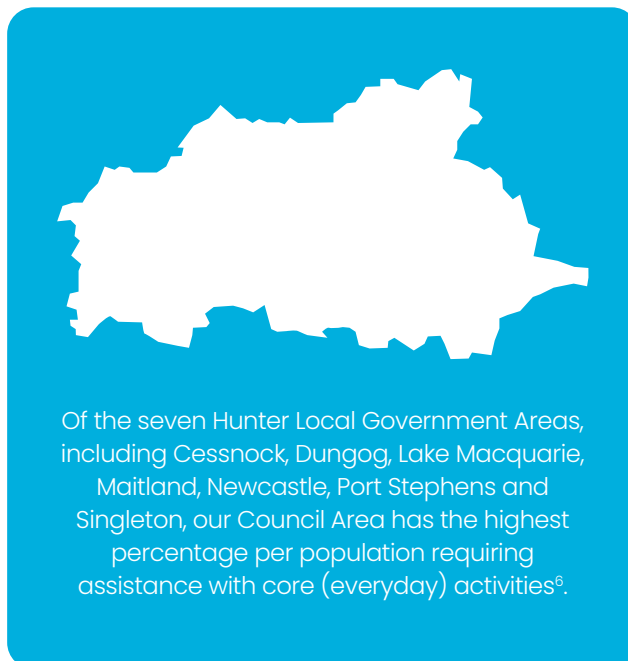
"It would be great to see some 'all abilities' sports days in the area"

Disability in Cessnock City

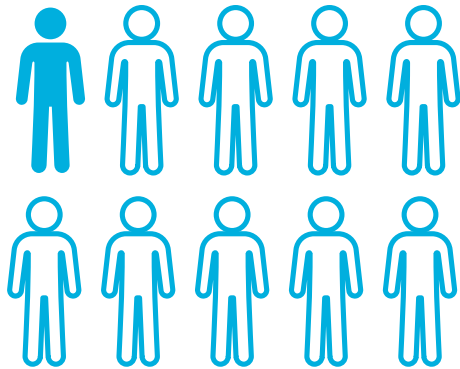


When comparing the **2016** Census data with **2021** Census data, the age group with the highest increase in persons who have a need for assistance was people aged

10–19 years⁵



Carers are critical in supporting people with disability.



1 in 10 people

aged 15 years and over living in the Cessnock Local Government Area at the time of Census **2021** reported providing unpaid care, help or assistance to a person with a disability, long-term illness or older person⁷



⁵ Australian Bureau of Statistics (2016) Census of Population and Housing, Compiled and presented by .id (informed decisions)

⁶ Hunter District Data Profile

⁷ Australian Bureau of Statistics (2016) Census of Population and Housing, Compiled and presented by .id (informed decisions)



*"Not all disabilities
are visible"*

DISABILITY IN AUSTRALIA

Disability in Australia

People with disability are diverse and an individual's disability may have a minimal or a substantial impact on how they participate in their community. Many people believe they are capable of identifying a person with a physical disability, but it is not as apparent identifying people with an invisible disability.

There are hundreds of types of invisible or 'non-apparent' disabilities including mental health conditions, cognitive or learning disability and many others. Living with an invisible disability can add unique challenges to daily life, particularly when others are unable to recognise, acknowledge or understand the challenges faced. Data collected by the Australian Bureau of Statistics in 2022 on Disability, Ageing and Carers across Australia identified almost 1 in 4 people with disability identified as having a mental or behavioural disorder as their main condition.

The more we are aware of the wide range of invisible disabilities, chronic illnesses and health conditions, the more we understand that everyone's experiences are unique. And because everyone's experiences are individual to them, the barriers they face, and their access needs are also unique⁸.

Whilst we rely on Census data to provide a clear picture of the number of people with disability, this can be problematic because individuals have different perceptions of disability and only people who require assistance with day-to-day tasks are captured. It is likely that the number of people with disability across Australia, and living in the Cessnock Local Government Area, is in fact much higher than the number presented in the Census data.



⁸ Diversity Council Australia (2024) The Hidden Disabilities Sunflower: building awareness, accessibility, and inclusion for all

"It would be great to have more opportunities for families to connect"

COMMUNITY ENGAGEMENT

Community Engagement

This Plan has been developed by engaging with people with disability, family and friends of people with disability, carers and local service providers. Talking to the community gave us valuable information about some of the barriers that people with disability can face accessing information and local services, and moving around their community.



How did we talk to our community?

Online

Engagement commenced from 27 July 2024 and concluded 8 September 2024. A Together Cessnock webpage was created that provided multiple ways for people to get involved and provide feedback. The webpage also included a video explaining what the Plan was about and why we believed it was important to talk to people about it.

Promotion

Consultation was promoted through social media channels, networks, Council's E-News, flyers and local service providers.

In Person

We hosted a community workshop in August 2024 where we provided different ways for our community to provide input. From July to September 2024 a number of one-on-one meetings were also held as an opportunity for people to have an in-depth discussion about their lived experience as people with disability, carers or service providers.

Engagement statistics



Survey participants

Of the 84 people who completed the online survey:



43%

were people with disability



49%

were carers, friends or family members of people with disability



25%

work in the disability services sector



8%

were interested community members

Note: respondents were given the opportunity to select more than one option

The age groups who completed the greatest number of surveys:



39%

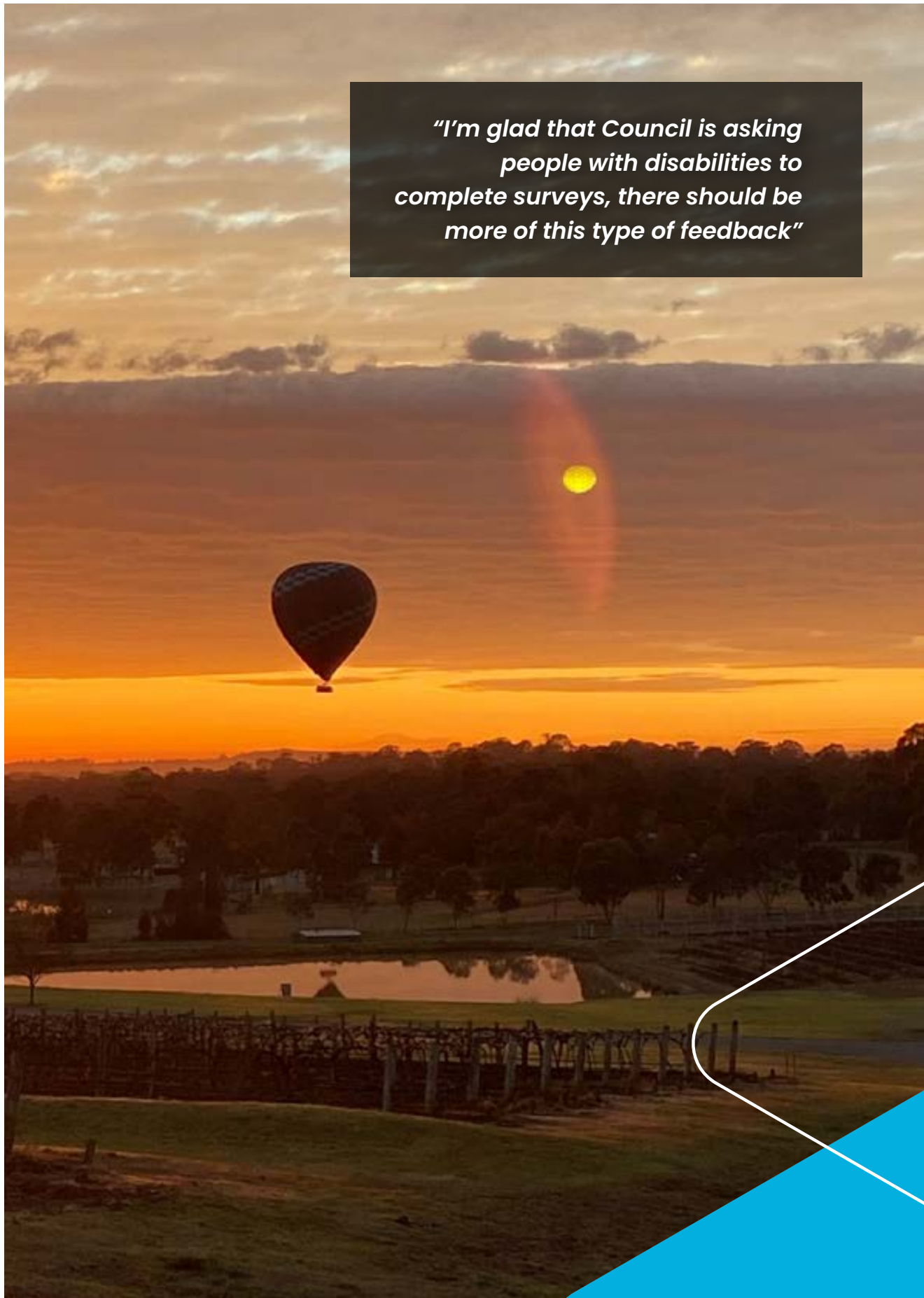
36-49 years

26%

22-35 years



SURVEY AND CONSULTATION FINDINGS



"I'm glad that Council is asking people with disabilities to complete surveys, there should be more of this type of feedback"

Survey and Consultation findings

Summarised below are survey findings and themes that were raised during the community engagement process. These findings have been used to inform the actions in the Plan.

Developing positive community attitudes and behaviours

When asked if the local community is welcoming and inclusive of people with disability:



17%

Agree



46%

Disagree



37%

Unsure

Q: What makes you feel welcome and included in your community?

"Engaging me, and asking me questions about how I experience life... education and positive exposure go a long way"

"There is a lot of ignorance in the general community about people with invisible disabilities (i.e. not physical). More education is required to support an understanding of these individuals to ensure they are actively included in society"

"Thank you for asking"

"There is a mixed response based on people's experience and background with disability"

Creating liveable communities



93%

of people lived or worked in the Cessnock Local Government Area



55%

indicated a lack of accessible transport was a barrier to being able to move about in their community and access employment locally

"I enjoy Branxton pool, when it is open. It is lovely and quiet and the staff are always friendly and happy to answer any questions"

"Can you promote accessible and inclusive infrastructure that you have already a bit more"

There is a "lack of public transport, lack of inclusive play areas"

"Parks should be inclusive for everyone"

"It's good to see the new art gallery is accessible with an elevator"

"It would be great to see 'quiet spaces' at our local events and in our parks"

"Curbs are hard to navigate with my mobility troubles... The area outside Kurri Post Office is well done, it's easy to step up onto – it's a great example"

Supporting access to meaningful employment



63%

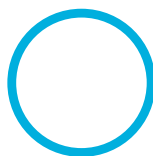
of people who took the survey identified lack of employment opportunities as key barriers for people with disability accessing employment locally



57%

identifying workplace culture and attitudes as a barrier

People were asked what type of employment they would be interested in if they wanted to work at Council:



11%

full time



22%

part time



15%

casual

Additionally, there was a clear interest in apprenticeships/traineeships, volunteer roles and work placement opportunities.

Note: respondents were given the opportunity to select more than one option

"My suggestion is a factsheet that is sent to businesses highlighting how they can support people with disability"

"I think Council should be a role model for employing people who live with a disability"

Improving access to mainstream services through better systems and processes



54%

of people who took the survey had experienced some difficulty accessing Council facilities and services



29%

experienced lots of difficulty



17%

reported no difficulty having been experienced

"We're all different, so there isn't a single answer, or a single solution. But there are solutions"

"Provide a podcast/update on projects happening for those who need information verbally"

"Have an awareness page on the Council website"

"Provide 'Easy Read' information. Use visuals to support information..."

A photograph of a hot air balloon at dawn. The balloon is partially inflated, with its envelope showing a mix of dark and light colors. The basket, which is large and woven, sits on the grass. The sky is a mix of purple and orange, indicating the time is either early morning or late evening. A person's leg and foot are visible in the bottom right corner, suggesting they are standing near the basket. A large blue shape is in the top left corner of the image.

**WHAT HAVE WE
DONE SO FAR?**



What have we done so far?

Council's Disability and Inclusion Action Plan 2021-25, built on the foundation and achievements of Council's first Disability and Inclusion Action Plan (2017-21).

Here is a snapshot of what was achieved as part of the previous Plan's:

- Partnering with Finding Yellow to deliver the 'Including You' tent at the Weston vaccination hub, providing a socially inclusive area for people to retreat to when they needed a quiet space.
- Introduction of access statements on Council's website and in community engagement promotions to welcome feedback, and encourage people to advise Council of any accessibility requirements.
- Partnership developed resulting in pop-up sessions being held by NDIS providers at Cessnock Library Branch and Kurri Kurri Library Branch.



- Promoting Council's Accessible and Inclusive Events Practice Guide to community event organisers who were planning for Youth Week, Seniors Festival and NAIDOC Week events.
- Supporting and participating in Cessnock's International Day of People with Disability annual events.
- Holding Sensory Storytime events at Cessnock and Kurri Kurri Libraries, designed for children with disability, combining story telling with sensory aids to help children feel calm and comfortable.
- Completing an accessibility audit of Council's public amenities to identify actions, as part of Council's Public Amenities Review.
- Through the NSW Government Create Capital Fund, secured and delivered access improvements as part of the refurbishment of Performance Arts Culture Cessnock (PACC).
- Funding sourced and a design prepared for the upcoming reconfiguration of the public amenities at Kurri Kurri Library Branch that includes an accessible toilet.
- The NSW Everyone Can Play Guidelines (Inclusive Play Spaces) were used to design the upgrades for Maybury Peace Park (Weston) and the park at McFarlane Street (Cessnock).



- Installed picnic settings across the City of Cessnock that have offset table legs for a wheelchair to fit under the table.
- Accessibility upgrades were undertaken at Kurri Kurri Town Centre which included the installation of tactile tiles, wheelchair access and gutter ramps.
- Council job advertisements now include a diversity statement.



- In partnership with Balloon Aloft, launched the Hunter Valley Accessible Hot Air Balloon, a first of its kind in NSW. The Accessible Balloon incorporates a unique seat and harnesses to ensure passengers with limited mobility are safe and secure during the flight.
- Accessibility improvements made at local Heritage item 'Marthaville Arts and Cultural Centre'.
- Shared path and pedestrian facilities constructed for improved pedestrian access throughout the city, including:
 - Cessnock CBD to Wine Country Drive.
 - Weston from Fourth Street to Spring Street.
 - Cessnock CBD to Bridges Hill Park.

- A new accessible public amenities building was installed at Cliftleigh Meadows District Park.
- Upgrades made to Booth Park amenities block to include ambulant toilets.
- Macquarie Avenue Playground (Cessnock) and Harle Street Playground (Abermain) upgraded to include accessible entry and circulation paths, shade, seating and play opportunities in-line with the NSW Everyone Can Play Guidelines.
- Carmichael Park BMX Facility was completed, with the facility now including accessible pathways connecting to a formalised carpark and accessible picnic settings to support the use of the new pump track and multi-purpose court.
- Website improvements made to enable customers to lodge requests online through 'Report an Issue', and to access information and resources to resolve their queries.
- Live Web, ability for the community to 'chat live' with a Customer Relations Officer, implemented.



- Blue Disc Service implemented which is a special waste collection for people who are unable to present their bins (waste, recycling & organics) on the kerb for collection due to mobility issues.



Action plan

Four key outcome areas:

1

Developing positive community attitudes and behaviours

2

Creating liveable communities

3

Supporting access to meaningful employment

4

Improving access to mainstream services through better systems and processes

1. Developing positive community attitudes and behaviours

ACTION	MEASURE	TIMEFRAME	RESPONSIBILITY
1.1 Effectively communicate inclusive practices in Youth Services programming for young people with disability.	<ul style="list-style-type: none"> Inclusive practices put in place for youth service programs. Promote the ability to make modifications to enable young people with disability to be actively involved. Community awareness and feedback. 	Ongoing	Community & Cultural Development
1.2 Scope programming for 18-24 year old's with disability in partnership with other service providers.	<ul style="list-style-type: none"> Number of opportunities investigated and implemented. Expanded connections with relevant services made. 	2026-27	Community & Cultural Development
1.3 Investigate the inclusion of captioning community civic events.	<ul style="list-style-type: none"> Investigation completed and implemented regarding captioning being incorporated into community civic events. 	Ongoing	Community & Cultural Development
1.4 Trial Auslan interpretation at Council's annual Christmas Carols in the Park event.	<ul style="list-style-type: none"> Community feedback. 	2025-26	Community & Cultural Development

ACTION	MEASURE	TIMEFRAME	RESPONSIBILITY
1.5	<p>Scope inclusive practices with Library networks for adaptation for children, young people, adults and the lifelong learning program.</p> <ul style="list-style-type: none"> Number of potential programs identified. Number of new or modified programs trialled at Cessnock City Library. 	Ongoing	Community & Cultural Development
1.6	<p>Further develop and implement inclusive practices for the Sensory Storytime program.</p> <ul style="list-style-type: none"> Community feedback from attendees of Sensory Storytime. 	2025-26	Community & Cultural Development
1.7	<p>Deliver inclusive library programming for teens and young adults.</p> <ul style="list-style-type: none"> Number of disability programs delivered and number of attendees. Consultation undertaken with disability groups and service providers to review and implement programming opportunities. 	2025-26	Community & Cultural Development
1.8	<p>Provide the community with information regarding the NSW Mobility Parking Scheme.</p> <ul style="list-style-type: none"> Education program undertaken. 	Ongoing	Regulatory Services
1.9	<p>Facilitate connections between organisations and services whose target groups are people with disability.</p> <ul style="list-style-type: none"> Hold 1 expo-style event in 2026-27. Assess the success of the event through community and stakeholder feedback. 	2026-27	Communications Community & Cultural Development

ACTION		MEASURE	TIMEFRAME	RESPONSIBILITY
1.10	Support and promote The Hidden Disabilities Sunflower initiative (https://hdsunflower.com/au/).	<ul style="list-style-type: none"> Provide information regarding Hidden Disabilities at key Council community service locations and at events. 	Ongoing	Community & Cultural Development

2. Creating liveable communities

ACTION	MEASURE	TIMEFRAME	RESPONSIBILITY
2.1	Inform the public with regard to the considerations for inclusive and accessible housing.	2026-27	Development Services
			Strategic Planning
2.2	Ensure council facilities are inclusive spaces that promote awareness and acceptance.	2025-26	Open Space and Community Facilities
		Ongoing	

ACTION	MEASURE	TIMEFRAME	RESPONSIBILITY
2.3	<p>Improve ease of access to Council facilities for people with physical disability.</p> <ul style="list-style-type: none"> Access improvements are planned and actioned at a number of Council facilities in accordance with the Operational Plan and Capital Works Program. 	Ongoing	<p>Open Space and Community Facilities</p> <p>Community & Cultural Development</p>
2.4	<p>Actively seek feedback from community stakeholders for new designs and concept plans to incorporate practical accessibility solutions.</p> <ul style="list-style-type: none"> Number of stakeholders engaged for projects. Community feedback. 	Ongoing	Infrastructure
2.5	<p>Address priority areas for accessibility improvements in accordance with the Operational Plan.</p> <ul style="list-style-type: none"> Projects delivered which improve accessibility. 	Ongoing	Infrastructure
2.6	<p>Undertake access audits of Council infrastructure, for example park furniture and footpaths.</p> <ul style="list-style-type: none"> Upgrade and improvement works undertaken in accordance with Council's Capital Works Program. 	Ongoing	Asset Planning
2.7	<p>Support inclusive tourism and event practices in the local area.</p> <ul style="list-style-type: none"> Number of events and accessibility considerations implemented. Community feedback. Incorporate accessibility considerations at events in accordance with Council's Accessible and Inclusive Event Practice Guide. 	Ongoing	<p>Economic Development</p> <p>Community & Cultural Development</p>

ACTION	MEASURE	TIMEFRAME	RESPONSIBILITY	
2.8	Actively seek feedback from the community regarding liveability for people with disability in the local area.	<ul style="list-style-type: none">• Host a forum with key stakeholders.	2025-26	Community & Cultural Development
2.9	Participate in local networks that have an interest in access and inclusion.	<ul style="list-style-type: none">• Number of meetings attended.	Ongoing	Community & Cultural Development
2.10	Facilitate a Disability Inclusive Emergency Planning Forum to understand barriers and enablers to ensure the inclusion of people with disability before, during and after emergencies.	<ul style="list-style-type: none">• Disability Inclusive Emergency Forum held.• Community feedback.	2025-26	Emergency Management and Resilience
2.11	Develop and facilitate Person Centred Emergency Preparedness initiatives to support people with disability to increase their personal emergency preparedness.	<ul style="list-style-type: none">• Person Centred Emergency Preparedness initiatives developed.• Community feedback.	2025-26	Emergency Management and Resilience

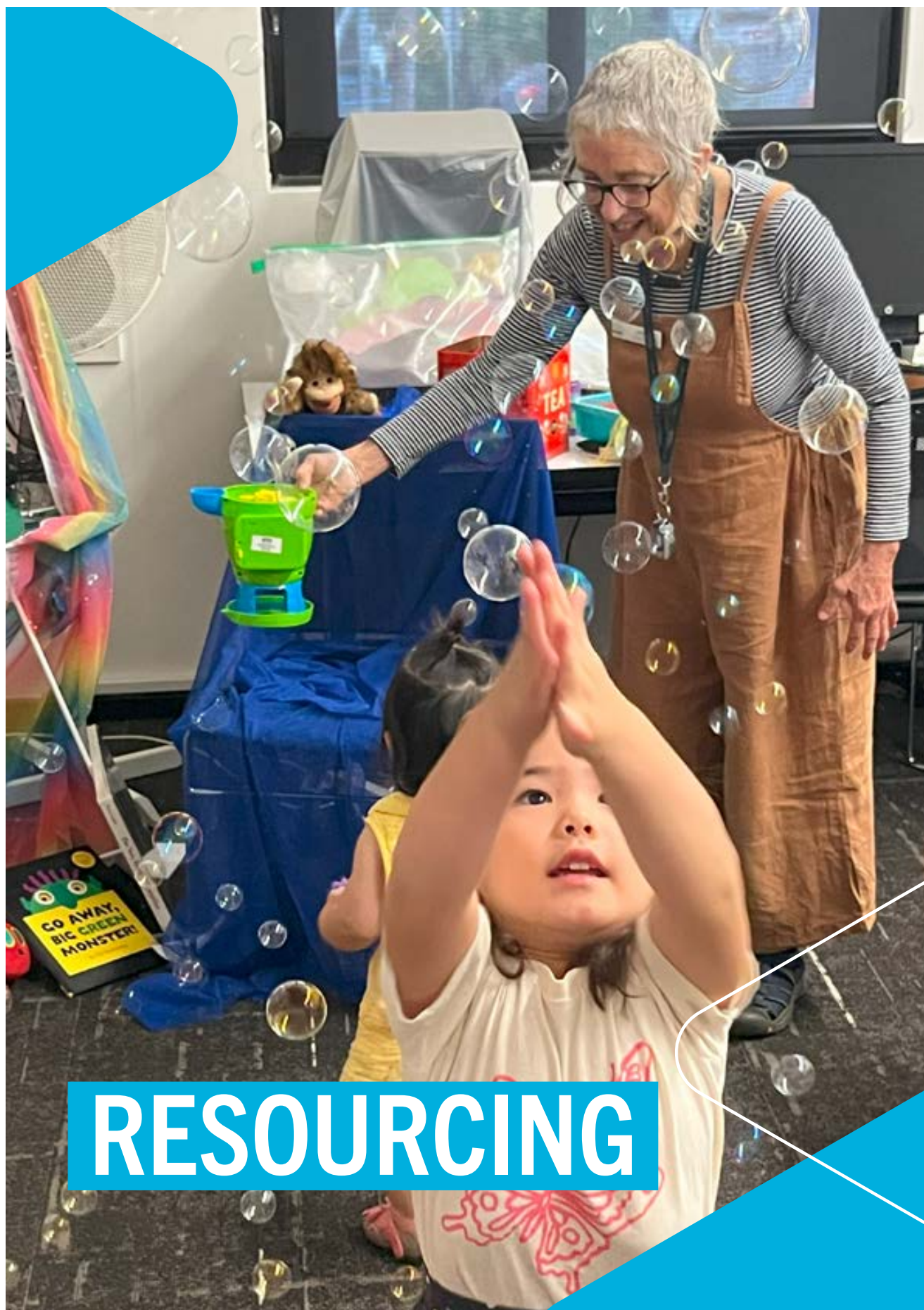
3. Supporting access to meaningful employment

ACTION	MEASURE	TIMEFRAME	RESPONSIBILITY
3.1	<p>Increase awareness of adaptations able to be made by the Information Technology team for people with disability working at Council.</p> <ul style="list-style-type: none"> Implement a document providing examples of accommodations able to be made for people with disability and provide to recruitment, at onboarding and via the staff Intranet for new and existing staff. 	2025-26	Information Technology
3.2	<p>Celebrate and encourage diversity in our workforce.</p> <ul style="list-style-type: none"> Implement a diversity framework to support an inclusive workplace. 	Ongoing	People and Culture
3.3	<p>Communicate supports which can be made for applicants and new starters during the recruitment and onboarding process.</p> <ul style="list-style-type: none"> Number of adaptations available communicated (i.e. in job vacancies and prior to interviews). Staff and community feedback. 	Ongoing	People and Culture
3.4	<p>Engage with local service providers supporting people with disability to participate in the workforce.</p> <ul style="list-style-type: none"> Number of engagements and/or events attended. 	Ongoing	People and Culture
3.5	<p>Actively seek to diversify our supplier network.</p> <ul style="list-style-type: none"> Doing business with Council guide promoted across businesses owned and/or operated by people with disability and disability service providers as identified. 	Ongoing	Finance and Administration

4. Improving access to mainstream services through better systems and processes

ACTION	MEASURE	TIMEFRAME	RESPONSIBILITY
4.1 Provide additional support for members of the community with disability to access Council services.	<ul style="list-style-type: none"> Additional supports implemented for incoming calls and counter enquiries received from persons with disability. Scope the development of a multi-level communication book for enquiries at Council's Administration Building. 	2026-27	Customer Relations
4.2 Actively promote Council Waste Services which provide support for people with disability.	<ul style="list-style-type: none"> Promotion undertaken of appropriate programs at Council and community events. Customer feedback. 	Ongoing	Environment and Waste Services
4.3 Support the development of inclusive and accessible tourism services.	<ul style="list-style-type: none"> Promotion of grants targeted to building on inclusive practices. Promotion of accessible tour services and events. 	Ongoing	Economic Development

ACTION	MEASURE	TIMEFRAME	RESPONSIBILITY	
4.4	Explore opportunities to upskill staff in the development of accessible documents, for example developing easy read versions of documents.	<ul style="list-style-type: none">• Training opportunities identified.	2025-26	Communications
4.5	Ensure information shared on Council's Social Media platforms is inclusive and accessible.	<ul style="list-style-type: none">• Incorporate image descriptors into Council Social Media posts.	Ongoing	Communications
4.6	Ensure Council documents meet the appropriate accessibility guidelines.	<ul style="list-style-type: none">• Publicly available documents are reviewed by Council's Communications team to ensure they adhere to relevant guidelines.	Ongoing	Communications
4.7	Further develop Social Stories for Council places that are visited by the community.	<ul style="list-style-type: none">• Number of Social Stories created and promoted.	Ongoing	Community & Cultural Development
4.8	Investigate new technologies used to promote and achieve access inclusion.	<ul style="list-style-type: none">• Scope the practical delivery, privacy and governance of the use of new technology and its application to Cessnock City Council services and programs.	Ongoing	Community & Cultural Development




Resourcing

Many actions in this Plan aim to improve existing services, processes and policies and foster community connections to ensure Council's practices are inclusive of people with disability.

Most of these actions can be resourced using existing operational budgets. Council may require additional funds to achieve some of the Plan's actions that involve infrastructure development and upgrade projects and in this case grant funding will be sought.





"Can retailers please be strongly encouraged to bring back their quiet hour so that getting groceries isn't such a horrendous experience for people who have sensory problems?"

MONITORING, REVIEW AND REPORTING

Monitoring, Review and Reporting

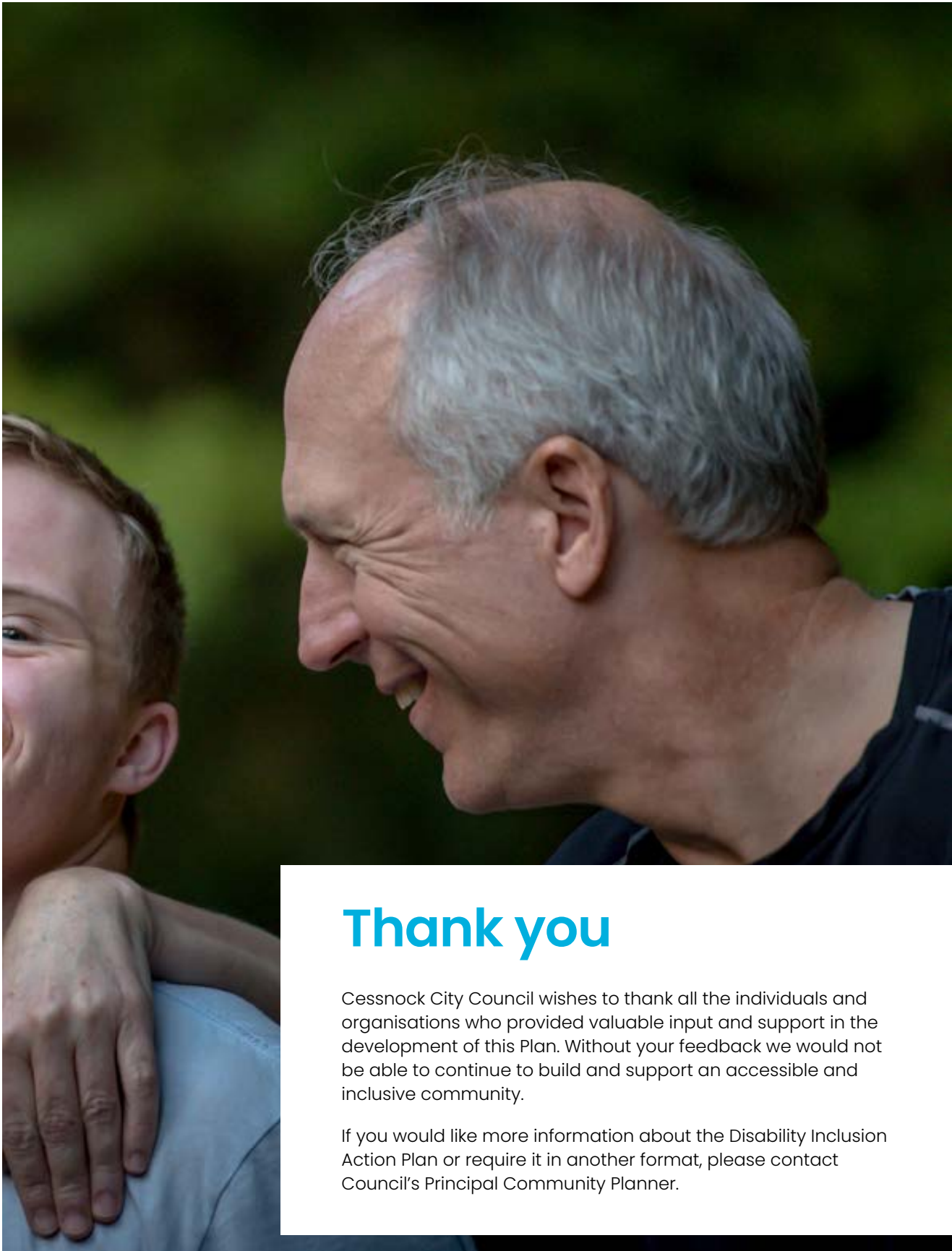
The Plan will be monitored through Council's corporate management system that tracks our Integrated Planning and Reporting responsibilities. These responsibilities include the implementation of Council's Delivery Program and Operational Plan. Progress and outcomes of the Plan's actions will be reported to the community in Council's Annual Report. It will be provided to the Disability Council NSW and our progress reported annually to the NSW Department of Communities and Justice as required by the NSW Disability Inclusion Act 2014.

Council will engage with community stakeholders during the life of the Plan to update the community on our progress, to seek feedback on the implementation of actions, to share information and to provide our community with the opportunity to raise important issues.

If significant changes in government strategies and legislation or shifts in community priorities are identified during the life of the Plan, the delivery of actions will be adjusted accordingly.

In 2029, a full review of the Plan will be undertaken coinciding with development of the next four-year Disability Inclusion Action Plan. This process will include an analysis of available data and community and local service provider engagement. The review will also ensure the Plan's actions are relevant and assess whether Council is achieving its vision of creating a more inclusive community for people with disability living in, and visiting the Cessnock Local Government Area.





Thank you

Cessnock City Council wishes to thank all the individuals and organisations who provided valuable input and support in the development of this Plan. Without your feedback we would not be able to continue to build and support an accessible and inclusive community.

If you would like more information about the Disability Inclusion Action Plan or require it in another format, please contact Council's Principal Community Planner.



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02 4993 4100 | council@cessnock.nsw.gov.au | www.cessnock.nsw.gov.au

Division:	Ordinary Council	Date From:	
Committee:		Date To:	
Officer:			
Action Sheets Report		Printed: Monday, 11 August 2025 8:57:12 AM	

Completed by Dennis, Johanna (action officer) on 06 August 2025 at 9:39:32 AM - All council report recommendations have now been actioned.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
W15/2025	Ordinary Council 16/04/2025	Gambotto, Daniela	Works and Infrastructure	Nomination of Section 355 Committees	31/08/2025	4/08/2025
145 MOTION 145 RESOLVED	Moved:	McLachlan, Paul Councillor Hill	Seconded:	Councillor Mason		
<p>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.</p> <p>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.</p> <p>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.</p> <p>4. That Council establishes the following Section 355 Committees:</p> <ul style="list-style-type: none"> 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. <p>05 May 2025 3:11pm Gambotto, Daniela - Target Date Revision Target date changed by Gambotto, Daniela from 30 June 2025 to 30 July 2025 - Awaiting further advice from Insurance</p> <p>30 Jun 2025 11:59am Gambotto, Daniela - Target Date Revision Target date changed by Gambotto, Daniela from 30 June 2025 to 30 July 2025 - Awaiting insurance advice to conclude this matter</p> <p>29 Jul 2025 2:23pm Meyers, Kristy - Email Hi Daniela - Please update notes and Target Date. Resolutions Tracking Report will be presented to Council at 20 August meeting and our target says the action will be complete by 30/7...,Agenda for the August meeting will be printed for ELT 4/8/25. Please update before this date.</p> <p>29 Jul 2025 2:26pm Gambotto, Daniela - Target Date Revision Target date changed by Gambotto, Daniela from 30 July 2025 to 31 August 2025 - Target date revised to 31 August 2025. Awaiting advice re insurance of groups.</p> <p>04 Aug 2025 3:10pm Gambotto, Daniela - Completion Completed by Gambotto, Daniela (action officer) on 04 August 2025 at 3:10:13 PM - Verbal advice provided regarding insurance arrangements for Tidy Towns groups.</p>						

Action Sheets Report	Division: Committee: Ordinary Council Officer:	Date From: Date To: Printed: Monday, 11 August 2025 8:57:12 AM
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Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE9/2025	Ordinary Council 16/04/2025	Lewis-Curnoe, Olivia	Planning and Environment	Anomalies Planning Proposal Post Exhibition Report	1/08/2025	24/07/2025
136 MOTION 136 RESOLVED	Moved:	Page, Sue Councillor Lea	Seconded:	Councillor Hill		
<p>1. That Council note the outcomes of community consultation for Planning Proposal 18/2024/3/1 – Anomalies Planning Proposal</p> <p>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 <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>30 Apr 2025 9:12am Lewis-Curnoe, Olivia - Target Date Revision Target date changed by Lewis-Curnoe, Olivia from 14 May 2025 to 30 June 2025 - Currently liaising with the Department to finalise the Planning Proposal.</p> <p>27 May 2025 10:09am Lewis-Curnoe, Olivia - Target Date Revision Target date changed by Lewis-Curnoe, Olivia from 30 June 2025 to 01 August 2025 - Currently with Parliamentary Council for Finalisation.</p> <p>24 Jul 2025 10:59am Lewis-Curnoe, Olivia - Completion Completed by Lewis-Curnoe, Olivia (action officer) on 24 July 2025 at 10:59:39 AM - Amendment No 46 to Cessnock LEP was gazetted on 4 July 2025.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
W17/2025	Ordinary Council 18/06/2025	Jeffery, Warren	Works and Infrastructure	Local Traffic Committee Meeting held 17 March 2025 - Items Requiring a Council decision	16/07/2025	24/07/2025
182 MOTION 182 RESOLVED	Moved:	McLachlan, Paul Councillor Harrington	Seconded:	Councillor Jurd		
<p>That the following item from the Cessnock Local Traffic Committee Meeting of 17 March 2025 be adopted as a resolution of Council.</p> <p><input type="checkbox"/> TC3/2025 That Council authorises the installation of regulatory controls on Wollombi Road - Bellbird to Cessnock, in accordance with the Wollombi Road Upgrade Project – Signage and Line Marking Plan Package – Stage 1 Revision D.</p> <p>24 Jul 2025 3:44pm Jeffery, Warren Noted. T & T Team advised WRUP Team of outcome.</p> <p>24 Jul 2025 3:46pm Jeffery, Warren - Completion Completed by Jeffery, Warren (action officer) on 24 July 2025 at 3:46:04 PM - NFA Required from T & T Team</p>						

Action Sheets Report	Division:	Ordinary Council	Date From:
	Committee:		Date To:
	Officer:		Printed: Monday, 11 August 2025 8:57:12 AM

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
MM4/2025	Ordinary Council 18/06/2025	Honeyman, Michelle	Mayoral Minutes	Personnel Matter Relating to the General Manager's Contract of Employment.	16/07/2025	24/07/2025
185 MOTION 185 RESOLVED	Moved:	Chrystal, Peter Councillor Watton				
<p>1. That Council notes the confidential correspondence from Ken Liddell (General Manager) to Councillor Watton (Mayor) dated 17 June 2025 and accepts their resignation as General Manager of Cessnock City Council with effect on and from 17 July 2025.</p> <p>2. That Council conveys its sincere thanks to Ken Liddell, for their leadership and achievements during his tenure with Cessnock City Council.</p> <p>3. That Council pursuant to sections 336 and 351 of the <i>Local Government Act 1993</i>, appoints Mr Peter Chrystal to be the Council's Acting General Manager when Ken Liddell is on leave and for such person to remain the Council's Acting General Manager until the commencement of a new General Manager (for a maximum period of up to 12 months) or until further resolution of the Council, whichever occurs first. Provided that if Peter Chrystal is on leave prior to Council appointing a new General Manager or appointing a different Acting General Manager, the Mayor, following consultation with the Deputy Mayor, may temporarily appoint one of Council's Directors as Interim General Manager for the period of such leave.</p> <p>4. That Council authorise the Mayor, following consultation with the Deputy Mayor:</p> <p class="margin-left: 20px;">a. to invite Local Government NSW and other suitably experienced external recruitment consultants to submit proposals to assist the Council with the recruitment process to recruit a new General Manager for the Council, and</p> <p class="margin-left: 20px;">b. to appoint a suitably experienced external recruitment consultant to assist the Council with the recruitment process to recruit a new General Manager for the Council in accordance with the requirements of the <i>Local Government Act 1993</i> and consistent with the Office of Local Government's Guidelines for the appointment and oversight of general managers ("Guidelines").</p> <p>5. That Council, in furtherance of the above, and consistent with page 7 of the Guidelines, the Council delegates to the Mayor the task of ensuring:</p> <p class="margin-left: 20px;"><input type="checkbox"/> the selection panel is established,</p> <p class="margin-left: 20px;"><input type="checkbox"/> the general manager's position description is current and evaluated in terms of salary to reflect the responsibilities of the position,</p> <p class="margin-left: 20px;"><input type="checkbox"/> the proposed salary range reflects the responsibilities and duties of the position,</p> <p class="margin-left: 20px;"><input type="checkbox"/> the position is advertised according to the requirements of the Act,</p> <p class="margin-left: 20px;"><input type="checkbox"/> information packages are prepared, and</p> <p class="margin-left: 20px;"><input type="checkbox"/> applicants selected for interview are notified.</p> <p>6. That Council have the selection panel (referred to above) prepare a selection panel report addressing the matters referred to on page 8 of the Guidelines, which is to be presented to a future meeting of the Council for consideration.</p>						

Action Sheets Report	Division:	Ordinary Council	Date From:
	Committee:		Date To:
	Officer:		Printed: Monday, 11 August 2025 8:57:12 AM

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC35/2025	Ordinary Council 18/06/2025	Plumridge, Matthew	Corporate and Community	Adoption of the IPR Framework Suite of documents comprising of: - Community Strategic Plan: Together Cessnock 2040 - 2025-29 Delivery Program incorporating the 2025-26 Operational Plan, Budget and Revenue Policy - Resourcing Strategy incorporating the Long Term Financial Plan, Workforce Management Plan and Asset Management Strategy - 2025-26 Fees & Charges	16/07/2025	28/07/2025
178 MOTION 178 RESOLVED	Moved:	Maginnity, Robert Councillor Lea	Seconded:	Councillor Palmowski		
<p>That Council having considered all submissions received from the community following public exhibition of the draft documents adopts the:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Community Strategic Plan: Together Cessnock 2040 with the addition of the following objectives under 'Outcome 2 - Thrive': <ul style="list-style-type: none"> o 2.3.3 Explore opportunities for the construction of the Richmond Vale Rail Trail and additional Shiraz to Shore connections (Hunter Regional Plan 2041) o Explore opportunities for the construction of the Bellbird North Bypass from Mount View Road to Wine Country Drive. <input type="checkbox"/> 2025-29 Delivery Program 2025-2029 incorporating the <ul style="list-style-type: none"> o 2025-26 Operational Plan o Budget and Revenue Policy <input type="checkbox"/> Resourcing Strategy incorporating the <ul style="list-style-type: none"> o Long Term Financial Plan o Workforce Management Strategy o Asset Management Strategy <input type="checkbox"/> 2025-26 Fees and Charges <p>28 Jul 2025 9:21am Plumridge, Matthew - Completion Completed by Plumridge, Matthew (action officer) on 28 July 2025 at 9:21:31 AM - Documents are updated and published.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE22/2025	Ordinary Council 16/07/2025	Stokes, Lachlan	Planning and Environment	Planning Proposal 18/2025/1/1 - Expansion of Additional Permitted Use Area: Residential Flat Buildings at The Vintage, Pokolbin	28/11/2025	5/08/2025
194 MOTION 194 RESOLVED	Moved:	Page, Sue Councillor Grine	Seconded:	Councillor Lea		
<ol style="list-style-type: none"> 1. That Council notes the outcome of the community consultation for the Planning Proposal 18/2025/1/1 - Expansion of Additional Permitted Use Area, Residential Flat Buildings at the Vintage, Wine Country Drive / McDonalds Drive, Pokolbin. 2. That Council forwards the Planning Proposal 18/2025/1/1 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. 						

Action Sheets Report	Division:	Ordinary Council	Date From:
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05 Aug 2025 7:35am Larsen, Robyn - Reallocation
 Action reassigned to Stokes, Lachlan by Larsen, Robyn - .
05 Aug 2025 3:02pm Stokes, Lachlan
 Has been referred to DPHI for assessment
05 Aug 2025 3:06pm Stokes, Lachlan - Completion
 Completed by Stokes, Lachlan (action officer) on 05 August 2025 at 3:06:05 PM - Referred to DPHI for assessment

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC45/2025	Ordinary Council 16/07/2025	Spooner, Eliza	Corporate and Community	Doubtful Debt Write-offs - Sundry Debtors - Lost Library Items	13/08/2025	21/07/2025
196 MOTION 196 RESOLVED	Moved:	Maginnity, Robert Councillor Hill	Seconded:	Councillor Jurd		
1.	That Council resolve to write off \$23,063.82 as listed in Enclosure 1 as bad debts against the provision for doubtful debts, in accordance with Clauses 213(5) (a) and (c) of the Local Government (General) Regulation 2021 as the debts are not lawfully recoverable or the Council believes on reasonable grounds that an attempt to recover the debt would not be cost effective.					
2.	That these write-offs will be included in the Financial Statements for 2024-25.					
21 Jul 2025 1:28pm Spooner, Eliza - Completion Completed by Spooner, Eliza (action officer) on 21 July 2025 at 1:28:14 PM - NFA action. ES						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE20/2025	Ordinary Council 16/07/2025	Porter, Kerry	Planning and Environment	DA 8/2023/753/1 for a staged Development comprising the Demolition of an Existing Dwelling, Swimming Pool and Shed and the Construction of Tourist and Visitor Accommodation, a Function Room, Swimming Pool, Studio/Workshop for Guest Activities, Managers Residence Ancillary Parking and Landscaping 437 Talga Road LOVEDALE NSW 2325	13/08/2025	23/07/2025
Page, Sue						
MOTION 189 RESOLVED	Moved:	Councillor Hill	Seconded:	Councillor Mason		
1.	That:					
	(ii)	Development Application No. 8/2023/753/1 for a staged development comprising the demolition of an existing dwelling, swimming pool and shed and the construction of tourist and visitor accommodation, a function room, swimming pool, studio/workshop for guest activities, managers residence, ancillary parking and landscaping on Lot 280 DP 830846, No. 437 Talga Road Lovedale, be approved pursuant to Sections 4.16 and 4.17 of the <i>Environmental Planning and Assessment Act 1979</i> , subject to the conditions contained in Enclosure 2 with the following amendments to conditions 30, 73 & 74				
Condition 30 amended to require upon inspection a register of functions, including patron numbers and event dates.						

<p>Division: Ordinary Council</p> <p>Committee:</p> <p>Officer:</p>	<p>Date From:</p> <p>Date To:</p> <p>Printed: Monday, 11 August 2025 8:57:12 AM</p>
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Action Sheets Report

1. Plan of Management
An amended Plan of Management is to be prepared and submitted to Council for approval prior to the issue of a CC. The Plan of Management is to include (but not limited to) the following:

- The recommendations of the submitted Noise Impact Assessment Report No. 24-2941-R1, dated June 2024.
- A complaints handling register including the procedures involved in responding to complaints and appropriate action undertaken.
- Functions register detailing event dates and guest numbers to be available for Council inspection upon request.

Condition 73 amended to reduce Sunday and Public Holiday operating hours to 8pm.

2. Hours of Operation

- The function room is permitted to operate between the hours of 8.00am and 11.30pm, **Monday to Saturday and between the hours of 9.00am to 8.00pm on Sundays and public holidays.**
- Outdoor wedding ceremonies and functions are permitted within the internal courtyard area only between the hours of 8.00am and 6.00pm.
- Waste collection, loading and deliveries for the purpose approved are to occur only between the hours 7.00am and 6.00pm, Monday to Saturday.

Condition 74 amended to restrict functions greater than 60 people to no more than 12 functions in a 12 a month period.

3. Maximum Number of Patrons – Functions
The maximum number of patrons permitted to attend functions at the premises is restricted to a maximum of 110 at any one time. **No more than 12 functions are permitted per year where patron numbers exceed 60 people.**

(ii) The reasons for the decision (having regard to any statutory requirements applying to the decision) and consideration of community views are as follows:

- ☐ The proposed development, subject to the recommended conditions, is consistent with the objectives of the *Cessnock Local Environmental Plan 2011 (CLEP 2011)*.
- ☐ The proposed development is, subject to the recommended conditions, consistent with the objectives of the Cessnock Development Control Plan 2010 (DCP 2010); any variations to prescribed standards within this Plan have been adequately addressed.
- ☐ The proposed development is considered to be of an appropriate scale and form for the site.
- ☐ The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- ☐ Any issues raised in submissions have been taken into account in the assessment report and where appropriate, conditions of consent have been imposed to reasonably mitigate potential impacts. 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

23 Jul 2025 10:25am Blake, Yvonne - Completion
Completed by Blake, Yvonne on behalf of Porter, Kerry (action officer) on 23 July 2025 at 10:25:12 AM - DA approved by ADP&E and issued to applicant as per the resolution of the Ordinary Council Meeting held 20 August 2025.

Action Sheets Report	Division: Committee: Ordinary Council Officer:	Date From: Date To: Printed: Monday, 11 August 2025 8:57:12 AM
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Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
MM5/2025	Ordinary Council 16/07/2025	Chrystal, Peter	Mayoral Minutes	Hosting of Governor-General of the Commonwealth of Australia in Cessnock Local Government Area	13/08/2025	6/08/2025
191 MOTION 191 RESOLVED	Moved:	Chrystal, Peter Councillor Watton				
1.	That Council writes to Her Excellency the Honourable Sam Mostyn AC, Governor-General of the Commonwealth of Australia, extending a formal invitation to visit the Cessnock Local Government Area;					
2.	That Council authorises the Mayor's Office to coordinate with the Governor-General's office to explore suitable dates and event opportunities as part of the proposed visit.					
06 Aug 2025 11:54am Cocking, Tracey 1. Formal invitation extended to Her Excellency the Honourable Sam Mostyn AC to visit the Cessnock LGA 6 August 2025 via the Governor-General portal., 2. Noted						
06 Aug 2025 11:56am Cocking, Tracey - Completion Completed by Cocking, Tracey on behalf of Chrystal, Peter (action officer) on 06 August 2025 at 11:56:40 AM - Actions completed						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
MM6/2025	Ordinary Council 16/07/2025	Chrystal, Peter	Mayoral Minutes	Cost Shifting Onto Local Government	13/08/2025	24/07/2025
192 MOTION 192 RESOLVED	Moved:	Chrystal, Peter Councillor Watton				
1.	That Council note the findings of the LGNSW Cost Shifting report for the 2023/2024 financial year; and					
2.	That Council place a copy of the cost shifting report on Council's website so that our communities can access it; and					
3.	That Council writes to the Premier, the NSW Treasurer, the NSW Minister for Local Government and the State Member of Cessnock seeking that they urgently address these costs through a combination of regulatory reform and appropriate funding.					
CARRIED UNANIMOUSLY						
24 Jul 2025 10:04am Lorenzen, Cherie						
1. Noted. 2. Report posted to Council's website. 3. Hunter Joint Organisation wrote to Premier, NSW Treasurer and NSW Minister for Local Government on behalf of all Hunter member councils as a collective.						
24 Jul 2025 10:06am Lorenzen, Cherie - Completion						
Completed by Lorenzen, Cherie on behalf of Chrystal, Peter (action officer) on 24 July 2025 at 10:06:40 AM - 1. Noted. 2. Report posted to Council's website. 3. Hunter Joint Organisation wrote to Premier, NSW Treasurer and NSW Minister for Local Government on behalf of all Hunter member councils as a collective.						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
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<div>Division: Committee: Officer:</div>		Ordinary Council		<div>Date From: Date To:</div>		<div>Printed: Monday, 11 August 2025 8:57:12 AM</div>	
Action Sheets Report							
PE21/2025	Ordinary Council 16/07/2025	Mewing, Jenny	Planning and Environment	Draft Villages Strategy - Outcomes of Community Consultation	13/08/2025	21/07/2025	
193 MOTION 193 RESOLVED	Moved:	Page, Sue Councillor Hill	Seconded:	Councillor Lea			
That Council adopt the Villages Strategy.							
CARRIED UNANIMOUSLY							
21 Jul 2025 1:39pm Mewing, Jenny - Completion							
Completed by Mewing, Jenny (action officer) on 21 July 2025 at 1:39:51 PM - Adopted Strategy uploaded to Council website (https://www.cessnock.nsw.gov.au/files/assets/public/v/1/hprtrim/website-plans-strategies-do-not-change/villages-strategy_-_adopted-version_-_2025_-_website-doc.pdf).							

Action Sheets Report	Division: Committee: Ordinary Council Officer:	Date From: Date To: Printed: Monday, 11 August 2025 8:42:26 AM
<p>26 May 2022 9:22am Waghorn, Peter Bellbird Park Bowling Club officials have confirmed that Marshall Scott Surveyors were engaged by the previous Board to prepare a plan of acquisition. Once the draft plan is provided to Council for review and verification, the process to reclassify the identified portion of Bellbird Park can be commenced. Transfer of the land to the Club can only be effected on gazettal of the reclassification.</p> <p>26 May 2022 9:50am Waghorn, Peter - Target Date Revision Target date changed by Waghorn, Peter from 15 June 2022 to 30 December 2022 - The planning proposal to amend the LEP and reclassify a portion of Bellbird Park is a lengthy process and yet be commenced. Transferring ownership to the Club is deferred pending gazettal of the land reclassification for Community to Operational land.</p> <p>30 Jun 2022 3:12pm Waghorn, Peter An LEP amendment request to reclassify the portion of Bellbird Park the Club requires has been scheduled with Strategic Planning.</p> <p>28 Jul 2022 2:49pm Waghorn, Peter A survey plan prepared by Marshall Scott Surveyors on behalf of Bellbird Park Bowling Club has been provided to Strategic Planning. A planning proposal requesting amendment of the Cessnock LEP land classification of the nominated portion of Bellbird Park is in progress.</p> <p>31 Aug 2022 4:46pm Keegan, Robyn Further updates are subject to progression of a planning proposal to amend the Cessnock LEP and change the community land classification of the nominated portion of Bellbird Park.</p> <p>25 Nov 2022 3:47pm Waghorn, Peter Internal Property staff followed up with Marshall Scott Surveyors 24/11/2022 and were advised that the survey plan detailing the area to be acquired by the club and prepared by their firm on behalf of Bellbird Park Bowling Club is yet to be lodged with Land Registry Services for assessment. Council staff actions are deferred pending plan registration and gazettal of the proposed land reclassification.</p> <p>16 Jan 2023 12:12pm Waghorn, Peter Property staff visited BPBC on 4/1/2023 to enquire with management as to the status of survey plan approval and were advised that they will follow up with Marshall Scott Surveyors. As at 16/1/2023, Mark Scott of MSS has not been contacted by BPBC.</p> <p>16 Jan 2023 12:21pm Waghorn, Peter - Target Date Revision Target date changed by Waghorn, Peter from 30 December 2022 to 31 March 2023 - Delayed pending Bellbird Park Bowling Club approval of draft survey plan of acquisition and the outcome of a Council request to reclassify the relevant portion of Carmichael Park to be acquired</p> <p>03 Apr 2023 10:44am Waghorn, Peter The Strategic Planning unit has scheduled a report seeking approval to submit the LEP amendment required to reclassify the portion of Bellbird Park the Club requires. Reclassification to operational land is required to facilitate any transfer of council community land. The report will be considered at the April 2023 Ordinary Council Meeting. .</p> <p>03 Apr 2023 11:11am Waghorn, Peter - Target Date Revision Target date changed by Waghorn, Peter from 31 March 2023 to 30 June 2023 - The report seeking approval to submit an LEP amendment to reclassify the required portion of Bellbird Park is scheduled for the April 2023 OCM. Reclassifications necessarily involve state planning departments and completion of that process cannot be accurately determined at this time.</p> <p>26 May 2023 3:16pm Waghorn, Peter - Target Date Revision Target date changed by Waghorn, Peter from 30 June 2023 to 31 March 2024 - A planning proposal to amend the Cessnock LEP community land classification of a portion of Carmichael Oval adjoining Bellbird Park Bowling Club was approved for submission to Dept. of Planning & Environment (DPE) on 19 April 2023. Subject to obtaining a DPE Gateway determination to reclassify the land from community to operational use, consultation will be undertaken with public authorities and the community. Unresolved objections must be submitted to Council for consideration before DPE is requested to make the Plan and publish LEP changes in the Government Gazette. This process is anticipated to take six to nine months. On completion, Property staff will prepare contract documentation to transfer the required land.</p> <p>25 Sep 2023 3:37pm Waghorn, Peter - Email On 15 September, Officers arranged for surveyors to attend and mark the site, allowing a partially installed fence to be completed along the new boundary with a lockable pedestrian access. Illegal private vehicular use of CCC community land is understood to have been occurring and neighbouring residents will be notified prior to erection of the final stage of fencing. Formal transfer of the land portion to BPBC is subject to land reclassification and the revised target date is still projected as March 2024.</p> <p>24 Nov 2023 9:41am Waghorn, Peter No further updates from Property Services pending completion of land reclassification process and subsequent land transfer</p> <p>28 Mar 2024 11:17am Waghorn, Peter - Target Date Revision Target date changed by Waghorn, Peter from 31 March 2024 to 30 May 2024 - Council's Strategic Planning unit advise the planning proposal seeking to amend the LEP land classification is currently being reviewed by the relevant state government planning department</p> <p>25 Jun 2024 10:52am Waghorn, Peter - Target Date Revision Target date changed by Waghorn, Peter from 30 May 2024 to 29 November 2024 - On 29/5/2024 Council's Strategic Planner advised Planning proposal PP-2023-1296 to amend Cessnock Local Environmental Plan 2011 (LEP) has received Gateway determination. The advice refers to issues remaining to be addressed and requires the amending LEP to be finalised on or before 6 months of the Gateway determination date.</p>		

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27 Nov 2024 4:33pm Waghorn, Peter - Target Date Revision

Target date changed by Waghorn, Peter from 29 November 2024 to 31 January 2025 - Department Planning Housing and Infrastructure has endorsed the Planning Proposal to rezone and reclassify the strip of land at Bellbird Park Bowling Club for finalization. Once the public reserve status is removed from title, the portion required by the club can be excised from Carmichael Park and transferred to the Club in accordance with the resolution.

26 Mar 2025 2:27pm Waghorn, Peter - Target Date Revision

Target date changed by Waghorn, Peter from 31 January 2025 to 31 March 2025 - Planning Proposal PP-2023-1296 was sent to DPHI for gazettal on 27 November 2024. The Department recently advised to expect further delays associated with the PP dealing with reclassification of land owned by a council.

06 May 2025 3:05pm Waghorn, Peter - Target Date Revision

Target date changed by Waghorn, Peter from 31 March 2025 to 30 June 2025 - Planning Proposal PP-2023-1296 to amend Cessnock Local Environmental Plan 2011 (LEP) is still with Department of Planning, Housing and Infrastructure

01 Aug 2025 9:15am Waghorn, Peter - Target Date Revision

Target date changed by Waghorn, Peter from 30 June 2025 to 31 October 2025 - It was previously advised the reclassification proposal was sent to the Department of Planning Housing, Planning and Infrastructure (DPHI) for finalisation in November last year. Recent advice from DPHI regarding the extended delay: The proposal is with the Executive Council and must be referred to the NSW Governor for approval prior to finalisation.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
W175/2022	Ordinary Council 14/12/2022	Dennis, Johanna	Works and Infrastructure	Cessnock LGA Hall Booking/Management	31/10/2025	
383 MOTION 383 RESOLVED	Moved:	McLachlan, Paul Councillor Watton	Seconded:	Councillor Burke		
<ol style="list-style-type: none"> That Council notes the information contained within the report with regard to the implications and resourcing requirements required to overhaul the current practices has adopted relating to hall bookings, maintenance and potential promotions; That Council completes a hall booking trial using the Bookeasy system at four community halls; and That if the hall booking trial is successful, that Council implements the Bookeasy system at all community halls in consultation with the s355 volunteer management committees as resources allow. 						
16 Jan 2023 4:28pm Eveleigh, Nathan - Target Date Revision Target date changed by Eveleigh, Nathan from 11 January 2023 to 30 June 2023 - Test webpage and platform completed for Bellbird Hall. Officers liaising with BookEasy on some minor amendments required for regular bookings., Additional halls will come online after testing is completed with Bellbird Community Hall as per the Council report.						
02 Mar 2023 9:41am Eveleigh, Nathan BookEasy set-up in final testing phase for Bellbird Community Hall before going live.						
27 Mar 2023 11:56am Eveleigh, Nathan Bellbird Community Hall Bookeasy portal went live on 20/3/2023. Will roll out 3 additional facilities following initial trials and feedback.						
28 Jun 2023 11:36am Eveleigh, Nathan Hunter Valley VIC staff have commenced work on Ellalong & Millfield Community Halls following successful roll-out of the BookEasy online bookings at Bellbird Community Hall for 3 months.						
28 Jun 2023 11:40am Eveleigh, Nathan - Target Date Revision Target date changed by Eveleigh, Nathan from 30 June 2023 to 30 September 2023 - 2 additional halls being set-up. A 4th hall will be added once these two halls are online in the coming months.						
25 Aug 2023 8:36am Eveleigh, Nathan - Target Date Revision Target date changed by Eveleigh, Nathan from 30 September 2023 to 20 December 2023 - VIC staff working on 2nd & 3rd hall in consultation with open Space staff and s355 committees.						
01 Mar 2024 11:29am McNally, Kate 1. Noted, 2. The Bookeasy system is in place for Bellbird Hall. Ellalong and Millfield Hall are ready to go live following training and engagement with the s355 committees., 3. To be completed after item 2.						

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<p>01 Mar 2024 11:31am McNally, Kate - Target Date Revision Target date changed by Harris, Kate from 30 April 2024 to 28 June 2024 - Training must be undertaken with S355 Committee members prior to online bookings progressing.</p> <p>24 Jun 2024 1:26pm McNally, Kate 1. Noted, 2. The Bookeasy system is in place for Bellbird Hall with Millfield Hall coming on line by the end of July 2024. Ellalong Hall will be the next facility to provide online bookings., 3. To be completed after item 2.</p> <p>24 Jun 2024 1:29pm McNally, Kate - Target Date Revision Target date changed by Harris, Kate from 28 June 2024 to 30 August 2024 - Council Officers are in the process of transitioning community halls to the online booking system. Millfield Hall will be complete by the end of July and then moving to Ellalong Hall.</p> <p>30 Oct 2024 1:00pm Dennis, Johanna Council staff undertook system training with Millfield Hall s355 committee volunteers in August and the booking system has been set up and will go live in November.</p> <p>30 Oct 2024 1:05pm Dennis, Johanna - Target Date Revision Target date changed by Dennis, Johanna from 30 August 2024 to 31 December 2024 - AGM being held for Ellalong s355 Committee 18 November. New committee will be trained on booking system before implementation.</p> <p>02 Dec 2024 12:24pm Dennis, Johanna Booking system for Millfield Hall has gone live and is being utilised.</p> <p>03 Feb 2025 1:36pm Dennis, Johanna Booking system for Ellalong Hall is now live. Fourth community hall for online booking system currently being determined in consultation with s355 committees.</p> <p>03 Feb 2025 1:40pm Dennis, Johanna - Target Date Revision Target date changed by Dennis, Johanna from 31 December 2024 to 30 June 2025 - Fourth site for trial will be determined in consultation with s355 committees and training undertaken.</p> <p>30 Apr 2025 9:15am Dennis, Johanna Council Officers are liaising with s355 committees investigating the fourth trial site for online booking system.</p> <p>27 May 2025 9:23am Dennis, Johanna Council staff will be meeting with Branxton Community Hall s355 committee on 4 June to discuss this facility being the fourth trial site for the online booking system.</p> <p>27 May 2025 9:29am Dennis, Johanna - Target Date Revision Target date changed by Dennis, Johanna from 30 June 2025 to 31 July 2025 - Once a fourth facility is determined, volunteers will need to be trained in the booking system.</p> <p>30 Jun 2025 9:58am Dennis, Johanna Branxton Community Hall s355 committee have met with staff about being the fourth trial site for the online booking system. Volunteers will undertake system training before implementation.</p> <p>24 Jul 2025 1:23pm Dennis, Johanna Hunter Valley VIC staff have been liaising with Branxton Community Hall s355 committee to build the online booking profile for this site.</p> <p>24 Jul 2025 1:27pm Dennis, Johanna - Target Date Revision Target date changed by Dennis, Johanna from 31 July 2025 to 31 October 2025 - Volunteers will still require training once system is developed for Branxton Community Hall.</p>			

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Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE24/2024	Ordinary Council 20/11/2024	Lewis-Curnoe, Olivia	Planning and Environment	Planning Proposal 18 2022 6 1 - Reclassification and Rezoning of Council Land - Post exhibition	1/10/2025	
50 MOTION 50 RESOLVED	Moved:	Page, Sue Councillor Hill	Seconded:	Councillor Pascoe		
<p>1. That Council note the outcomes of community consultation for Planning Proposal 18/2022/6/1 - Reclassification and Rezoning of Land at Bellbird and Abermain.</p> <p>2. That Council forwards the Planning Proposal for Reclassification and Rezoning 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 <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>3. That Council remove the Public Reserve Status from Part of Lot 3 DP 624793.</p> <p>26 Nov 2024 9:43am Lewis-Curnoe, Olivia - Target Date Revision Target date changed by Lewis-Curnoe, Olivia from 18 December 2024 to 15 January 2025 - Liaising with PC for finalisation.</p> <p>24 Jan 2025 1:42pm Lewis-Curnoe, Olivia - Target Date Revision Target date changed by Lewis-Curnoe, Olivia from 15 January 2025 to 31 March 2025 - Liaising with DPHI to finalise the Planning Proposal.</p> <p>01 Apr 2025 9:03am Lewis-Curnoe, Olivia - Target Date Revision Target date changed by Lewis-Curnoe, Olivia from 31 March 2025 to 10 May 2025 - DPHI is the plan making authority. The Planning Proposal is with DPHI for finalisation.</p> <p>30 Apr 2025 9:11am Lewis-Curnoe, Olivia - Target Date Revision Target date changed by Lewis-Curnoe, Olivia from 10 May 2025 to 31 May 2025 - Planning Proposal still with the Department for Finalisation.</p> <p>27 May 2025 10:09am Lewis-Curnoe, Olivia - Target Date Revision Target date changed by Lewis-Curnoe, Olivia from 31 May 2025 to 01 August 2025 - Currently with Parliamentary Council for Finalisation.</p> <p>24 Jul 2025 11:19am Lewis-Curnoe, Olivia - Target Date Revision Target date changed by Lewis-Curnoe, Olivia from 01 August 2025 to 01 October 2025 - DPHI (the Plan Making Authority for this Planning Proposal) have advised it is still with Parliamentary Counsel for finalisation.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN7/2025	Ordinary Council 19/03/2025	Martin, Cam	Business With Notice	Report on Unsealed Roads and Costs	30/09/2025	
124 MOTION 124 RESOLVED	Moved:	McLachlan, Paul Councillor Hill	Seconded:	Councillor Suvaal		
<p>1. That the General Manager provide a report to Council on the unsealed road network review, including information on Unsealed Road Maintenance Schedule, Council's Asset Management Framework and budget in line with the Long Term Financial Plan.</p> <p>2. Currently what grants are available to help with our unsealed road program.</p> <p>09 Apr 2025 10:10am Meyers, Kristy Investigating data set.</p> <p>05 May 2025 2:49pm Meyers, Kristy Report expected June/July 2025.</p>						

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29 Jul 2025 2:17pm Meyers, Kristy - Target Date Revision

Target date changed by Meyers, Kristy from 30 July 2025 to 30 September 2025 - Ongoing and expected September Council meeting.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN6/2025	Ordinary Council 19/03/2025	McNally, Kate	Business With Notice	Investigation for Opportunities to Reduce Vandalism in Public Spaces	29/08/2025	
123 MOTION 123 RESOLVED	Moved:	McLachlan, Paul Councillor King	Seconded:	Councillor Jurd		
<p>That Council reconvene to further consider options available to help address impacts of crime within the Cessnock LGA after further consultation is undertaken between Cessnock Councillors and NSW Police.</p> <p>05 May 2025 3:53pm Meyers, Kristy A Councillor Briefing to be organised for Crime Prevention Through Environmental Design (CPTED).</p> <p>05 May 2025 3:55pm Meyers, Kristy - Target Date Revision Target date changed by Meyers, Kristy from 30 June 2025 to 30 June 2025 - To organise Councillor Briefing.</p> <p>30 Jun 2025 9:59am McNally, Kate A Councillor Briefing to be organised for Crime Prevention Through Environmental Design (CPTED).</p> <p>30 Jun 2025 10:01am McNally, Kate - Target Date Revision Target date changed by McNally, Kate from 30 June 2025 to 29 August 2025 - Competing priorities have resulted in this briefing being delayed.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC19/2025	Ordinary Council 16/04/2025	Plumridge, Matthew	Corporate and Community	Engagement of Advisor for Special Rate Variation	29/08/2025	
141 MOTION 141 RESOLVED	Moved:	Maginnity, Robert Councillor Pascoe	Seconded:	Councillor Mason		
<p>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.</p> <p>2. That Council authorises the General Manager to:</p> <p style="margin-left: 40px;">a. engage an independent advisor to provide further advice to Council on the potential for a special rate variation</p> <p style="margin-left: 40px;">b. report to Council on the recommendations of the advisor prior to any decision being made on a Special Rate Variation application by Council.</p> <p>06 May 2025 9:18am Anderson, India - Target Date Revision Target date changed by Anderson, India from 14 May 2025 to 30 June 2025 - Commenced discussions and currently negotiating contract.</p> <p>28 Jul 2025 9:22am Plumridge, Matthew - Target Date Revision Target date changed by Plumridge, Matthew from 30 June 2025 to 29 August 2025 - Prof Drew has committed, still working on finer details of the contract.</p>						

Action Sheets Report	Division: Committee: Ordinary Council Officer:	Date From: Date To: Printed: Monday, 11 August 2025 8:42:26 AM
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Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
UB2/2025	Ordinary Council 21/05/2025	Waghorn, Peter		Review of Existing Policy governing leasing agreements with Sporting Clubs	18/09/2025	
160 MOTION 161 RESOLVED	Moved:	Maginnity, Robert Councillor Jurd	Seconded:	Councillor Madden		
<p>That Council urgently reviews the existing policy governing leasing agreements with sporting clubs with a view to simplifying processes and supporting sustainability of local clubs.</p> <p>27 May 2025 8:47am Meyers, Kristy - Reallocation Action reassigned to Maginnity, Robert by Meyers, Kristy - Hi Robert - Paul has advised this one is for C&CS.</p> <p>27 May 2025 11:23am Anderson, India - Reallocation Action reassigned to Waghorn, Peter by Anderson, India - Per DC&CS request</p> <p>28 May 2025 4:31pm Waghorn, Peter Review in progress</p> <p>24 Jun 2025 3:07pm Waghorn, Peter - Completion Completed by Waghorn, Peter (action officer) on 24 June 2025 at 3:07:29 PM - A working party comprising internal community facilities and cultural development participants undertook and completed a review of the existing procedure for granting leases to community-based, not for profit organisations in April. The revised Procedure is now being applied to assessment of all applications to grant or renew facility licences.</p> <p>16 Jul 2025 12:17pm Larsen, Robyn - Completion Uncompleted by Larsen, Robyn</p> <p>24 Jul 2025 3:18pm Waghorn, Peter - Target Date Revision Target date changed by Waghorn, Peter from 18 June 2025 to 18 September 2025 - Although an internal process for leasing agreements with sporting clubs was recently revised, reviewing the existing Policy governing the procedure requires a Council resolution to adopt approved amendments and/or authorise public exhibition. A report is scheduled for the August OCM and granting of any new or renewed licences is on hold.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE12/2025	Ordinary Council 21/05/2025	Brown, Keren	Planning and Environment	Planning Proposal 18/2024/6/1 - Reclassification of Council Land - Post Exhibition	30/10/2025	
152 MOTION 152 RESOLVED	Moved:	Page, Sue Councillor King	Seconded:	Councillor Harrington		
<ol style="list-style-type: none"> 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. 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. That Council notifies submission makers of the Minister's decision. 						

Action Sheets Report		Division: Committee: Ordinary Council Officer:	Date From: Date To: Printed: Monday, 11 August 2025 8:42:26 AM
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Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE16/2025	Ordinary Council 18/06/2025	Brown, Keren	Planning and Environment	Draft Amendments to Cessnock Development Control Plan Chapter - D8, Events	27/11/2025	
170 MOTION 170 RESOLVED	Moved:	Page, Sue Councillor Lea	Seconded:	Councillor Pascoe		
<ol style="list-style-type: none"> That Council places the draft "D8 – Events" on public exhibition for a period of 28 days, as required by Council's Community Participation Plan. That Council receive a further report following public exhibition of the draft Development Control Plan chapter if unresolved submissions are received or significant amendments are proposed post-exhibition. Where there are no unresolved objections, the draft Development Control Plan chapter be adopted by Council pursuant to the Environmental Planning and Assessment Regulation 2021. That Council repeal the current Cessnock Development Control Plan Chapter D8 - Temporary Events, in the event that the amended Draft chapter D8 – Events is adopted. 						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE15/2025	Ordinary Council 18/06/2025	Brown, Keren	Planning and Environment	Exhibition of Draft Housing Theme Review Discussion Paper	25/09/2025	
169 MOTION 169 RESOLVED	Moved:	Page, Sue Councillor Lea	Seconded:	Councillor Palmowski		
<ol style="list-style-type: none"> That Council place the Draft Housing Theme Review Discussion Paper on public exhibition for a period of 28 days. That Council receive a further report following public exhibition of the Draft Housing Theme Review Discussion Paper. That a workshop be held with Councillors after the feedback from the exhibition period. 						