



26 September 2019

To All Councillors

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993, that the next Ordinary Meeting of Council will be held in the Council Chambers, on Wednesday, 2 October 2019 at 6.30 pm, for the purposes of transacting the undermentioned business.

AGENDA:

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| (1) OPENING PRAYER | |
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Principles for Local Government

Exercise of functions generally

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

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

Council's Values

- Integrity
- Respect
- Teamwork
- Accountability
- Excellence

Our Community's Vision

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

Cessnock – thriving, attractive and welcoming.

Our Community's Desired Outcomes

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



Council Model Code of Conduct

Council adopted its current Code of Conduct on 17 April 2019. This Code provides details of statutory requirements and gives guidance in respect of the way in which pecuniary and conflict of interest issues must be disclosed.

Generally, the Code outlines the following issues:

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



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**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 18 SEPTEMBER 2019,
COMMENCING AT 6.30 PM**

PRESENT: His Worship the Mayor, Councillor R Pynsent (in the Chair) and Councillors Olsen, Doherty, Dunn, Fagg, Stapleford, Fitzgibbon, Gray, Dagg, Burke, Sander and Lyons.

IN ATTENDANCE: Interim General Manager (Director Corporate and Community Services)
Acting Director Planning and Environment (Strategic Planning Manager)
Acting Director Corporate and Community Services (Human Resource Manager)
Director Works and Infrastructure
Acting Human Resource Manager (Human Resources Operations Coordinator)
Acting Health & Building Manager (Building Services Team Leader)
Senior Media & Communication Officer
Corporate Governance Officer

APOLOGY: That the Leave of Absence granted to Councillor Suvaal be noted.

MINUTES:

MOTION **Moved:** Councillor Sander
Seconded: Councillor Lyons

984

RESOLVED that the Minutes of the Ordinary Meeting of Council held on 4 September 2019, as circulated, be taken as read and confirmed as a correct record.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI18/2019

SUBJECT: DISCLOSURES OF INTEREST

RECOMMENDATION

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

WI58/2019 - North Rothbury Tidy Towns - Twilight Markets and 90th Anniversary Rothbury Riot Re-enactment – Councillor Sander declared a Non Pecuniary Interest Less than Significant conflict for the reason that she attends the North Rothbury Tidy Town Committee meetings as a Councillor. Councillor Sander advised that she would remain in the Chamber and participate in discussion and voting as the conflict has not influenced her in carrying out her public duty because it will not affect any decision it may make.

WI58/2019 - North Rothbury Tidy Towns - Twilight Markets and 90th Anniversary Rothbury Riot Re-enactment – Councillor Dagg declared a Non Pecuniary Interest Less than Significant conflict for the reason that she attends North Rothbury Tidy Towns meetings in her capacity as a Councillor. Councillor Dagg advised that she would remain in the Chamber and participate in discussion and voting as the conflict has not influenced her in carrying out her public duty.

PETITIONS

NIL

ADDRESS BY INVITED SPEAKERS

NIL

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

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Dagg
985

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

GMU18/2019	Proposal to Close Council Offices Between Christmas and New Year.....	73
‡ GMU19/2019	Domestic and Family Violence Protocol and Guidelines	75
GMU20/2019	Minutes of the Audit and Risk Committee Meeting held 30 August 2019.....	78
CC76/2019	Grant Funding Leverage Reserve - Consideration of Allocation.	134
CC79/2019	Internal Reporting - Public Interest Disclosures Policy and Guideline / Fraud Control and Corruption Prevention Framework.....	185
CC80/2019	Minutes of the Aboriginal and Torres Strait Islander Committee held on 23 August 2019	259
‡ CC81/2019	Investment Report - August 2019	267
‡ CC82/2019	Resolutions Tracking Report.....	274
WI61/2019	Minutes of Local Traffic Committee meeting of Cessnock City Council held 19 August 2019	425
‡ CO22/2019	Impact of Emergency Services Levy (ESL)	452

Council adopt the recommendations as printed for those items.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU16/2019

SUBJECT: MOTIONS OF URGENCY

NIL

GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU18/2019

SUBJECT: PROPOSAL TO CLOSE COUNCIL OFFICES BETWEEN CHRISTMAS AND NEW YEAR

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Dagg
986

RESOLVED

1. That Council close its offices, including Libraries, from 12 noon Tuesday, 24 December 2019 and reopen on Thursday, 2 January 2020.
2. That Council close the Cessnock Performing Arts Centre from Monday, 23 December 2019 and re-open on Monday, 6 January 2020.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

GENERAL MANAGER'S UNIT NO. GMU19/2019

SUBJECT: DOMESTIC AND FAMILY VIOLENCE PROTOCOL AND GUIDELINES

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Dagg
987

RESOLVED

That Council note the report on the implementation and review of the Domestic and Family Violence Protocol and Guidelines.

FOR

AGAINST

Councillor Olsen
Councillor Doherty
Councillor Dunn
Councillor Fagg
Councillor Stapleford
Councillor Fitzgibbon
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent

Total (12)

Total (0)

CARRIED UNANIMOUSLY

GENERAL MANAGER'S UNIT NO. GMU20/2019

SUBJECT: MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD 30 AUGUST 2019

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Dagg
988

RESOLVED

That the Minutes of the Audit and Risk Committee Meeting held 30 August 2019 be adopted as a resolution of the Ordinary Council.

FOR	AGAINST
------------	----------------

Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	

Total (12)

Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE62/2019

SUBJECT: DRAFT COMMUNITY PARTICIPATION PLAN

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Sander

That Council place the Draft Community Participation Plan on public exhibition for a period of twenty eight (28) days and come back to Council for adoption.

AMENDMENT **Moved:** Councillor Stapleford **Seconded:** Councillor Dunn

That Council place the Draft Community Participation Plan on public exhibition for a period of twenty eight (28) days with the following amendment, **remove** Items 1, 2, 3 and 4 from Section 3.3.3 – Development Assessment Not Requiring Exhibition and place them in the Notification Section of the Plan and that Council receive a further report following public exhibition of the Plan.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

The Amendment was **PUT** and **CARRIED** and as such became the **MOTION**.

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

MOTION **Moved:** Councillor Stapleford **Seconded:** Councillor Dunn

989

RESOLVED

That Council place the Draft Community Participation Plan on public exhibition for a period of twenty eight (28) days with the following amendment, **remove** Items 1, 2, 3 and 4 from Section 3.3.3 – Development Assessment Not Requiring Exhibition and place them in the Notification Section of the Plan and that Council receive a further report following public exhibition of the Plan.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE63/2019

SUBJECT: NORTH ROTHBURY PRIORITY SEWERAGE SCHEME

MOTION **Moved:** Councillor Dagg **Seconded:** Councillor Sander
990

RESOLVED

1. That Council remains strongly committed to ensuring that the NSW Government and Hunter Water Corporation provide equitably funded backlog sewerage services to North Rothbury and other villages across the Cessnock Local Government Area as a high priority;
2. That Council note with serious concern that there appears to be no progress or commitment by the NSW Government or Hunter Water Corporation to provide equitably funded backlog sewerage services to North Rothbury and other villages within the Cessnock Local Government Area as a high priority, despite previous assurances by the former NSW Minister for Lands and Water.
3. That Council note that IPART proposes to release an Issues Paper in September 2019 for public consultation in relation to the Hunter Water Pricing Proposal 1 July 2019.
4. That the General Manager review the IPART Issues Paper when it is released in September 2019, and prepare a submission for Councils consideration prior to close of submissions.
5. That Council write to the Hon Melinda Pavey, MP, Minister for Water, Property and Housing as a matter of urgency, to seek a meeting to discuss Council's serious concern about:
 - a. the lack of progress or commitment by the NSW Government and Hunter Water Corporation to provide equitably funded backlog sewerage services to the township of North Rothbury and other villages within the Cessnock Local Government Area as a high priority; and
 - b. the HWC Pricing Proposal 1 July 2019 which suggests equitably funded sewerage services will no longer be provided to North Rothbury
6. That Council write to Clayton Barr MP, State Member for Cessnock seeking support for Council's position on the provision of equitably funded backlog sewerage services to the township of North Rothbury and other villages in the Cessnock Local Government Area as a high priority.
7. That the General Manager write to Hunter Water Corporation to seek an urgent meeting to discuss the Council's serious concerns.

FOR**AGAINST**

Councillor Olsen
Councillor Doherty
Councillor Dunn
Councillor Fagg
Councillor Stapleford
Councillor Fitzgibbon
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent

Total (12)**Total (0)*****CARRIED UNANIMOUSLY***

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC75/2019

SUBJECT: ELECTION OF DEPUTY MAYOR

The General Manager advised the meeting that only one nomination had been received for Deputy Mayor and as per Schedule 7, Part 1 (3) Election (1) if only one Councillor is nominated then that Councillor is elected.

The General Manager then declared that Councillor Dagg is elected as Deputy Mayor.

CORPORATE AND COMMUNITY NO. CC76/2019

SUBJECT: GRANT FUNDING LEVERAGE RESERVE - CONSIDERATION OF ALLOCATION

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Dagg
991

RESOLVED

1. That the reserved funds of \$795,450 be retained and used as leverage for matching funds for future grant funding opportunities.
2. That the six monthly report on Grant Funding Leverage Reserve be integrated into the Quarterly Budget Review Statement by way of a separate section of the report until such time as the funds are fully allocated.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC77/2019

SUBJECT: 19TH INTERNATIONAL CITIES, TOWN CENTRES AND COMMUNITIES CONFERENCE 2019

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Burke
992

RESOLVED

That Council endorse the attendance of Councillors Gray and Dagg to the 19th International Cities, Town Centres and Communities Conference 2019 to be held in Townsville from 23-25 October 2019.

FOR	AGAINST
Councillor Doherty	Councillor Olsen
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (1)

CARRIED

CORPORATE AND COMMUNITY NO. CC78/2019

SUBJECT: ADOPTION OF THE PROPOSED UNREASONABLE CUSTOMER CONDUCT POLICY AND GUIDELINE

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Burke
993

RESOLVED

1. That Council note the submission received in relation to the Unreasonable Customer Conduct Policy and Guideline addressed in this report.
2. That Council adopt the Unreasonable Customer Conduct Policy and Guideline as proposed.
3. That Council rescind the Customer Request Response System Policy.

FOR

Councillor Doherty
Councillor Dunn
Councillor Fagg
Councillor Stapleford
Councillor Fitzgibbon
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent

Total (11)

AGAINST

Councillor Olsen

Total (1)

CARRIED

CORPORATE AND COMMUNITY NO. CC79/2019

**SUBJECT: INTERNAL REPORTING - PUBLIC INTEREST DISCLOSURES
POLICY AND GUIDELINE / FRAUD CONTROL AND CORRUPTION
PREVENTION FRAMEWORK**

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Dagg
994

RESOLVED

1. That Council adopt the proposed Internal Reporting – Public Interest Disclosures Policy.
2. That Council rescind the existing Public Interest Disclosures policy.
3. That Council note the Internal Reporting – Public Interest Disclosures Guideline and the proposed Fraud Control and Corruption Prevention Framework.

FOR

AGAINST

Councillor Olsen
Councillor Doherty
Councillor Dunn
Councillor Fagg
Councillor Stapleford
Councillor Fitzgibbon
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent
Total (12)

Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC80/2019

SUBJECT: MINUTES OF THE ABORIGINAL AND TORRES STRAIT ISLANDER COMMITTEE HELD ON 23 AUGUST 2019

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Dagg
995

RESOLVED

1. That the Minutes of the Aboriginal and Torres Strait Islander Committee held on 23 August 2019 be adopted as a resolution of the Ordinary Council.
2. That the Aboriginal and Torres Strait Islander Committee Terms of Reference be adopted with the following changes:
 - a) That the wording for Item 3 be 'The Committee's membership for community representatives must be inclusive of Wonnarua people'.
 - b) That Item 6 be amended to include electronic meeting formats.
3. That Council write to the Australian Government recommending that the Australian Government purchase the copyright of the Aboriginal flag.
4. That the General Manager investigate how the design of a Cultural Hub at the Cessnock Performing Arts Centre could acknowledge the culture of First Nations People and the Committee be consulted on draft concept designs for opportunities.

FOR

AGAINST

Councillor Olsen
Councillor Doherty
Councillor Dunn
Councillor Fagg
Councillor Stapleford
Councillor Fitzgibbon
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent
Total (12)

Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC81/2019

SUBJECT: INVESTMENT REPORT - AUGUST 2019

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Dagg
996
RESOLVED

That Council receive the report and note the information.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC82/2019

SUBJECT: RESOLUTIONS TRACKING REPORT

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Dagg
997
RESOLVED

That Council receive the report and note the information.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI58/2019

SUBJECT: **NORTH ROTHBURY TIDY TOWNS - TWILIGHT MARKETS AND 90TH ANNIVERSARY ROTHBURY RIOT RE-ENACTMENT**

Councillor Sander declared a Non Pecuniary Interest Less than Significant conflict for the reason that she attends the North Rothbury Tidy Town Committee meetings as a Councillor. Councillor Sander remained in the Chamber and participated in discussion and voting.

Councillor Dagg declared a Non Pecuniary Interest Less than Significant conflict for the reason that she attends North Rothbury Tidy Towns meetings in her capacity as a Councillor. Councillor Dagg remained in the Chamber and participated in discussion and voting.

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Sander
998

RESOLVED

1. **That Council supports the planned North Rothbury Tidy Towns event marking the 90th Anniversary of the Rothbury Riot on 15 December 2019 by waiving the associated fees and charges and rescheduling road side maintenance works as detailed in the report.**
2. **That Council not waive fees for Market Stalls.**
3. **That Council allocate an equivalent amount to the amount of market stalls from the Tourism Related Projects Budget to cover the cost of market stalls as it is recognised that the event will attract visitors to the LGA and this directly supports Objective 2.3 of Council's Delivery Program 2017-21, which is to increase tourism opportunities and visitation in the area.**
4. **That the General Manager report back to Council with a review of the current Community Sponsorship policy taking into account consistency in regard to stall holders.**

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI59/2019

SUBJECT: CESSNOCK POOL MASTERPLAN

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Gray

1. That Council place the draft Cessnock Pool Masterplan on public exhibition for a minimum period of 28 days and invite public submissions.
2. That a report on the outcomes of the exhibition be provided to Council prior to adopting the final Masterplan.

AMENDMENT **Moved:** Councillor Olsen **Seconded:** Councillor Dunn

That Council notify the people of Cessnock that the Turner Park facility is now off the agenda.

FOR

Councillor Olsen
Councillor Doherty

Total (2)

AGAINST

Councillor Dunn
Councillor Fagg
Councillor Stapleford
Councillor Fitzgibbon
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent

Total (10)

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

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

MOTION

999

Moved: Councillor Lyons**Seconded:** Councillor Gray**RESOLVED**

1. That Council place the draft Cessnock Pool Masterplan on public exhibition for a minimum period of 28 days and invite public submissions.
2. That a report on the outcomes of the exhibition be provided to Council prior to adopting the final Masterplan.

FOR

Councillor Dunn
Councillor Fagg
Councillor Stapleford
Councillor Fitzgibbon
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent
Total (10)

AGAINST

Councillor Olsen
Councillor Doherty

Total (2)**CARRIED**

WORKS AND INFRASTRUCTURE NO. WI60/2019

SUBJECT: ROADSIDE DRAINAGE (KERB AND GUTTER) STRATEGY

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Burke
1000
RESOLVED

1. That Council place the Draft Roadside Drainage Strategy on public exhibition for a period of 28 days, commencing October 2019.
2. That at the end of the exhibition period, following consideration of submissions received, the final Roadside Drainage Strategy be reported to Council for adoption.
3. That the General Manager respond to any submissions received.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI61/2019

**SUBJECT: MINUTES OF LOCAL TRAFFIC COMMITTEE MEETING OF
CESSNOCK CITY COUNCIL HELD 19 AUGUST 2019**

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Dagg
1001
RESOLVED

That the Minutes of the Local Traffic Committee of 19 August 2019 be adopted as a resolution of the Ordinary Council being:

- 1. That Council authorise the installation of regulatory parking signage on King Street, Abermain in accordance with enclosure TC28/2019 King Street Abermain Amended Line Marking & Signage Diagram.**
- 2. That Council authorise the installation of line marking on Mount View Road, Mount View, in accordance with enclosure TC29/2019 Mount View Road Mount View Line Marking Diagram.**
- 3. That Council authorise installation of line marking on Frame Drive Abermain, in accordance with enclosure TC30/2019 Frame Drive Abermain Line Marking Diagram.**
- 4. That Council authorise installation of signage and line marking on Abbotsford Street, Ruby Street and 'Road 1', Bellbird, in accordance with enclosure TC31/2019 Abbotsford Street Bellbird Signage & Line Marking Diagram.**
- 5. That Council authorise installation of signage and line marking on Cooper Street and Charlton Street, Cessnock, in accordance with enclosure TC32/2019 Cooper & Charlton Streets Cessnock Signage & Line Marking Diagram.**

FOR

AGAINST

Councillor Olsen
Councillor Doherty
Councillor Dunn
Councillor Fagg
Councillor Stapleford
Councillor Fitzgibbon
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent
Total (12)

Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI62/2019

SUBJECT: MINUTES OF ROADS REVIEW COMMITTEE MEETING OF 16 AUGUST 2019

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Sander
1002
RESOLVED

That the recommendations of the Roads Review Committee held on 16 August 2019 be adopted as a resolution of the Ordinary Council being:

- 1. RRCOR5/2019 - That Council adopt the draft Terms of Reference for the Roads Review Committee.**
- 2. RRCOR6/2019 - That Council note the status of the State Government's proposed Regional Roads Review.**
- 3. RRCOR7/2019 - That Council note the status of the current Road Network Asset Condition Survey.**
- 4. RRCOR8/2019 - That Council note the update for prioritising sealing of unsealed roads.**

FOR

Councillor Doherty
Councillor Dunn
Councillor Fagg
Councillor Stapleford
Councillor Fitzgibbon
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent

Total (11)

AGAINST

Councillor Olsen

Total (1)

CARRIED

ANSWERS TO QUESTIONS FOR NEXT MEETING

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ89/2019

SUBJECT: COUNCILLOR EXPENSES

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ90/2019

SUBJECT: TIMBER DIRECTIONAL SIGNS

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ91/2019

SUBJECT: POST LIGHTS - COOPER & CHARLTON STREET CESSNOCK

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ92/2019

SUBJECT: PORTABLE FIRE FIGHTING SYSTEM FOR WOLLOMBI

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ93/2019

SUBJECT: GALLAGHER STREET

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ94/2019

SUBJECT: BRANXTON CBD

The answer was noted.

QUESTIONS FOR NEXT MEETING

Councillor Anne Sander

HART ROAD – ROAD WORKS

Councillor Sander asked if Council had received the funds for the commencement of the road works at Hart Road, Weston as the timeframe for Community Consultation was late September.

The Director Works and Infrastructure advised that at this point the Roads and Maritime Services have not committed to funds for the round-a-bout at the Hart Road Intersection.

Councillor Rod Doherty

DEVELOPER CONTRIBUTION EXPENDITURE

Councillor Doherty ask what plans Council have over the next twelve months to use any of the \$12m developer contributions and what projects will the funds be used on.

Councillor Ian Olsen

BRIDGES HILL PARK AND PEACE PARK

Councillor Olsen asked why there are no barrier fences in Victoria Street and along the Main Road at Peace Park at Weston to stop children from getting onto the roads and if they are going to be installed, when will they be installed.

Councillor Ian Olsen

CESSNOCK CORRECTIONAL CENTRE ACCESS

Councillor Olsen referred to a previous Notice of Motion in regard to the access for the Cessnock Correctional Centre and asked what the status is and asked for a report back.

The Mayor advised that if a report is required Councillor Olsen will have to lodge a Notice of Motion.

CORRESPONDENCE

CORRESPONDENCE NO. CO22/2019

SUBJECT: IMPACT OF EMERGENCY SERVICES LEVY (ESL)

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Dagg
1003
RESOLVED

That the correspondence be noted.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

COUNCILLORS REPORTS

Councillor Sander

Cessnock and Kurri Kurri Hospital Local Advisory Committee.

Councillor Sander reported on her and Councillor Gray's attendance at the Advisory Committee where a lot of issues were discussed in regard to both Cessnock and Kurri Kurri Hospitals.

Councillor Sander advised that average timeframes for patients in and out have been doing very well with percentages up to the 90's. There are some issues at Cessnock in regard to keeping their area same for the inmates that come from the Jail, making sure that the staff and patients are safe.

At Kurri Kurri Hospital the mural has commenced on the main wall and will be completed and a grand opening on 22 November 2019. Kurri are looking for another Ophthalmologist due to the retirement of Dr Davis.

The Meeting Was Declared Closed at 7.35pm

CONFIRMED AND SIGNED at the meeting held on 2 October 2019

.....**CHAIRPERSON**

.....**GENERAL MANAGER**

Disclosures Of Interest

Report No. DI19/2019

Corporate and Community Services



SUBJECT: *DISCLOSURES OF INTEREST*

RESPONSIBLE OFFICER: *Finance and Administration Manager - Andrew Glauser*

RECOMMENDATION

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

SUMMARY

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

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

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

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

ENCLOSURES

There are no enclosures for this report.

Motions of Urgency

Report No. MOU17/2019

Corporate and Community Services



SUBJECT: *MOTIONS OF URGENCY*

RESPONSIBLE OFFICER: *Finance and Administration Manager - Andrew Glauser*

RECOMMENDATION

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

SUMMARY

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

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

ENCLOSURES

There are no enclosures for this report.

Planning and Environment

Report No. PE64/2019

Planning and Environment



SUBJECT: *AMENDMENT OF THE CESSNOCK SECTION 7.12 CONTRIBUTIONS PLAN AND REPEAL OF TOURISM SECTION 94 CONTRIBUTIONS PLAN*

RESPONSIBLE OFFICER: *Strategic Planning Manager - Martin Johnson*

SUMMARY

The Tourism Section 94 Contribution Plan (Tourism CP) collects development contributions for tourist-related development across the Cessnock Local Government Area.

In 2017, Council adopted a Section 7.12 Contributions Plan (s7.12 CP) (formerly referred to as a Section 94A Plan) that levies contributions from all development that is not covered by another development contributions plan by applying a fixed percentage to the value of works. Contributions captured by the s7.12 CP may be used for works identified in the schedule attached to the s7.12 CP.

Through review and internal audit, a number of issues were identified with the Tourism CP. The s7.12 CP provides an alternative mechanism to capture contributions from tourism-related development. The s7.12 CP is a modern, robust and administratively simple plan that will effectively capture contributions from tourism-related development. This Report recommends that Council repeal the Tourism CP and apply the s7.12 CP to capture contributions for tourist-related development.

RECOMMENDATION

1. That Council place the draft Section 7.12 Contributions Plan on public exhibition for a minimum period of 28 days.
2. That Council publish a notice of intent to repeal the Tourism S94 Contributions Plan in accordance with section 22 of the *Environmental Planning and Assessment Regulations 2000*.
3. That Council receive a report back on the amended S7.12 Contributions Plan and repeal of the Tourism S94 Contributions Plan if unresolved written objections are received during consultation with the community; otherwise Council repeal the Tourism Section 94 Contributions Plan and adopt the draft Section 7.12 Contributions Plan.
4. That Council, upon the repeal of the Tourism S94 Contributions Plan, transfer the funds from that Plan to the Section 7.12 Contributions Plan.

BACKGROUND

Council has been collecting contributions from tourism-related development for around 25 years. The current Tourism CP was adopted in 2007 and collects contributions to fund:

1. Tourist information centre (Wine Interpretive Centre) and signage,
2. Vineyard roads, and
3. Plan administration.

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The total estimated value of the works in the plan is: \$3,558,100. To date, Council has collected \$2,614,733.70 (including interest) of contributions from the Tourism CP and spent \$1,481,704.46. Therefore, \$1,133,029.24 (including interest) remain in the account for the Tourism CP. However, \$266,000 has been committed for projects in the 2019/2020 financial year reducing the balance to \$867,029.24

An external review, internal audit as well as an internal Forensic Audit all identified a number of improvements that could be made to the collection and administration of development contributions on tourism development. The progress of the internal audit is reported to Council through the Audit Committee and as such the purpose of this report is not to re-examine that process.

In addition to these formal reviews and audits, there are a number of other administrative and interpretative issues with the Tourism CP that have been identified by internal and external agents. This provide an opportunity for Council to make improvements to the contributions framework and forms the basis for this report for consideration.

REPORT/PROPOSAL

Council adopted the section 7.12 Contributions Plan (s7.12 CP) in 2017. This plan was previously referred to as the S94A Contributions Plan. Subsequent amendments to the *Environmental Planning and Assessment Act 1979*, changed the legislative reference from S94A to S7.12. The s7.12 CP captures contributions from all development that is not currently captured by another contribution plan. The s7.12 CP levies contribution based on a percentage of the development cost as outlined below:

Development cost	Levy percentage
<\$100,000	0%
\$100,001-\$200,000	0.5%
>\$200,001	1%

As outlined earlier, a number of external and internal reviews as well as an internal audit and forensic audit revealed a number of opportunities for improvement in the contributions framework, including the Tourism CP. The most efficient way to address the issues identified with the Tourism CP by the Independent Consultant Review and Internal Auditor is to repeal the Tourism CP and capture contributions from tourism-related development using the s7.12 CP. The s7.12 CP is a modern, robust and administratively simple plan that will effectively capture contributions from tourism-related development as well as other non-residential development. Applying the S7.12 CP to tourism related development will ensure a consistent rate is levied on tourism development and prevent the existing interpretive issues from arising.

The work schedule of the existing s7.12 CP allows for funds to be spent on public domain works in the commercial centres of Cessnock, Branxton and Kurri Kurri. To relate the capture of contributions from tourist development, a tourism-related work item is proposed to be added to the work schedule of the amended s7.12 CP. It is proposed to add cycling infrastructure in and around Pokolbin that is already identified in Council's adopted Cycling Strategy. At a future date and following the adoption of a pedestrian strategy/plan for a network within the Vineyards, a plan for a pedestrian network for the Vineyards maybe included in the s7.12 CP at a future date.

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Existing paid contributions

There remains \$867,029.24 of paid, uncommitted contributions in the Tourism CP. The existing contributions have been captured from tourist development with an expectation that those funds would be used for tourism-related projects including vineyards roads and signage. It is recommended that the existing funds be allocated to the s7.12 CP account where they will be available for items listed in the work schedule including the cycling infrastructure in Pokolbin which is a tourism related project. Cycling infrastructure at Pokolbin is identified in Council's adopted Cycling Strategy 2016. As additional tourism related projects, including roadwork and signage, are adopted by Council they can also be added to the work schedule of the s7.12 Plan in the next review.

Existing development approvals

There are existing development applications (DA) for tourist-related development where contributions have been conditioned under the Tourism CP; however the DA has not been acted upon. \$2,692,298.81 worth of development contributions have been conditioned against existing development approvals under the Tourism CP that have not yet been acted upon. If these DA's are acted upon it is recommended that the funds be allocated to the s7.12 CP account.

OPTIONS

The options available to Council are:

1. To repeal the existing Tourism Section 94 Contributions Plan and collect contributions under the section 7.12 Contributions Plan with an amended work schedule. This is the recommended option.
2. To continue to apply the existing Tourism Section 94 Contributions Plan.
3. To amend the existing Tourism Section 94 Plan to address the issues identified by the external independent review and Council's internal auditor and to include a new work program.

CONSULTATION

Internal consultation has been undertaken with the Development Contributions Steering Committee who endorsed the repeal of the Tourism Plan.

Community consultation will be undertaken in accordance with the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Act Regulation 2000*. A notice of intent to repeal the Tourism CP will be placed in a local paper and on Council's website. Notification of the draft amendment to the S7.12 CP will be placed in the local newspaper.

The amended documentation will be available for viewing at the Kurri Kurri and Cessnock Libraries, Council's Administration Building and Council's website.

Key stakeholders including the Property Council of Australia and the Urban Development Institute of Australia will be notified in writing.

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In accordance with the *Environmental Planning and Assessment Act 1979* and its regulation, the documents will be publicly exhibited for a minimum of 28 days.

STRATEGIC LINKS

a. Delivery Program

The recommendations will contribute to the following objectives:

- Objective 1.2 - Strengthening community's culture
- Objective 2.3 - Increasing tourism opportunities and visitation in the area.
- Objective 4.1 - Better transport links
- Objective 4.2 - Improving the road network
- Objective 5.3 - Making Council more responsive to the community.

b. Other Plans

If the Tourism CP is repealed and contributions for tourist-related development are captured by the s7.12 CP, it is recommended that the work schedule include a tourist-related project. Council's adopted Cycling Strategy includes works within the Vineyards Area. It is proposed to add this to the work schedule.

IMPLICATIONS

a. Policy and Procedural Implications

The recommendation to repeal the Tourism CP and capture contributions under the s7.12CP will require amending the S7.12CP.

The recommendation to direct future contributions (from existing development approvals) to the s7.12CP will require changes to the administrative and accounting procedures. This can be achieved with existing resources.

Repealing the Tourism CP and collecting contributions under the s7.12 CP has a number of benefits to Council including:

- The s7.12 Plan is significantly easier to administer than the Tourism CP and administrative costs are anticipated to be lower.
- Council has a much reduced risk of legal challenge under the S7.12 Plan.
- The s7.12 Plan provides greater flexibility in how the funds can be spent. S7.12 does not require Council to demonstrate a nexus between each development application and the work schedule identified in the Plan.
- Under the 7.12 CP the apportionment rate can be up to 100% of the costs of the project.
- A 7.12 Plan also allows the pooling of funds within the Plan which allows Council to be more responsive to resource allocations as grants become available.

b. Financial Implications

The contributions collected under the current Tourism s94 CP have been expended on the following items:

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**Table 1: Contributions collected and expended under the current Tourism CP**

Item	Collected	Interest	Collected (incl Interest)	Expended	Balance
Information Signs & Wine Interpretive Centre	\$1,113,292.73	\$177,938.62	\$1,291,231.35	\$875,916.74	\$415,314.61
Roads and Bridges	\$1,036,003.59	\$65,824.17	\$1,101,827.76	\$514,738.64	\$587,089.12
Administration	\$203,100.51	\$18,574.08	\$221,674.59	\$91,049.08	\$130,625.51
	\$2,352,396.83	\$262,336.87	\$2,614,733.70	\$1,481,704.46	^\$1,133,029.24

^ The actual balance is \$867,029.24 because \$266,000 has been committed to projects in the 2019/2020 financial year.

If the Tourism CP is repealed, it is recommended that the funds be allocated to the s7.12 CP. There is an expectation from the community that the funds have been collected to fund tourist related development.

A sample of tourism related Development Applications have been reviewed to determine the difference in contributions that would be collected under the current Tourism CP and the 7.12CP. The sample showed that the contribution amount that would be collected under a 7.12 CP is slightly lower than the Tourism CP.

c. Legislative Implications

The repeal of the Tourism S94 Plan and the amendment of the Section 7.12 Plan are being undertaken in accordance with the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

d. Risk Implications

There is a significant risk in maintaining the current Tourism CP. The key risk is from legal challenge of the Plan. Furthermore, the Tourism CP is difficult to interpret and administer which introduces risk in the application of plan and the calculation of contributions.

e. Environmental Implications

NIL

f. Other Implications

NIL

CONCLUSION

The s7.12 CP provides a mechanism to consistently levy development contribution on tourist related development. The s7.12 CP is administratively simple, clear and robust. Due to the difficulties in the interpretation of the existing Tourism Plan and the recommendations from independent reviews, it is recommended that the existing Tourism Plan be repealed and the monies collected be transferred to the s7.12 CP

ENCLOSURES

Amended s7.12 Contribution Plan - Draft for Council meeting

SUBJECT: ***COUNCIL SUBMISSION TO IPART ISSUES PAPER - HWC PRICING PROPOSAL 2019 RELATING TO NORTH ROTHBURY PRIORITY SEWERAGE SCHEME***

RESPONSIBLE OFFICER: ***Acting Health & Building Manager - Grant Hamilton***

SUMMARY

Council Staff have reviewed and IPART Issues Paper – Review of prices for Hunter Water Corporation From 1 July 2020 and completed a submission for the review and endorsement by Council.

RECOMMENDATION

That Council endorse the submission to the IPART Issues Paper – Review of prices for Hunter Water Corporation From 1 July 2020

BACKGROUND

At its meeting on 18 September 2019, Council resolved as follows in response to Report PE63/2019 – North Rothbury Priority Sewerage Scheme:

1. *That Council remains strongly committed to ensuring that the NSW Government and Hunter Water Corporation provide equitably funded backlog sewerage services to North Rothbury and other villages across the Cessnock Local Government Area as a high priority;*
2. *That Council note with serious concern that there appears to be no progress or commitment by the NSW Government or Hunter Water Corporation to provide equitably funded backlog sewerage services to North Rothbury and other villages within the Cessnock Local Government Area as a high priority, despite previous assurances by the former NSW Minister for Lands and Water.*
3. *That Council note that IPART proposes to release an Issues Paper in September 2019 for public consultation in relation to the Hunter Water Pricing Proposal 1 July 2019.*
4. *That the General Manager review the IPART Issues Paper when it is released in September 2019, and prepare a submission for Councils consideration prior to close of submissions.*
5. *That Council write to the Hon Melinda Pavey, MP, Minister for Water, Property and Housing as a matter of urgency, to seek a meeting to discuss Council's serious concern about:*
 - a. *the lack of progress or commitment by the NSW Government and Hunter Water Corporation to provide equitably funded backlog sewerage services to the township of North Rothbury and other villages within the Cessnock Local Government Area as a high priority; and*
 - b. *the HWC Pricing Proposal 1 July 2019 which suggests equitably funded sewerage services will no longer be provided to North Rothbury*

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6. *That Council write to Clayton Barr MP, State Member for Cessnock seeking support for Council's position on the provision of equitably funded backlog sewerage services to the township of North Rothbury and other villages in the Cessnock Local Government Area as a high priority.*
7. *That the General Manager write to Hunter Water Corporation to seek an urgent meeting to discuss the Council's serious concerns*

This report addresses Item 4 of the above resolution. The IPART Issues Paper– Review of prices for Hunter Water Corporation from 1 July 2020 was released on 17 September 2019. Staff have now reviewed the Issues Paper and a draft submission has been prepared for Council's consideration. The submission period closes on 21 October 2019.

For reference, Items 5, 6 and 7 were all completed and the required letters were sent on 24 September 2019.

REPORT/PROPOSAL

The IPART Issues Paper – Review of prices for Hunter Water Corporation from 1 July 2020 was released for public exhibition on 17 September 2019. Interested parties are invited to make submission to the Issues Paper by 21 October 2019.

Council staff have reviewed the Issues Paper and have drafted a submission for Council's consideration and endorsement. The main points within the submission include:

- Objection to the discontinuation of the Environmental Improvement Charge levy as the mechanism to fund backlog sewer priorities.
- Objecting to the proposal for HWC to recover costs from its broader customer base for projects such as recycled water schemes benefiting the Newcastle and Lake Macquarie LGA's while North Rothbury remains unsewered.
- Emphasising the requirement for IPART to ensure HWC proposals are based on ecologically sustainable development principles and to highlight the greater importance of sewerage North Rothbury than these other proposed projects
- Objecting to the proposal to increase the timeframe between price review periods from 4 to 5 years thereby creating further uncertainty and potential delay to the provision of sewer to North Rothbury
- Requesting for IPART to critically analyse the HWC survey, which was used as evidence of community support for households to pay additional fees annually for HWC discretionary projects, none of which are within the Cessnock LGA or relate to the sewerage of North Rothbury

The draft submission addresses the Council's concern and position outlined in Report PE63/2019 – North Rothbury Priority Sewerage Scheme at Council's Ordinary meeting of 18 September 2019 and the resolution of the Council in response to the report.

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OPTIONS

Option 1

Council should agree to have the General Manager lodge the proposed submission to IPART's Issues Paper – Review of prices for Hunter Water Corporation from 1 July 2020 prior to the 21 October 2019 submission period.

Option 2

That Council note the report and take no further action.

This is not recommended. This would contradict Council's previous resolution made on 18 September 2019 for the General Manager to review the IPART Issues Paper and prepare a submission for Council's consideration prior to the close of the submission period.

CONSULTATION

Team Leader Environmental Health
Acting Health and Building Manager
Director Planning and Environment

STRATEGIC LINKS

a. Delivery Program

Objective 1.3: *Promoting safe communities* and specifically:

Action 1.3.2: *Carry out regulatory and education programs to protect residential amenity and community health and safety.*

Objective 3.1: *Protecting and enhancing the natural environment and the rural character of the area* and specifically:

Strategic direction: *Our environmental amenity is protected and enhanced.*

Action 3.1.8: *Carry out regulatory and education programs to protect and enhance the natural environment and environmental health.*

b. Other Plans

NIL

IMPLICATIONS

a. Policy and Procedural Implications

Non-complying OSSM systems will be subject to regulatory action as per Council's Compliance and Enforcement Policy, On-Site Sewage Management Strategy and the *Local Government Act 1993*.

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Endorsing the recommendation and making a submission, will send a strong message that Council will follow up and advocate for its community, and that such action supports its adopted position on the provision of equitably funded sewerage services to North Rothbury as a high priority.

b. Financial Implications

There are no direct financial implications to Council in endorsing the recommendation

The inequitable funding model proposed by Hunter Water Corporation would only see the provision of sewerage to North Rothbury and other villages being provided at full cost to the property owners, instead of the previous Environmental Improvement Charge (EIC) which would have seen the cost spread across the full customer base.

Council's intention in writing to, seeking commitment from, and meeting with parliamentary officials, is to receive ministerial support for funding to North Rothbury and other village areas within the LGA as priority.

The submission to IPART in response to its Issues Paper will highlight the importance of ensuring equitably funded mechanisms are put in place by HWC to fund sewerage services to North Rothbury.

c. Legislative Implications

NIL

d. Risk Implications

If Council chooses to support and lodge the submission to the Issues Paper, Council is taking action in line with its adopted position. This action addresses the risk that the proposal would not be equitably funded and also addresses reputational risk. For example, not making a submission would risk Council's policy position and potentially damage Council's reputation in the community. It is Council's role to advocate and follow up diligently on behalf of the community on matters where the Council has adopted a position where there is no direct responsibility or regulatory role for the Council to provide the service.

The provision of sewerage services to North Rothbury minimises the risk of ongoing environmental, economic and social related issues to both Council and the wider community.

From a social planning perspective, there is a risk of community disadvantage and inequality where village areas remain unsewered in close proximity to new growth areas such as will be the case when the Huntlee development surrounds the township of North Rothbury.

e. Environmental Implications

The provision of sewerage services to North Rothbury minimises the ongoing risk of environmental related issues to both Council and the wider community.

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A review of wastewater inspections and complaints received by Council for North Rothbury indicates that septic systems regularly periodically fail or are not properly maintained which has a significant health and environmental risk to the occupants, neighbouring properties and the community. The provision of sewerage to North Rothbury will minimise the environmental risks due to all human waste being managed by a reticulated town sewerage system.

f. Other Implications

NIL.

CONCLUSION

The IPART Issues Paper– Review of prices for Hunter Water Corporation from 1 July 2020 was released for public exhibition on 17 September 2019.

In accordance with Council's resolution in response to Report No. PE63/2019 – North Rothbury Priority Sewerage Scheme, Council staff have reviewed the Issue Paper and have prepared a draft submission for Council to consider. Submissions close on 21 October 2019.

ENCLOSURES

[1](#) IPART Submission to HWC Pricing Proposal 2019 & North Rothbury Sewer

Corporate and Community

Report No. CC83/2019

Corporate and Community Services



SUBJECT: *2020 LOCAL GOVERNMENT ELECTION - IPART REVIEW OF COSTS FOR CONDUCTING LOCAL GOVERNMENT ELECTIONS*

RESPONSIBLE OFFICER: *Finance and Administration Manager - Andrew Glauser*

SUMMARY

This report is presented to Council following the recent review by the Independent Pricing and Regulatory Tribunal NSW (IPART) with respect to proposed costs for conducting local government elections.

This report is informing Council of the outcome and possible implications of the final report.

RECOMMENDATION

1. That Council note the impact of the recommendations arising from the final IPART report Costs for Conducting Local Government Elections and the decision by the NSW Government to provide a subsidy to all Councils to be paid directly as a separate payment, with this subsidy only applying to the 2020 election
2. That Council note the estimated cost for the NSW Electoral Commission to conduct the 2020 election will result in an increase from the 2016 election, even with the announced one off subsidy for 2020.
3. That Council note that based on the final report and the announced subsidy for 2020, there is no compelling reason to change the resolution of 6 February 2019 to engage the services of the NSW Electoral Commission to administer the 2020 local government election.

BACKGROUND

On 6 February 2019, Council resolved to engage the services of the NSW Electoral Commission (NSWEC) to conduct the election for the Cessnock. Contact was made with the NSWEC in regards to entering into a contract for these services. This process was put on hold pending a review of election costs by IPART.

On 25 June 2019, IPART released its draft report on Costs for Conducting Local Government Elections and sought feedback on its recommended changes to what councils pay for election services provided by the NSWEC. On 27 June 2019, the Office of Local Government (OLG) issued [Circular 19-27](#) regarding the IPART draft report, and the OLG advised councils that due to recent amendments to the Act, councils must make a decision on the administration of their September 2020 ordinary elections no later than 1 October 2019 and enter into an election arrangement with the NSWEC no later than 1 January 2020.

Council lodged a submission on 19 July 2019, expressing its objection with IPART's findings and on 1 August 2019, IPART released a Factsheet (Enclosure 1) on the submissions received in relation to the draft IPART report.

Corporate and Community

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Corporate and Community Services



REPORT/PROPOSAL

Among other things, IPART is recommending that councils meet the “efficient” costs of contestable election services provided by the NSWEC on the following basis:

- the direct costs of contestable services are allocated to individual client councils
- indirect costs of contestable services are allocated to all client councils, mostly on a per-electoral basis
- the NSW Government pays for non-contestable election services (because no mechanism exists to charge for these services), with the exception of ‘enrolment’ activities (eg. the provision of a paper or electronic copy of the residential roll to councils) - these should continue to be paid for by both client and non-client councils.

Other recommended reforms include:

- the mandatory unbundling, component pricing and offering of the NSWEC’s individual local government election services, with the NSWEC providing binding quotes for each individual election service,
- the establishment of independent regulatory oversight of the performance of all providers,
- reducing the period before an election by which a council has to resolve to engage the NSWEC from 18 months to 9 months,
- provision of assistance to councils to further develop their election management capabilities through a training program delivered by OLG,
- legislative change to ensure that a council’s general manager becomes responsible for producing a valid election result if and when the council ceases to engage the NSWEC for all election services.

The final report on the IPART Review of local government election costs was released by the NSW Government on 18 September 2019. The report recognised in line with the submissions received that the proposed increases in election costs for each Council published in the Draft Report were significant (being of the order of approximately 60% for most councils from the 2016/17 elections). IPART however confirmed the view that the ‘impactor’ model is still the appropriate model (and councils are still deemed as the primary impactor).

The NSW Government has announced that to address the concerns of councils for the 2020 election the cost will be reduced by providing a subsidy to all councils (whether or not they utilise the NSWEC). Refer to Enclosure 2. The subsidy for Cessnock will be \$114,000. This will be paid directly to Council and Council in turn will be billed the full amount of \$446,000 for the NSWEC to conduct the election (to support “transparency”).

The cost (after subsidy) will still increase compared to 2016, and will be approximately 15%. There was no indication within the final report on whether or not the subsidy will be provided in future elections after 2020.

With the provision of the subsidy, the final report provides no compelling reason to change the originally adopted resolution made on 6 February 2019 to utilise the services of the NSWEC to administer the 2020 local government election.

Corporate and Community

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Corporate and Community Services



OPTIONS

This report is for information only.

CONSULTATION

- General Manager
- Manager Finance and Administration
- Governance Officer

STRATEGIC LINKS

a. Delivery Program

This report is linked to the Operational Plan, Objective 5.3 “*Making Council More Responsive to the Community*” and specifically cl 5.3.5 “*to carry out governance functions to comply with legislation and best practice*”.

b. Other Plans

N/A.

IMPLICATIONS

a. Policy and Procedural Implications

N/A.

b. Financial Implications

The revised cost in the report results in a higher cost than originally estimated (a 15% increase in NSWEC costs). Additional provision will need to be made of \$25,000 to cover the estimated cost.

c. Legislative Implications

Chapter 10 of the Act and Part 11 of the *Local Government (General) Regulation 2005* (NSW) outline statutory responsibilities for the conduct of local government elections, polls and referendums.

d. Risk Implications

Risk relates predominantly to elections past 2020 as a subsidy might not apply.

e. Other Implications

N/A.

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CONCLUSION

This report is for information only. The final report provides no compelling reason to change the originally adopted resolution made on 6 February 2019 to utilise the services of the NSW Electoral Commission to administer the 2020 local government election.

ENCLOSURES

- 1 ➡ IPART factsheet on draft report
- 2 ➡ Government Response to IPART Report

Corporate and Community

Report No. CC84/2019

Corporate and Community Services



SUBJECT: *DISCLOSURES OF INTERESTS IN WRITTEN RETURNS*

RESPONSIBLE OFFICER: *Finance and Administration Manager - Andrew Glauser*

SUMMARY

Clause 4.24 of Council's Code of Conduct requires the General Manager to keep a register of returns lodged by Councillors and designated persons and to table them at a meeting of Council. Clause 4.21 of the Code of Conduct requires that such returns are to be lodged with the General Manager within 3 months after becoming a Councillor or a designated person and within 3 months after 30 June of each year.

The purpose of this report is to table returns received from designated persons and Councillors within 3 months after 30 June 2019.

RECOMMENDATION

That Council note the tabling of the disclosures of interests written returns received from designated persons and Councillors within 3 months of 30 June 2019 by the General Manager in accordance with Council's Code of Conduct.

BACKGROUND

Prior to inclusion in the Model Code of Conduct, it was the *Local Government Act 1993* (NSW) (**Act**) that contained provisions governing obligations in relation to disclosures of interests in written returns. On 14 December 2018, the Office of Local Government (OLG) released the latest Model Code of Conduct which Council adopted as required by section 440(3) of the Act.

All of the provisions the Act contained in relation to written returns were repealed and moved to the Model Code of Conduct. It is now Part 4 of the Model Code and Council's Code of Conduct that governs matters concerning pecuniary interests.

REPORT/PROPOSAL

Clause 4.21 of the Code of Conduct requires Councillors and designated persons to lodge a written return in the form set out in schedule 2 of the Code within three months after becoming a Councillor or a designated person, and within 3 months after 30 June of each year.

Clause 4.8 of the Code of Conduct provides that designated persons are:

- (a) *The General Manager;*
- (b) *Senior staff for the purposes of section 332 of the Act;*
- (c) *A person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions under this or any other Act (such as regulatory functions or contractual*

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functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest;

- (d) *A person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions under this or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.*

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

The register of returns is available for public inspection at Council's Administration Centre at 62-78 Vincent St, Cessnock in accordance with the *Government Information (Public Access) Act 2009* (NSW) (**GIPA Act**) and as prescribed by clause 4.27 of the Code of Conduct.

OPTIONS

Option 1 is to adopt the recommendation to this report.

Option 2 is not to adopt the recommendation above. The Code of Conduct requires written returns to be tabled at a Council meeting. Failure to do so would constitute a breach of Council's Code of Conduct. This is not recommended.

CONSULTATION

All designated persons and Councillors were provided the Self-Help Guide from the OLG to assist them in the completion of their returns.

STRATEGIC LINKS

a. Delivery Program

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

- strategic direction 5.3.7 within the Delivery Program 2017-2018 – *continue to educate staff on statutory compliance obligations*, and
- strategic action 5.3.7.b within the Operational Plan 2017-2018 – *coordinate disclosures of interest returns*.

b. Other Plans

N/A

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IMPLICATIONS

a. Policy and Procedural Implications

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

On the day following the meeting, the register of returns may be accessed by members of the public (at Council's Administrative Centre) during business hours without an appointment.

At all other times, the register of returns is available for inspection in accordance with the GIPA Act. Council requires a person to make an appointment to view the register of returns during business hours.

b. Financial Implications

N/A

c. Legislative Implications

N/A

d. Risk Implications

Failure to table the register of pecuniary interest returns would constitute a breach of Council's Code of Conduct.

e. Environmental Implications

N/A

f. Other Implications

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

CONCLUSION

Tabling of the register of returns satisfies Council's requirements under the Code of Conduct.

ENCLOSURES

There are no enclosures for this report.

Works and Infrastructure
Report No. WI63/2019
Works and Infrastructure



SUBJECT: ***NAMING OF COUNCIL ASSETS POLICY***

RESPONSIBLE OFFICER: ***Recreation & Community Facilities Coordinator - Nathan Eveleigh***

SUMMARY

This report seeks Council's endorsement to place the revised Naming of Council Assets Policy on public exhibition.

RECOMMENDATION

- 1. That Council place the revised Naming of Council Assets Policy on public exhibition for a period of twenty eight (28) days and invite public submissions.**
- 2. That a report on the outcomes of the exhibition be provided to Council prior to adopting the final Policy.**

BACKGROUND

At its 21 August 2019 meeting Council resolved, inter alia, that the General Manager bring a report on the revised Naming of Council Assets Policy (Policy) back to Council within two months.

REPORT/PROPOSAL

The Geographical Names Board of NSW (GNB) has the role of assigning names to places and natural features and their guidelines and procedures are aimed at ensuring community input, giving all interested parties a say in a naming decision and minimising the duplication of names.

The GNB published an updated Place Naming Policy, Guidelines for the Determination of Place Names, associated fact sheets and application forms in September 2018. Council's revised Policy has been reviewed and updated in line with the GNB's Place Naming Policy and guidelines for determination of place names.

The revised Policy (Enclosure 1) better aligns with the GNB Place Naming Policy and guidelines, to ensure that if a naming proposal proceeds, that the relevant information has been received, public consultation has occurred and Council has resolved to support the proposed naming.

The revised Policy and associated procedures provides the following clear direction and reference:

- Council must seek community feedback on the proposal using local newspapers, website, notices to residents in the area, notices to local progress associations and at local Council facilities; and
- A naming proposal should be supported by a Council resolution.

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It is noted that facilities within a Council asset (i.e. park, sportsground, community hall, cultural facility) may also be named in accordance with the revised Policy, but do not require the formal approval of the GNB. Naming of smaller assets (i.e. picnic shelters, amenities buildings, rooms, and park furniture) will continue to be approved by Council's Executive Leadership Team following consultation with key stakeholders.

OPTIONS

Option 1

1. That Council place the revised Naming of Council Assets Policy on public exhibition for a period of twenty eight (28) days and invite public submissions.
2. That a report on the outcomes of the exhibition be provided to Council prior to adopting the final Policy.

This is the preferred option.

Option 2

1. That Council place the revised Naming of Council Assets Policy with amendments on public exhibition for 28 days.
2. That a report on the outcomes of the exhibition be provided to Council prior to adopting the final Policy.

CONSULTATION

- Community & Cultural Engagement Team
- Governance Officer
- A key change to the Policy is to ensure that consultation is undertaken with key stakeholders which satisfies the requirements of the GNB and will be used to inform the Council when proposals are presented for consideration.

STRATEGIC LINKS

a. Delivery Program

The Policy provides a clear and transparent process to engage with the community in Council's Operational Plan by meeting the following objectives:

A connected, safe & creative community

- Objective 1.1: Promoting social connections
- Objective 1.2: Strengthening Community Culture

Civic leadership and effective governance

- Objective 5.1: Fostering and supporting community leadership
- Objective 5.2: Encouraging more community participation in decision making
- Objective 5.3: Making Council more responsive to the community

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b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

The adoption of the revised Policy will result in an amendment to Council's Policy Register.

b. Financial Implications

N/A

c. Legislative Implications

The revised Policy meets the requirements of the *Geographical Names Act 1966*.

d. Risk Implications

The adoption of the revised Policy will provide a clear and transparent process on how Council will engage with the community to seek support or offer alternate suggestions to assign names to Council's assets.

e. Environmental Implications

Nil.

f. Other Implications

Nil

CONCLUSION

The revised Policy outlines the method by which Council will consider proposals to name a Council asset after an individual, group or organisation and provides a clear and transparent process and the role of Council in recommending place names to the GNB for gazettal.

ENCLOSURES

[1⇒](#) Naming of Council Assets Policy September 2019

Works and Infrastructure
Report No. WI64/2019
Works and Infrastructure



SUBJECT: *GRETA CENTRAL PARK MASTERPLAN*

RESPONSIBLE OFFICER: *Acting Open Space & Community Facilities Manager - Lyall Green*

SUMMARY

This report seeks Councils endorsement to adopt the Greta Central Park Masterplan.

RECOMMENDATION

1. That Council adopt the draft Greta Central Park Masterplan.
2. That Council notify the key stakeholders of Councils decision.
3. That Council makes provisions for the implementation of the draft Masterplan in consideration of available resources including grant funding and development contributions.

BACKGROUND

At its meeting 7 August 2019 Council resolved:

1. That Council place the draft Greta Central Park Masterplan on public exhibition for a minimum period of 28 days and invite public submissions.
2. That a report on the outcomes of the exhibition be provided to Council prior to adopting the final Masterplan.

This report has been prepared in response to resolution item 2 above.

REPORT/PROPOSAL

The site covered by this Masterplan is Greta Central Park, Lot 10 DP: 1159909. Greta Central Park is a regional sporting complex located at 31 Park Street, Greta. The site is approximately 600m from the main township of Greta and is utilised daily for rugby league, tennis, horse sports, passive recreation, skate/BMX & Scooter, dog walking/exercise and cricket. Greta Branxton Rural Fire Shed is also located within the boundaries of the reserve.

The draft Greta Central Park Masterplan was placed on public exhibition from Monday 12 August to Monday 9 September 2019 and no submissions were received.

Key items identified within the Masterplan include:

- New amenity buildings for the rugby league field and horse sports area;
- Improvements to the main rugby league field including floodlighting, dug outs, and spectator mounds with terraced seating;

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- Improvements to the junior cricket/rugby league playing fields including upgrades to surfacing, irrigation, floodlighting and provision of storage;
- Improvements to the informal sports area including surfacing upgrades;
- A children's playground with associated support facilities (bubbler, seating, shelter etc.);
- A multipurpose court and hit up wall;
- Outdoor fitness equipment and sprint track;
- Upgrades to the skatepark;
- Fenced off leash dog exercise area and supporting infrastructure (shade, seating, water etc.);
- Improvements to circulation and connectivity at the site through a number of new pathways in the main recreation area of the reserve, and informal trails in the ecological zone;
- Improved vehicle access and parking;
- Lighting – along pathways, carparks & other key infrastructure;
- Establishment of a picnic and BBQ hub with the ability to cater for multiple smaller groups or large single groups; and
- Land identified for Greta Branxton Men's Shed.

Enclosures 1 & 2 includes the masterplan and report for Greta Central Park (Under Separate Cover).

OPTIONS

The following options are provided for Council's consideration:

Option 1 (preferred)

1. That Council adopt the draft Greta Central Park Masterplan.
2. That Council notify the key stakeholders of Council's decision.
3. That Council makes provisions for the implementation of the draft Masterplan in consideration of available resources including grant funding and development contributions

Option 2

Not adopt the draft Greta Central Park Masterplan.

This option is not recommended as the draft Masterplan provides a strategic framework that will be used to guide and inform the future development of each of the site.

CONSULTATION

The following key external stakeholders have been engaged throughout the development of the Masterplan and were advised of the exhibition period:

- Baroomby Greta Horse Riding Club
- Branxton Greta Cricket Club
- Branxton Greta Rural Fire Service
- Cessnock District Cricket Association

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- Greta Branxton Colts Rugby League Football Club
- Greta Branxton Men's Shed
- Greta Tennis Club
- Personal Trainer

Further to the above, the draft Masterplan and report was placed at Greta Workers Sports & Recreation Club, Council's Administration Building and Council's website during the exhibition period.

STRATEGIC LINKS

a. Delivery Program

The Masterplan is consistent with Council's Delivery Program Objective 3.2 Better utilisation of existing open space and deliverables:-

- 3.2.3 Continue to implement adopted masterplans for Council's recreation and community facilities and spaces
- 3.2.4 Provide and maintain recreation facilities, streetscapes and public open space.

b. Other Plans

Other Council Plans relevant to the Masterplan include:

- Generic Plan of Management Sportsgrounds 2014
- Recreation Needs Analysis 2017
- Recreation & Open Space Strategic Plan 2018
- Skatepark Audit 2019
- Skate and BMX Facilities Needs Assessment 2020

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Implementation of the Masterplan, if adopted, will have implications on Council's long term financial plan and each element of the Masterplan will compete against other projects within Council's Delivery Program and subsequent annual Operational Plans.

The Opinion of Probable Cost provides Council with an estimate of itemised works outlined in the plan. The Masterplan will also support Council when applying for future grant funds as it will be able to demonstrate links to an adopted strategy, which has a high level of community involvement.

c. Legislative Implications

Nil

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d. Risk Implications

Nil

e. Environmental Implications

The proposed ecological zone within the Masterplan aims to further protect the Endangered Ecological Community (EEC) on site (Lower Hunter Spotted Gum – Ironbark Forest). This zone aims to preserve the EEC through interpretive signage, limiting new tracks and trails and implementing a bush regeneration program. The ecological zone also aims to improve weed management and biodiversity through the establishment of potential insect hotels and habitat boxes.

f. Other Implications

Participation in physical activity creates a wide range of benefits for individuals and the communities they live in. When people are physically active they are healthier, happier and more socially inclusive. By providing opportunities for social interaction, sport and recreation can help enhance community identity and promote community integration. Individuals learn and share community values and attitudes and can gain a better understanding of other groups in society. Participation can also have a deterrent effect on anti-social behavior including vandalism and petty crime.

There is an increasing demand for recreational pursuits in parks, open spaces and natural environments in both urban and non-urban areas. More effective planning and management practices will enable resources and facilities to be better utilised in a manner that is sustainable and equitable, improving the quality of life of individuals and the community in which they live.

CONCLUSION

The Masterplan will provide a planning framework for the future development of land and facilities at Greta Central Park.

ENCLOSURES

- 1 ➡ Greta Central Park Masterplan - Provided Under Separate Cover

Answers To Questions For Next Meeting

Report No. AQ95/2019

Planning and Environment



SUBJECT: *DEVELOPER CONTRIBUTION EXPENDITURE*

RESPONSIBLE OFFICER: *Strategic Planning Manager - Martin Johnson*

Q88/2019 – Developer Contribution Expenditure

Asked by Councillor Doherty at the Ordinary Meeting of Council held on 18 September 2019.

“What plans does Council have over the next twelve months to use any of the \$12M developer contributions and what projects will the funds be used on?”

The 2019-2020 Operational Plan details the projects which will be funded by development contributions. These projects include:

Program	Specific project	Amount to be spent in 2019-2020
Cultural and Community Building Renewal Program	Millfield Community Hall (approval pending)	\$ 76,000
Cessnock Civic Precinct Revitalisation Program	Cessnock CBD Wollombi Road Pedestrian link	\$ 70,000
	Bridges Hill upgrade	
Recreational Facilities Construction Program	Poppet Head Park Kitchener: Masterplan implementation	\$262,098
	Miller Park Branxton: Masterplan implementation	
Local Road Construction Program	Cessnock CBD shared pathway	\$ 60,000
Local Road Renewal Program	Quorrobolong Street Kitchener	\$410,000
	Deasy's Road Pokolbin	
Traffic Facilities Program	Radford Street/Traders Way Cliftleigh	\$ 60,000
	Total	\$938,098

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ96/2019

Works and Infrastructure



SUBJECT: *BRIDGES HILL PARK AND PEACE PARK*

RESPONSIBLE OFFICER: *Acting Open Space & Community Facilities Manager - Lyall Green*

Q89/2019 - Bridges Hill Park and Peace Park

Asked by Councillor Olsen at the Ordinary Meeting of Council held on 18 September 2019.

"Why are there no barrier fences in Victoria Street and along the Main Road at Peace Park at Weston to stop children from getting onto the roads and if they are going to be installed, when will they be installed?"

Playgrounds throughout the Cessnock LGA are designed in accordance with *Australian Standard for Playgrounds AS/NZS 4486:1997 (Development, installation, inspection and maintenance of playgrounds)*. It is best practice to ensure playground design complies with Australian Standards.

Fencing of playgrounds does not always occur and is based on the specific site location and design principles.

Bridges Hill

In relation to fencing of the new Bridges Hill Playground, the design of the playground includes landscaping and level changes that provide barriers between sections and to enable surveillance of all park users. The existing Callistemon hedge will be maintained as a barrier between the playground and Victoria Street.

Council Officers have undertaken investigations into the installation of playground fencing adjacent to Victoria Street. Cost estimates have been prepared to establish budgets requirements, with a view to installing fencing over the coming weeks dependent upon material supply and weather conditions.

Maybury Peace Park

A comprehensive risk assessment relating to fencing at Maybury Peace Park Playground West was undertaken in May 2017. The assessment determined that there was adequate separation from Cessnock Road. However vehicle control measures such as the installation of car guard railing and pedestrian fencing would further reduce risk.

Council State Roads Coordinator has advised that Roads & Maritime Services (RMS) have scheduled guard rail and fencing works into next years' Forward Works Program dependent upon funding and resource allocations.

ENCLOSURES

There are no enclosures for this report

Correspondence

Report No. CO23/2019

General Manager's Unit



SUBJECT: *WINE COUNTRY DRIVE - TRAFFIC AND SAFETY*
RESPONSIBLE OFFICER: *Acting Director Corporate and Community Services - Darrylen Allan*

RECOMMENDATION:

That Council note the correspondence received.

At its Ordinary Meeting of 18 April 2018, Council considered a Notice of Motion – Wine Country Drive – Traffic & Safety and resolved:

1. *That Council again write to our State Member, Clayton Barr and the Minister for Roads, Melinda Pavey expressing the need for an urgent solution to the traffic and safety problems experienced by motorists and residents of Nulkaba, along Wine Country Drive, during pick up and drop off times at St Phillips Christian College, Nulkaba Public School and Nulkaba Pre-School.*
2. *That Council write to the Road and Maritime Services (RMS) requesting they urgently review the traffic and safety conditions at the corner of Wine Country Drive and Lomas Lane.*

A response, received on 13 June 2018 from the State Member for Cessnock Clayton Barr, MP was received advising of representations made to the NSW Minister for Roads, Maritime and Freight, the Hon Melinda Pavey MP.

Council has now received a copy of correspondence dated 12 September 2019 to the State Member for Cessnock, Clayton Barr, MP from Mr Christopher Gulaptis, MP, Parliamentary Secretary for Regional Roads and Infrastructure.

A copy of the correspondence is provided for Council's information.

ENCLOSURES

- [1](#) Response from Parliamentary Secretary for Regional Roads and Infrastructure

Correspondence

Report No. CO24/2019

General Manager's Unit



SUBJECT: *IMPACT OF EMERGENCY SERVICES LEVY (ESL)*

RESPONSIBLE OFFICER: *Acting Director Corporate & Community Services - Darrylen Allan*

RECOMMENDATION

That the correspondence be noted.

At its Ordinary Meeting of 15 May 2019 Council considered Mayoral Minute MM8/2019 – Emergency Services Levy Increase 2019-20 and resolved (inter alia):

4. **That Council:**
- a. **write to the Premier and Interim Opposition Leader, Minister for Customer Services, Minister for Emergency Services, Minister for Local Government and Shadow Minister for Local Government, and State Member for Cessnock to:**
 - i. **call upon the NSW Government to fund the 12 months of this extra cost rather than requiring councils to find the funds at short notice when budgets have already been allocated**
 - ii. **explain how this sudden increase will impact council services / the local community.**
 - iii. **highlight that councils were not warned of the increased cost until May 2019, despite the new laws being passed in November 2018**
 - iv. **explain that the poor planning and implementation of the increase is inconsistent with the Government's commitment to work in partnership with the sector**
 - v. **ask the Government to work with local governments to redesign the implementation of the scheme to ensure it is fairer for councils and communities into the future.**

Council wrote to the Premier, The Hon. Gladys Berejiklian MP, the Minister for Local Government, The Hon. Shelley Hancock MP and the Minister for Police and Emergency Services, the Hon. David Elliot MP. Subsequently the State Member for Cessnock, Clayton Barr MP wrote to The Hon. Shelly Hancock MP and The Premier, The Hon. Gladys Berjiklian, MP on Councils behalf.

Responses were received from the Premier and the Minister for Local Government acknowledging the additional costs to councils and advice of announced funding by the NSW Government of the 2019-20 increase to assist councils in regional and rural areas. These responses were reported to Council on 18 September 2019.

The State Member for Cessnock received a response from the Minister for Local Government and Ray Williams MP on behalf of The Premier, noting Council's concerns. A copy of the correspondence to Clayton Barr MP from the Minister for Local Government and the representative for The Premier are attached for Councils information as Enclosures 1 and 2.

Mayor Pynsent received a response from the Melanie Gibbons MP on behalf of the Minister for Police and Emergency Services, the Hon . David Elliot MP, a copy of which is attached as Enclosure 3.

Correspondence

Report No. CO24/2019

General Manager's Unit



ENCLOSURES

- 1 ➡ Response Letter to Clayton Barr MP from The Hon. Shelley Hancock MP
- 2 ➡ Response Letter to Clayton Barr MP from The Hon. Ray Williams on behalf of The Premier
- 3 ➡ Response Letter to Mayor Pynsent from Minister for Police & Emergency Services