



Expressions of Interest

**Scope of Works relating to Cessnock City Council's
Alternate Panel Members for the Hunter and Central Coast
Regional Planning Panel**

(Closing Date 5pm 6 September 2022)

Reference Number: EOI 2022-013

Section 1 - INFORMATION TO RESPONDENTS

1. INTRODUCTION

Cessnock Local Government Area (LGA) covers approximately 1,950 square kilometres within the Hunter Region of New South Wales. The area has a population of 53,300 which is concentrated in a thin urban belt between the two major townships of Cessnock and Kurri Kurri. The remainder of the population is located in outlying rural areas.

Cessnock is a sub-region of the Hunter Valley, approximately 120 kilometres north of Sydney, 40 kilometres west of Newcastle and 30 kilometres from the coast. Within the Cessnock Local Government Area there are large areas of state forest, grazing land and areas for viticulture.

Cessnock LGA is the focal point for the region's wine industry and a significant tourism destination and entertainment node. The Hunter Expressway provides connectivity to the Greater Newcastle and Upper Hunter area, increasing its attraction for housing and employment.

Emerging industries for the Hunter Region include advanced manufacturing, creative industries, agribusiness and mining services.

2. INVITATION

Persons with appropriate expertise are invited to submit an Expression of Interest (EOI) to Council by the deadline, being 6 September 2022.

The EOI is to be emailed to council@cessnock.nsw.gov.au.

Responsibility for lodgement of completed EOI documents by the deadline, lies solely with the respondent.

3. ENQUIRIES

The Project Officer is Janine Maher (Development Services Manager) who can be contacted on either telephone (02) 4993 4254 or email janine.maher@cessnock.nsw.gov.au

Confirmation of EOI's received and associated outcomes are available via the project officer.

4. RESPONDENTS TO NOTE

In the preparation and submission of the EOI and without limiting the respondent's obligations, the respondent shall:

- submit an EOI which includes the completion of all Schedules including the Bidders Declaration Schedule and any other declaration required completely filled in and signed, together with any other documents, information and details necessary to make the EOI complete;
- not submit an EOI without a firm intention to proceed;
- not engage in any form of collusive practice;
- not directly or indirectly canvass support from an elected member or employee of Council at any time.

5. EVALUATION

EOI's will be assessed on the following assessment criteria:

- Expertise in one or more of the following areas:
Planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering, tourism or government and public administration.
- A good working knowledge of relevant state and local government legislation, including the NSW *Environmental Planning and Assessment Act 1979*; and knowledge/understanding of the planning process, including the assessment of complex developments
- Availability to service the proposed contract
- Price

6. LODGEMENT METHOD

Complete EOI's will be accepted up until 5:00pm on 6 September 2022.

EOI's will only be accepted if received by the following methods, submissions must be received at Council prior to the closing date and time:

- **Email**

Please lodge via email to council@cessnock.nsw.gov.au and address the email subject line as EOI 2022-013 Cessnock City Council Alternative Panel Members for the Hunter and Central Coast Regional Planning Panel.

Section 2 - The Alternate Regional Planning Panel Member Role

7. AIM

The aim of the Alternate Panel Member is to represent the interests of the Cessnock Local Government Area by participating in any briefings and meetings scheduled for the Hunter and Central Coast Regional Planning Panel in respect of any Development Application, S4.55 Application, and Planning Proposal where an appointed member (permanent or alternative) has declared a conflict of interest.

8. RESPONSIBILITIES

The roles and responsibilities of the Alternate Panel Member include:

- Supporting the board or committee to perform its functions;
- Attending meetings and participating in the decision making processes; and
- Undertaking consultation or research to support and promote discussion of the agenda items.

9. CODES OF CONDUCT

The Alternate Panel Member is required to comply with the Cessnock Council and Planning Panels Code of Conduct when exercising their functions as a panel member, and make merit-based decisions in accordance with statutory obligations.

10. DUTIES TO BE UNDERTAKEN

Duties to be undertaken by the Alternate Regional Planning Panel member include:

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| 1. Identify potential conflict and act appropriately | Disclose any pecuniary interests in accordance with Clause 27 of Schedule 2 of the <i>Environmental Planning and Assessment Act 1979</i> and any non-pecuniary interests including conflicts of duty in accordance with the Planning Panels Code of Conduct, as soon as possible, after the relevant facts of a proposal are known. |
| 2. Attend site visits | Attend site visits of properties which are the subject of a proposal, as arranged by the Panel Secretariat. |
| 3. Attend Briefings with Council staff | Attend briefings to obtain a comprehensive understanding of the proposal and identify issues requiring clarification or further |

and the public information.

4. Review business papers circulated by the Panel Secretariat Review meeting agendas, business papers, assessment reports and associated attachments, including any representations made by Council, distributed to members prior to the panel meeting.

5. Attend Planning Panel Meetings Determine regionally significant development in accordance with section 2.15 of the *EP&A Act 1979*. This can include assessing any plans, studies or supporting document and providing comments, recommendations and suggested conditions.

The alternate planning panel member must take into account considerations under section 4.15 of the *EP&A Act 1979* and any submissions made in making their decision.

11. PERFORMANCE AND REPORTING

The Alternate Panel Member will be responsible to the Development Services Manager.

12. INVOICING AND PAYMENT

Invoices are to be submitted by the Alternate Hunter and Central Coast Regional Planning Panel member within 30 days of each briefing or meeting held in relation to a proposal. Council's payment terms are 30 days from receipt of an accurate invoice (see General Terms and Conditions for more details about payment and invoicing).

13. FEE STRUCTURE

The Alternate Panel Member will be paid an agreed amount per meeting held. In response to this request for EOI's, applicants are required to provide:

- A fee for attending a site visit, briefing or meeting held in relation to a proposal; and
- Travel costs

Fees provided for disbursements will be limited to transport (other than private vehicle use), meals and parking if relevant.

The Alternate Panel Member can apply for the Sydney: All Groups CPI, annually.

14. CONFLICT OF INTEREST

Pursuant to Clause 3.21 of the Planning Panels Code of Conduct, to avoid a conflict of interest, the Alternate Panel Member will be unable to undertake any employment, business or other roles or activities, in relation to a DA, planning proposal or development site for which the member has participated in making a determination on as a panel member, for at least two (2) years following the determination.

Council will treat the names and associated businesses of successful candidates as public information and publish these details on the Cessnock City Council website.

15. ELIGIBILITY FOR APPOINTMENT

Pursuant to Section 2.18 of the *EP&A Act 1979*, a person is not eligible to be appointed as a planning panel member if the person is:

- A councillor of that or any other council; or
- A property developer within the meaning of Section 53 of the *Electoral Funding Act 2018* (Noting that Section 53 of the *Electoral Funding Act 2018* provides that *property developer* includes a person who is a close associate of a property developer); and
- A real estate agent within the meaning of the *Property, Stock and Business Agents Act 2002*.

Furthermore, it is noted that the Planning Panel Code of Conduct prevents members who have current or previous involvement in a specific project, or site, that is subject of a DA for regional development, or a planning proposal that is subsequently reviewed by a planning panel (such as a consultant), from considering a related matter.

16. LOCATION OF WORK

The Alternate Panel Member will be required to undertake site visits within the Cessnock Local Government Area. Site visits will commence from the Cessnock City Council administration building located at 62-78 Vincent Street Cessnock, NSW, 2325, and Council will provide transport from the administration building to the site.

The Alternate Panel Member will be required to hold a valid driver's licence and attend briefings and panel meetings. The meeting venue is determined by the chair in consultation with relevant councils. As the panel considers proposed matters in a regional area, meetings may not necessarily be convened in the Cessnock LGA and could be arranged within any LGA within the Hunter and Central Coast region.

In addition to planned site visits and meetings, the Alternate Panel Member will also be required to review business papers and reports.

17. RESOURCES TO BE SUPPLIED BY COUNCIL

The following equipment will be supplied by Council for the purpose of carrying out the service:

- Personal Protective Equipment

Please note: It is a requirement that the Alternate Panel Member will have access to their own computer and mobile phone.

18. TIMEFRAMES

The term of the contract is for three (3) years from date of appointment.

19. WHS MANAGEMENT

The Alternate Panel Member will be required to complete the Cessnock City Council induction program and comply with Council's WHS Management Procedures.