



31 October 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, 6 November 2019 at 6.30 pm, for the purposes of transacting the undermentioned business.

AGENDA:

PAGE NO.

- (1) **OPENING PRAYER**
- (2) **ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS**
- (3) **RECEIPT OF APOLOGIES**
 - Apologies received from:
Councillor John Fagg
- (4) **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
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- (5) **DISCLOSURES OF INTEREST**
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- (6) **PETITIONS**
- (7) **PUBLIC ADDRESS**
- (8) **CONSIDERATION AND ADOPTION OF ALL REPORTS BY ENGLOBO OR INDIVIDUALLY WITH NOMINATED EXCEPTIONS**
- (9) **MOTIONS OF URGENCY**
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- (10) **GENERAL MANAGER'S UNIT**
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(16) COUNCILLORS' REPORTS



Principles for Local Government

Exercise of functions generally

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

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

Council's Values

- Integrity
- Accountability
- Respect
- Excellence
- Teamwork

Our Community's Vision

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

Cessnock – thriving, attractive and welcoming.

Our Community's Desired Outcomes

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



Council 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, 23 OCTOBER 2019, COMMENCING
AT 6.30 PM**

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

IN ATTENDANCE: General Manager
Director Planning and Environment
Director Corporate and Community Services
Director Works and Infrastructure
Development Services Manager
Acting Health & Building Manager (Building Services Team Leader)
Recreation & Community Facilities Coordinator
Sustainability Officer
Media & Communication Officer
Corporate Governance Officer

**APOLOGY & LEAVE
OF ABSENCE:**

MOTION

Moved:

Councillor Dunn

Seconded:

Councillor Stapleford

1015

RESOLVED that the apology tendered on behalf of Councillor Fagg for unavoidable absence, be accepted and leave of absence granted.

That the Leave of Absence for Councillors Burke, Gray and Dagg be noted.

FOR

AGAINST

Councillor Olsen
Councillor Doherty
Councillor Dunn
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Sander
Councillor Lyons
Councillor Pynsent

Total (9)

Total (0)

CARRIED UNANIMOUSLY

MINUTES:

MOTION

Moved:

Councillor Fitzgibbon

Seconded:

Councillor Suvaal

1016

RESOLVED that the Minutes of the Ordinary Meeting of Council held on 2 October 2019, as circulated, be taken as read and confirmed as a correct record.

FOR

AGAINST

Councillor Olsen
Councillor Doherty
Councillor Dunn
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Sander
Councillor Lyons
Councillor Pynsent
Total (9)

Total (0)

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI20/2019

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.

CC88/2019 - Request for Easement over Council land Jeffery Park, 24 Congewai Street Kearsley Lot 2882 DP 1158212 – Councillor Sander declared a Non Pecuniary Interest Less Than Significant Conflict for the reason that she believes that the applicant was a member of the ALP and former Mayor of Cessnock City Council. Councillor Sander advised that she will remain in the chamber and participate in discussion and voting as the conflict has not influenced her in carrying out her public duty.

CC88/2019 - Request for Easement over Council land Jeffery Park, 24 Congewai Street Kearsley Lot 2882 DP 1158212 – Councillor Suvaal declared a Non Pecuniary Interest Less Than Significant Conflict for the reason that he believes that the applicant was a member of the ALP and former Mayor of Cessnock City Council. Councillor Suvaal advised that he will remain in the chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because he does not have a personal friendship with the applicant.

BN27/2019 - Gaol Access – Councillor Suvaal declared a Non Pecuniary Interest Less Than Significant conflict for the reason that his sister is a Justice Health Employee at the Goal. Councillor Suvaal advised that he will remain the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because it has not impact on her employment.

CC88/2019 - Request for Easement over Council land Jeffery Park, 24 Congewai Street Kearsley Lot 2882 DP 1158212 – Councillor Fitzgibbon declared a Non Pecuniary Interest Less Than Significant Conflict for the reason that she believes that the applicant was a member of the ALP and former Mayor of Cessnock City Council. Councillor Fitzgibbon advised that she will remain in the chamber and participate in discussion and voting as the conflict has not influenced her in carrying out her public duty because the applicant is not a personal friend of hers.

CC85/2019 - Tender No. T1819-15 - Plant Hire – Councillor Fitzgibbon declared a Non Pecuniary Interest Significant Conflict for the reason that she is friends with two of the families who own companies on the list, therefore it could not reasonably be regarded her decision was not influenced by this. Councillor Fitzgibbon advised that she will leave the chamber and take no part in discussion and voting.

CC88/2019 - Request for Easement over Council land Jeffery Park, 24 Congewai Street Kearsley Lot 2882 DP 1158212 – Councillor Lyons declared a Non Pecuniary Interest Less Than Significant Conflict for the reason that he believes that the applicant was a member of the ALP and former Mayor of Cessnock City Council. Councillor Lyons advised that he will remain in the chamber and participate in discussion and voting as the conflict has not influenced him in carrying out her public duty.

CC88/2019 - Request for Easement over Council land Jeffery Park, 24 Congewai Street Kearsley Lot 2882 DP 1158212 – the Mayor declared a Non Pecuniary Interest Less Than Significant Conflict for the reason that he believes that the applicant was a member of the ALP and former Mayor of Cessnock City Council. The Mayor advised that he will remain in the chamber and participate in discussion and voting as the conflict has not influenced him in carrying out her public duty as the proponent is not a personal friend of his.

PETITIONS

NIL

ADDRESS BY INVITED SPEAKERS

NIL

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

MOTION
1017

Moved: Councillor Doherty

Seconded: Councillor Suvaal

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

NI11/2019	Notice of Intention to Deal with matters in Confidential Session. CC91/2019 - Cessnock Airport - Hangar Dispute.....	27
PE68/2019	Fees and Charges Amendment - Building, Regulatory and Library Services.....	29
CC86/2019	Council Submissions to IPART Reports.....	63
CC89/2019	Request for Easement for stormwater over Council land part of Branxton Park 4 John Rose Avenue, Branxton Lot 2 DP 1049557.....	134
‡ CC90/2019	Resolutions Tracking Report.....	141
WI73/2019	NSW Sustainable Communities Tidy Towns Awards Weekend .	207
WI74/2019	Tender No. T1920-02 - Investigation of Potential Contamination of Council's Former Waste Sites.....	212
‡ CO25/2019	Seeking Support for Funding to Implement the Cessnock LGA Traffic & Transport Strategy 2018 High Priority Projects	310

Council adopt the recommendations as printed for those items.

FOR

Councillor Olsen
Councillor Doherty
Councillor Dunn
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Sander
Councillor Lyons
Councillor Pynsent

Total (9)

AGAINST

Total (0)

CARRIED UNANIMOUSLY

NOTICE OF INTENTION TO DEAL WITH MATTERS IN CONFIDENTIAL SESSION

NOTICE OF INTENTION NO. NI11/2019

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

CC91/2019 - CESSNOCK AIRPORT - HANGAR DISPUTE

MOTION
1018
RESOLVED

Moved: Councillor Doherty

Seconded: Councillor Suvaal

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

Report No. CC91/2019 – Cessnock Airport – Hangar Dispute as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

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

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU18/2019

SUBJECT: MOTIONS OF URGENCY

NIL

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE68/2019

SUBJECT: FEES AND CHARGES AMENDMENT - BUILDING, REGULATORY AND LIBRARY SERVICES

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1019
RESOLVED

1. That Council adopts the correct fees that are set by regulations (fee type F).
2. That Council places on public exhibition for 28 days the proposed amendments to Council's adopted fees and charges that are not subject to regulations, (fee types A, D, E, G) to allow for public submissions prior to consideration of adopting the amended fees.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE69/2019

**SUBJECT: COUNCIL SUBMISSION TO BETTER REGULATION DIVISION
REGARDING THE DRAFT BUILDING AND DEVELOPMENT
CERTIFIERS REGULATION 2019**

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Fitzgibbon
1020

RESOLVED

1. That Council endorses the submission to the Better Regulation Division regarding the draft Building and Development Certifiers Regulation 2019.
2. That Council forwards a copy of this submission to the State Member, Mr Clayton Barr MP.

FOR

AGAINST

Councillor Olsen
Councillor Doherty
Councillor Dunn
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Sander
Councillor Lyons
Councillor Pynsent
Total (9)

Total (0)

CARRIED UNANIMOUSLY

PROCEDURAL MOTION**Moved:**

Councillor Suvaal

Seconded:

Councillor Fitzgibbon

1021

RESOLVED that the Council move into Closed Session to allow Council's legal representative to address Council.

FOR**AGAINST**

Councillor Olsen
Councillor Doherty
Councillor Dunn
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Sander
Councillor Lyons
Councillor Pynsent
Total (9)

Total (0)**CARRIED UNANIMOUSLY****PROCEDURAL MOTION****Moved:**

Councillor Lyons

Seconded:

Councillor Sander

1022

RESOLVED that the meeting move back into Open Session.

FOR**AGAINST**

Councillor Olsen
Councillor Doherty
Councillor Dunn
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Sander
Councillor Lyons
Councillor Pynsent
Total (9)

Total (0)**CARRIED UNANIMOUSLY**

PLANNING AND ENVIRONMENT NO. PE70/2019

SUBJECT: CLASS 1 APPEAL (2019/275377) IN THE NSW LAND AND ENVIRONMENT COURT AGAINST THE DEEMED REFUSAL OF DEVELOPMENT APPLICATION NO. 8/2017/460/1 PROPOSING A TORRENS TITLE SUBDIVISION TO CREATE 269 RESIDENTIAL LOTS, 2 SUPER LOTS AND 3 RESIDUE LOTS - TENNANT STREET (LOT 3 DP 597226), BELLBIRD

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Stapleford
1023

RESOLVED

1. That Council notes that the applicant has commenced an appeal against the deemed refusal of Development Application No. 8/2017/460/1 by the Hunter and Central Coast Regional Planning Panel, and that the Hunter and Central Coast Regional Planning Panel has been notified of the appeal.
2. That Council notes the attached estimate of costs prepared by Council's solicitors in respect of Land and Environment Court Appeal, No. 2019/275377 (relating to Development Application No. 8/2017/460/1).
3. That Council notes that Council officers will forward an assessment report in respect of Development Application No. 8/2017/460/1, to the Hunter and Central Coast Regional Planning Panel for consideration/determination, when prepared.
4. That Council delegates the management of Land and Environment Court Appeal, No. 2019/275377 (relating to Development Application No. 8/2017/460/1) to the General Manager, including the ability to enter into a Section 34 agreement, subject to the direction and control of the Hunter and Central Coast Regional Planning Panel.

FOR

AGAINST

Councillor Olsen
Councillor Doherty
Councillor Dunn
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Sander
Councillor Lyons
Councillor Pynsent

Total (9)

Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE71/2019

SUBJECT: **CLASS 1 APPEAL (2019/275365) IN THE NSW LAND AND ENVIRONMENT COURT AGAINST THE DEEMED REFUSAL OF DEVELOPMENT APPLICATION NO. 8/2017/459/1 PROPOSING A TORRENS TITLE SUBDIVISION TO CREATE 286 RESIDENTIAL LOTS, 2 SUPER LOTS AND A RESIDUE LOT - RUBY STREET (LOT: 1 DP: 327785, LOT: 1 DP: 328498 AND LOT 1 DP: 597226), BELLBIRD**

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Stapleford
1024

RESOLVED

1. That Council notes that the applicant has commenced an appeal against the deemed refusal of Development Application No. 8/2017/459/1 by the Hunter and Central Coast Regional Planning Panel, and that the Hunter and Central Coast Regional Planning Panel has been notified of the appeal.
2. That Council notes the attached estimate of costs prepared by Council's solicitors in respect of Land and Environment Court Appeal, No. 2019/275365 (relating to Development Application No. 8/2017/459/1).
3. That Council notes that Council officers will forward an assessment report in respect of Development Application No. 8/2017/459/1, to the Hunter and Central Coast Regional Planning Panel for consideration/determination, when prepared.
4. That Council delegates the management of Land and Environment Court Appeal, No. 2019/275365 (relating to Development Application No. 8/2017/459/1) to the General Manager, including the ability to enter into a Section 34 agreement, subject to the direction and control of the Hunter and Central Coast Regional Planning Panel.

FOR

AGAINST

Councillor Olsen
Councillor Doherty
Councillor Dunn
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Sander
Councillor Lyons
Councillor Pynsent

Total (9)

Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC85/2019

SUBJECT: TENDER NO. T1819-15 - PLANT HIRE

Councillor Fitzgibbon declared a Non Pecuniary Interest Significant Conflict for the reason that she is friends with two of the families who own companies on the list, therefore it could not reasonably be regarded her decision was not influenced by this. Councillor Fitzgibbon left the chamber and took no part in discussion and voting.

Councillor Fitzgibbon left the meeting, the time being 6.45pm

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Stapleford
1025
RESOLVED

1. That Council accepts the Tenders for Plant Hire (T1819-15) being in the following categories in no order of preference as a panel:
 - a. Dry Hire
 - Coates Hire Operations
 - Kennards Hire Pty Ltd
 - Conplant Pty Ltd
 - Lovetts Cessnock Earthmoving
 - b. Wet Hire
 - Hartchers Water Haulage
 - J & L Plant Hire Pty Ltd
 - Dannenberg Earth Moving
 - Lovetts Cessnock Earthmoving
 - Mitchell Bros Earthmoving
 - Roses Earthmoving T/A Kuhaca Pty Ltd
 - T & D Earthworks Pty Ltd
 - Woodbury Civil
2. That Council note the contract term for Tender for Plant Hire (T1819-15) is from 1 October 2019 to 30 September 2022 with an option for two 12-month contract extension based on satisfactory supplier performance.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (8)	Total (0)

CARRIED UNANIMOUSLY

Councillor Fitzgibbon returned to the meeting, the time being 6.46pm

CORPORATE AND COMMUNITY NO. CC86/2019

SUBJECT: COUNCIL SUBMISSIONS TO IPART REPORTS

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1026
RESOLVED

That Council endorses the proposed submissions to be made in response to the following final reports prepared by the Independent Pricing and Regulatory Tribunal:

- 1. A review of reporting and compliance burdens on local government; and**
- 2. A review of local government compliance and enforcement.**

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC87/2019

SUBJECT: INVESTMENT REPORT - SEPTEMBER 2019

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Lyons
1027
RESOLVED

That Council receives the report and notes:

- **Investments are held in accordance with Council's Investment Policy which accords with the Ministerial Investment Order; and**
- **Council's month end balance was \$41,269,809, year to date interest earned to 30 September was \$205,301 and the interest earned for September was \$66,963.**

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC88/2019

**SUBJECT: REQUEST FOR EASEMENT OVER COUNCIL LAND JEFFERY PARK,
24 CONGEWAI STREET KEARSLEY LOT 2882 DP 1158212**

Councillor Sander declared a Non Pecuniary Interest Less Than Significant Conflict for the reason that she believes that the applicant was a member of the ALP and former Mayor of Cessnock City Council. Councillor Sander remained in the Chamber and took part in discussion and voting.

Councillor Suvaal declared a Non Pecuniary Interest Less Than Significant Conflict for the reason that he believes that the applicant was a member of the ALP and former Mayor of Cessnock City Council. Councillor Suvaal remained in the Chamber and took part in discussion and voting.

Councillor Fitzgibbon declared a Non Pecuniary Interest Less Than Significant Conflict for the reason that she believes that the applicant was a member of the ALP and former Mayor of Cessnock City Council. Councillor Fitzgibbon remained in the Chamber and took part in discussion and voting.

Councillor Lyons declared a Non Pecuniary Interest Less Than Significant Conflict for the reason that he believes that the applicant was a member of the ALP and former Mayor of Cessnock City Council. Councillor Lyons remained in the Chamber and took part in discussion and voting.

The Mayor declared a Non Pecuniary Interest Less Than Significant Conflict for the reason that he believes that the applicant was a member of the ALP and former Mayor of Cessnock City Council. The Mayor remained in the Chamber and took part in discussion and voting.

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Stapleford
1028
RESOLVED

That Council consents to the granting of an easement benefiting Lot 156 DP 755215 burdening Council land being Lot 2882 DP 1158212 for connection to Hunter Water sewer infrastructure subject to the following:

- a) That Council gives landowners consent for the lodgment of a development application that includes a proposed easement for sewer main over the Council land;**
- b) The easement to be located generally on the western boundary of Lot 2882 DP 1158212 and in accordance with the proposed sewer easement plan;**
- c) That the sewer main infrastructure be constructed underground within the easement that also benefits Cessnock City Council;**
- d) That Council delegates to the General Manager the power to negotiate the terms for the granting of an easement including the location and compensation that is subject to an independent valuation;**

- e) That Council advises the Applicant that all costs associated with the granting of the easement including survey, registration costs, Council's reasonable legal and valuation costs be borne by the benefiting property owner;
- f) That Council authorises the Common Seal of Cessnock City Council to be affixed to documents relating to the granting of the easement, and
- g) That Council authorises the Mayor and General Manager to execute the documents relating to the granting of the easement.

FOR	AGAINST
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Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (9)	

Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC89/2019

SUBJECT: REQUEST FOR EASEMENT FOR STORMWATER OVER COUNCIL LAND PART OF BRANXTON PARK 4 JOHN ROSE AVENUE, BRANXTON LOT 2 DP 1049557

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1029
RESOLVED

That Council consents to the granting of an easement benefiting the Owner's Land (Folio identifiers 672/1003593, 1/1094098, 2/1094098, 3/1094098 and 34/70289 burdening Council land being Lot 2 DP 1049557 for storm water purposes subject to the following:

- a) That Council provides landowners consent for the lodgment of a s4.55 application to amend an existing development approval for DA8/2011/400/2 regarding the proposed easement for storm water.
- b) The easement to be 4m wide, located on the northern boundary of Lot 2 DP 1049557 in accordance with plan of proposed easement and the storm water drainage infrastructure be constructed underground within the easement connecting to the existing waterway in accordance with the development consent ;
- c) That Council delegates to the General Manager the power to negotiate the terms for the granting of an easement including compensation that is subject to an independent valuation;
- d) That Council advises the Owners that all costs associated with the granting of the easement including survey, registration costs, Council's reasonable legal and valuation costs be borne by the benefiting property owner;
- e) That Council authorises the Common Seal of Cessnock City Council to be affixed to documents relating to the granting of the easement, and
- f) That Council authorises the Mayor and General Manager to execute the documents relating to the granting of the easement.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC90/2019

SUBJECT: RESOLUTIONS TRACKING REPORT

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1030
RESOLVED

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

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI71/2019

SUBJECT: 2018/19 AQUATIC SEASON REVIEW

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Doherty

1. That Council notes the financial impact of offering a subsidized or free intensive water safety programs in January 2020 is in the order of \$4480, assuming a 100% participation rate across four classes each day for ten days.
2. That Council notes the timing of the proposed introduction of the learn to swim program, in line with the Outdoors Pools Service Improvement Project, has been delayed due to difficulty in recruiting appropriate staff.
3. That Council notes school holiday intensive water safety lessons at Branxton and Cessnock Pools are scheduled to commence from 6 January to 17 January 2020.

AMENDMENT **Moved:** Councillor Fitzgibbon **Seconded:** Councillor Sander

1. That Council notes the financial impact of offering a subsidized or free intensive water safety programs in January 2020 is in the order of \$4480, assuming a 100% participation rate across four classes each day for ten days.
2. That Council notes the timing of the proposed introduction of the learn to swim program, in line with the Outdoors Pools Service Improvement Project, has been delayed due to difficulty in recruiting appropriate staff.
3. That Council notes school holiday intensive water safety lessons at Branxton and Cessnock Pools are scheduled to commence from 6 January to 17 January 2020.
4. That if the School Holiday Intensive Water Safety program is covered by the Community Swimming Grants program and if Council is successful, Council consider offering the service as subsidised or free and a further report come to Council once the grant has been determined.

FOR	AGAINST
Councillor Doherty	Councillor Olsen
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (8)	Total (1)

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

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

MOTION**Moved:** Councillor Fitzgibbon **Seconded:** Councillor Sander

1031

RESOLVED

1. That Council notes the financial impact of offering a subsidized or free intensive water safety programs in January 2020 is in the order of \$4480, assuming a 100% participation rate across four classes each day for ten days.
2. That Council notes the timing of the proposed introduction of the learn to swim program, in line with the Outdoors Pools Service Improvement Project, has been delayed due to difficulty in recruiting appropriate staff.
3. That Council notes school holiday intensive water safety lessons at Branxton and Cessnock Pools are scheduled to commence from 6 January to 17 January 2020.
4. That if the School Holiday Intensive Water Safety program is covered by the Community Swimming Grants program and if Council is successful, Council consider offering the service as subsidised or free and a further report come to Council once the grant has been determined.

FOR**AGAINST**

Councillor Olsen
Councillor Doherty
Councillor Dunn
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Sander
Councillor Lyons
Councillor Pynsent

Total (9)**Total (0)****CARRIED UNANIMOUSLY**

WORKS AND INFRASTRUCTURE NO. WI72/2019

SUBJECT: ABERMAIN SCHOOL OF ARTS

MOTION **Moved:** Councillor Sander **Seconded:** Councillor Suvaal
1032

RESOLVED

1. That Council notes the steps required to relocate the Sir Edgeworth David Memorial Museum to the Abermain School of Arts.
2. That Council notes the relocation of Sir Edgeworth David Memorial Museum to the Abermain School of Arts is not currently listed as an action in the 2019-20 Operational Plan.
3. That the General Manager, in consultation with stakeholders in the Abermain School of Arts, investigate an interim short term licence to enable Sir Edgeworth David Memorial Museum to relocate to that facility.
4. That the General Manager prepares a report for the second meeting in November outlining the costs involved in preparing the interim short term licence and the funding source.

FOR

AGAINST

Councillor Olsen
Councillor Doherty
Councillor Dunn
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Sander
Councillor Lyons
Councillor Pynsent
Total (9)

Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI73/2019

SUBJECT: NSW SUSTAINABLE COMMUNITIES TIDY TOWNS AWARDS WEEKEND

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1033
RESOLVED

That Council endorses the attendance of the Mayor Councillor Pynsent, Councillor Dunn and Councillor Gray (including partners to the dinner) to the 2019 NSW Sustainable Communities Tidy Towns Awards weekend to be held in Cessnock from 1 to 3 November 2019.

FOR	AGAINST
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Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	

Total (9)

Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI74/2019

**SUBJECT: TENDER NO. T1920-02 - INVESTIGATION OF POTENTIAL
CONTAMINATION OF COUNCIL'S FORMER WASTE SITES**

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1034
RESOLVED

That Council accept the tender from Progressive Risk Management for a lump sum of \$359,102.04 (including GST) to undertake:

- 1. Detailed site investigations, including installation of groundwater and gas monitoring wells and sampling and analysis of one monitoring event, for the six high risk sites.**
- 2. Ongoing monitoring, including sampling and analysis of two additional monitoring events for groundwater, surface water and gas monitoring at the six high risk sites.**
- 3. Development of Remediation Action Plan, including an estimated costing of remediation works, for the Former Sanitary Depot at Kurri Kurri.**
- 4. Validation of remedial works at the Former Sanitary Depot at Kurri Kurri.**
- 5. That the project be funded from the Waste Reserve as outlined in the Financial Implications section of the report.**

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI75/2019

SUBJECT: LOCAL TRAFFIC COMMITTEE MINUTES 16 SEPTEMBER 2019

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Fitzgibbon
1035
RESOLVED

That the Minutes of the Local Traffic Committee of 16 September 2019 be adopted as a resolution of the Ordinary Council.

1. TC33/2019 – That Council authorise the installation of GIVE WAY signage on Lomas Lane, Nulkaba in accordance with the Lomas Lane Nulkaba Signage Diagram.
2. TC34/2019 – That Council authorise the installation of GIVE WAY controls on De Beyers Road and Grady Road, Pokolbin, in accordance with the De Beyers & Grady Road Signage & Line Marking Diagram.
3. TC35/2019 – That Council authorise the installation of regulatory parking signage on Cumberland Street, Cessnock in accordance with the Cumberland Street Cessnock – Signage Diagram.
4. TC36/2019 – That Council authorise the installation of regulatory parking signage on Darwin Street, Cessnock, in accordance with the Darwin Street Cessnock Bus Zone Removal Diagram.
5. TC37/2019 – That Council authorise the installation of BUS ZONE signage on Jurd Street, Cessnock in accordance with the Jurd Street Cessnock Signage & Line Marking Diagram.
6. TC38/2019 – That Council authorise the installation of regulatory signage on View Street, Cessnock in accordance with the View Street Cessnock Signage Diagram.
7. TC39/2019 – That Council authorise the temporary regulation of traffic on Great North Road, Murrays Run Road, and Watagan Creek Road, Laguna, in accordance with the Various Roads Laguna Gravel Grit Laguna Traffic Control Plans.
8. TC40/2019 – That Council authorise the temporary regulation of traffic on Camp Road, Greta, in accordance with the Camp Road Greta Silky Oak Festival Traffic Control Plans.
9. TC41/2019 – That Council authorise the installation of regulatory parking signage on King Street, Abermain, in accordance with the King Street Abermain Amended Line Marking & Signage Diagram.

That in addition to the adoption of the Minutes of the Local Traffic Committee:

10. The General Manager investigate disability parking at the following locations – Weston CBD near local post office and chemist. Centrelink at Kurri Kurri in Barton Street and Post Office in Lang Street, Kurri Kurri.

11. The General Manager conduct an audit of the taxi ranks in the whole of the LGA to identify if these ranks are being used.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI76/2019

SUBJECT: TOMALPIN STREET, KEARSLEY - SCHOOL ZONE INVESTIGATION AND DESIGN

MOTION **Moved:** Councillor Fitzgibbon **Seconded:** Councillor Suvaal
1036

RESOLVED

1. That Council upgrades pedestrian and car parking facilities in the school zone on the eastern side of Tomalpin Street, Kearsley, by installing the treatments outlined in Option 1 of the report, being:
 - Concrete pathway between Mulbring Street and the school' pedestrian access gate;
 - A 25m (parallel parking) school-zone-timed, Kiss and Ride area;
 - 13 x Rear to Kerb 90° angle parking spaces; and
 - 1 x Mobility Scheme Parking Space.
2. That Council notes that the proposed \$120,000 upgrade of Tomalpin Street, Kearsley is currently not funded in the 2019/20 Operational Plan.
3. That the project be included in the 2019/2020 Operational Plan and be funded from the Civil Works Reserve and Council considers repayment to this Reserve as part of the development of the Operational Plan 2020/2021.
4. That the work is to be undertaken and completed over the Christmas School Holiday period 2019/2020.

FOR

AGAINST

Councillor Olsen
Councillor Doherty
Councillor Dunn
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Sander
Councillor Lyons
Councillor Pynsent
Total (9)

Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI77/2019

SUBJECT: TENDER NO. T1819-17 - WATERMAIN RELOCATION IN GINGERS LANE, WESTON

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Stapleford
1037

RESOLVED

That Council accepts the tender from Murphy McCarthy & Associates Pty Ltd in the lump sum and schedule of rates amount of \$304,879 (including GST) for T1819-17 – Watermain Relocation in Gingers Lane, Weston.

FOR	AGAINST
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Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	

Total (9)

Total (0)

CARRIED UNANIMOUSLY

BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BUSINESS WITH NOTICE NO. BN26/2019

SUBJECT: WESTON FIRE AND RESCUE STATION

MOTION **Moved:** Councillor Sander **Seconded:** Councillor Suvaal

1038

RESOLVED

1. That the General Manager writes to the Minister for Police and Emergency Services, The Hon. David Elliott, MP seeking the following;
 - NSW Government support to keep the Weston Fire Station open, pending an investigation into suitable options to enhance the attractiveness of being a retained fire fighter so as to encourage more community members to join local brigades.
 - A written commitment from the NSW Government that if Weston Fire Station is to be closed, the building and infrastructure on site in Swanson Street, Weston be transferred to Council to be used as a Community Asset, with one option being to re-open the station as an RFS facility.
2. That a copy of the correspondence be sent to the Member for Cessnock, Mr Clayton Barr MP and Mr Taylor Martin MLC.
3. That Council supports any review which improves conditions and incentives for retaining retained fire fighters.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (9)	Total (0)

CARRIED UNANIMOUSLY

BUSINESS WITH NOTICE NO. BN27/2019

SUBJECT: GAOL ACCESS

Councillor Suvaal declared a Non Pecuniary Interest Less Than Significant conflict for the reason that his sister is a Justice Health Employee at the Goal. Councillor Suvaal remained the Chamber and participated in discussion and voting.

MOTION

That Council contact the State Government Minister for Police and Emergency Services, The Hon David Elliott MP and ask him to supply a design of the preferred access road and a commitment to complete that road within 6 months, otherwise Council may be left with no option but to close the Lindsay Street access due to the excess traffic and damage to local roads.

The Motion lapsed for want of a Seconder.

ANSWERS TO QUESTIONS FOR NEXT MEETING

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ97/2019

SUBJECT: KURRI KURRI COMMUNITY CENTRE

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ98/2019

SUBJECT: BLUE GUM ROAD - TOURIST ENTRY SIGN

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ99/2019

SUBJECT: CRUICKSHANK STREET, BELLBIRD - DRAINAGE

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ100/2019

SUBJECT: AIRPORT MASTER PLAN

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ101/2019

SUBJECT: COOPER STREET, CESSNOCK - WORKS

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ102/2019

SUBJECT: GOLDEN BEAR GOLF DEVELOPMENT

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ103/2019

SUBJECT: LINDSAY STREET, CESSNOCK - CLOSURE

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ104/2019

SUBJECT: MILLER PARK MASTERPLAN

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ105/2019

***SUBJECT: CARMICHAEL PARK MASTERPLAN AND BELLBIRD NORTH
SECTION 7.11 PLAN***

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ106/2019

SUBJECT: LIST OF MASTERPLANS

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ107/2019

SUBJECT: ST PHILIP'S COLLEGE MASTERPLAN

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ108/2019

SUBJECT: ABBOTSFORD STREET BRIDGE

The answer was noted.

CORRESPONDENCE

CORRESPONDENCE NO. CO25/2019

**SUBJECT: SEEKING SUPPORT FOR FUNDING TO IMPLEMENT THE
CESSNOCK LGA TRAFFIC & TRANSPORT STRATEGY 2018 HIGH
PRIORITY PROJECTS**

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Suvaal
1039

RESOLVED

That the correspondence be noted.

FOR	AGAINST
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Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	

Total (9)

Total (0)

CARRIED UNANIMOUSLY

COUNCILLOR'S REPORTS

Councillor Olsen

Facebook Page

It has been brought to my attention that one of my posts on my Facebook page, Ian Olsen, Independent Councillor Ward B Cessnock, has upset a staff member from Council and I should apologise for these remarks.

I don't make comments on my Facebook page to attack any one person, however, at my request, and with the approval of the complainant, the person was made known to me.

To Council's Construction Team Leader, and I apologise for not saying his name properly, Greg Vodopianoff, I apologise.

At no time were these comments attacking any one person on Council and never would be. I am making comments about issues that are important to the residents. I very rarely get any objection to me calling it as I see it. I comment on what is happening with your council. Unfortunately, at times some people think I am making remarks about them.

I have adjusted the comments that have upset this person on my Facebook page.

To minimise any future concerns, Council has been good enough to provide me with a training program to improve how I make my comments.

I look forward to continuing my Facebook page and keeping locals up to date with what is happening with their Council.

I enjoy my role as a Councillor and keeping people informed and listening to them is part of what I do. I hope to continue on with my page into the future without having people taking issues with my opinions.

Mayor

LGNSW Conference

The Mayor reported on his attendance at the LGNSW Conference with Councillors Dagg, Dunn and Suvaal and the General Manager.

The motion that was adopted by this Council was also very similar to a motion from Kiama Council and working with the Mayor of Kiama extra words were added to the motion that they had put up, those being "including Councillors" so in the make-up of the JRPP that the external people still include Councillors. The motion was adopted overwhelmingly by the conference and wait until it becomes an action from Local Government NSW.

The Conference overall was very enlightening, great speakers, about 120 motions that were debated. It was also announced at the last session of the Conference that Cessnock will host the LGNSW Conference in 2020 at the Crowne Plaza.

7.38PM

Confidential reports (closed session)

MOTION **Moved:** Councillor Stapleford **Seconded:** Councillor Suvaal
1040

RESOLVED that the meeting move into Closed Session in order to consider confidential items.

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

Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	

Total (9)

Total (0)

CARRIED UNANIMOUSLY

7.40PM

Open Session

The meeting moved back into Open Session and the General Manager reported on the outcome.

CORPORATE AND COMMUNITY NO. CC91/2019

SUBJECT: CESSNOCK AIRPORT - HANGAR DISPUTE

This matter is considered to be confidential under Section 10A(2) (g) of the Local Government Act, as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

MOTION

1041

RESOLVED

Moved: Councillor Suvaal

Seconded: Councillor Stapleford

That Council authorises the General Manager to progress the legal proceedings relating to the hangar and airport subdivision, brought by 123259932 Pty Limited.

FOR

AGAINST

Councillor Olsen
Councillor Doherty
Councillor Dunn
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Sander
Councillor Lyons
Councillor Pynsent

Total (9)

Total (0)

CARRIED UNANIMOUSLY

The Meeting Was Declared Closed at 7.40pm

CONFIRMED AND SIGNED at the meeting held on 6 November 2019

.....**CHAIRPERSON**

.....**GENERAL MANAGER**

Disclosures Of Interest

Report No. DI21/2019

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. MOU19/2019

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.

General Manager's Unit
Report No. GMU21/2019
Corporate and Community Services



SUBJECT: *MINUTES OF THE EXTRAORDINARY AUDIT AND RISK COMMITTEE MEETING HELD 17 OCTOBER 2019*

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

RECOMMENDATION

That the Minutes of the Extraordinary Audit and Risk Committee Meeting held 17 October 2019 be adopted as a resolution of the Ordinary Council.

MINUTES OF EXTRAORDINARY AUDIT & RISK COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL HELD IN ANTE ROOM ON THURSDAY, 17 OCTOBER 2019, COMMENCING AT 2.00PM

PRESENT: Mrs Jennifer Hayes – Independent Chair
Mayor Pynsent
Councillor Dunn
Mr Stephen Coates – Independent Member (via teleconference)
Ms Sheridan Dudley – Independent Member (via teleconference)

IN ATTENDANCE: Ms Lotta Jackson – General Manager
Mr Robert Maginnity – Director Corporate & Community Services
Mr Justin Fitzpatrick-Barr – Director Works & Infrastructure
Ms Darrylen Allan – Human Resources Manager
Mr Andrew Glauser – Finance and Administration Manager
Mr Wayne Russell – External Auditor – Pitcher Partners
Mrs Robyn Keegan – Minute Taker

INVITEES: Mr Paul Grosbernd – Management Accountant
Ms Kelly McGowan – Operations Accountant
Ms Catherine Bradley – Infrastructure Accountant
Mr Wayne Reid – Business Partner and Service Accountant
Mr Manav Sharma – Financial Accountant

APOLOGIES

Mr Furqan Yousuf – External Auditor – NSW Audit Office
Mr Gareth Curtis – Director Planning & Environment

Mayor Pynsent welcomed the General Manager Lotta Jackson to her first Audit and Risk Committee meeting at Council.

ACKNOWLEDEMENT OF COUNTRY

The Chair delivered an Acknowledgement of Country.

CONFIRMATION OF MINUTES

MINUTES:

MOTION

Moved: Jennifer Hayes
Seconded: Mayor Pynsent

RESOLVED that the Minutes of the Audit & Risk Committee held on 30 August 2019, as circulated, be taken as read and confirmed as a correct record.

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

COMMITTEE DISCLOSURE OF INTEREST NO. ACCDI4/2019

SUBJECT: DISCLOSURES OF INTEREST

Nil

General Manager's Unit
Report No. GMU21/2019
Corporate and Community Services



LISTED MATTERS

LISTED MATTERS - COMMITTEE NO. ACCLM35/2019

SUBJECT: FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2019

MOTION **Moved:** Mayor Pynsent **Seconded:** Stephen Coates

RESOLVED

1. That the Audit and Risk Committee receive and endorse the audited 2018-19 Annual Financial Statements for presentation to Council and the public at the Ordinary Council Meeting of 6 November 2019.
2. That the Audit and Risk Committee continues to support the practice of recognising Rural Fire Service land and buildings which are owned by Council but not recognising Rural Fire Services plant and equipment within Council's finance accounts as, based on the criteria for recognition of assets within the AASB Accounting Standards, Council does not have control of Rural Fire Service plant and equipment.
3. That the Audit and Risk Committee acknowledge the high quality work of the Finance Team.

CARRIED UNANIMOUSLY

CORRESPONDENCE

Nil

GENERAL BUSINESS

Nil

The Meeting Was Declared Closed at 2.45pm

ENCLOSURES

There are no enclosures for this report

General Manager's Unit
Report No. GMU22/2019
Corporate and Community Services



SUBJECT: *EXCLUSION OF ITEM FROM THE AGENDA*
RESPONSIBLE OFFICER: *Director Corporate and Community Services - Robert Maginnity*

SUMMARY

As per section 3.21 of the Code of Meeting Practice, the General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is, or the implementation of the business would be, unlawful. The General Manager must report, without giving details of the item of business, any such exclusion to the next meeting of the Council.

RECOMMENDATION

That Council notes that, as assessed by the General Manager, and on advice from the Office of Local Government NSW, the received notice of motion relating to the administration of the Code of Conduct, was unlawful and could therefore not be included on the agenda for the Council meeting held on 23 October 2019.

BACKGROUND

A Question With Notice was received for inclusion in the agenda for the Council meeting of 23 October 2019, and as per the requirements of Clause 3.21 of the Code of Meeting Practice the General Manager must not allow an item to be included if it is considered to be unlawful, and the General Manager must report any such exclusion to the next meeting of Council.

REPORT/PROPOSAL

A Question with Notice was received for inclusion in the agenda for the Council meeting of 23 October 2019. The General Manager considered that the content of the question was unlawful and the item was excluded from the agenda for that meeting.

The reason for the exclusion was that the item was considered to breach Clause 12.1 of the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* which provides that:

"Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures."

While councils are required to annually report aggregated data on the management of code of conduct complaints under Part 11 of the Procedures, this does not permit councils to publish information about the cost of dealing with specific matters about a specific Councillor.

This report addresses the requirement for the General Manager to report any such exclusion under Clause 3.21 of the Code of Meeting Practice to the next meeting of Council.

OPTIONS

Nil

CONSULTATION

General Manager
Office of Local Government NSW

STRATEGIC LINKS

a. Delivery Program

This matter is reported to Council in line with the community's desired outcome of: *Civic Leadership and Effective Governance*.

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

Code of Meeting Practice – Clause 3.21 Agenda and Business Paper for Ordinary Meetings

b. Financial Implications

N/A

c. Legislative Implications

N/A

d. Risk Implications

N/A

e. Environmental Implications

N/A

f. Other Implications

N/A

General Manager's Unit

Report No. GMU22/2019

Corporate and Community Services



CONCLUSION

This report satisfies the requirement for the General Manager to report to Council any exclusions of items from the agenda as per Clause 3.21 of the Code of Meeting Practice.

ENCLOSURES

There are no enclosures for this report

Planning and Environment

Report No. PE72/2019

Planning and Environment



SUBJECT: *APPOINTMENT OF COUNCIL REPRESENTATIVES AND EXTERNAL ALTERNATE MEMBERS TO THE HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL*

AUTHOR: *Development Services Manager - Janine Maher*

SUMMARY

This purpose of this report is to seek Council's nominations for two Council members, and one alternate Council member, for appointment to the Hunter and Central Coast Regional Planning Panel, until the term of the current Council expires.

In addition, this report recommends that Council endorses three external alternate members to represent Council and participate in any briefings and meetings scheduled for the Regional Planning Panel in respect of any Development Application, S4.55 Application, and Planning Proposal in circumstances where a member has declared a conflict of interest, for a period of three years.

RECOMMENDATION

1. That Council determine two Councillors and one alternate member to the Hunter and Central Coast Regional Planning Panel, until the term of the current Council expires, and advises the Panel Secretariat of these appointments.
2. That Council determines appropriate fees to Council's members as payment for exercising their Regional Planning Panel responsibilities.
3. That Council determine external alternate members to represent Council and participate in any briefings and meetings scheduled for the Regional Planning Panel in respect of any Development Application, S4.55 Application, and Planning Proposal in circumstances where a member has declared a conflict of interest, for a period of three years, and advise the RPP Panel Secretariat of these appointments.
4. That delegation be granted to the General Manager to determine which external alternate member will represent Council in circumstances where a member has declared a conflict of interest, taking into account their area/s of expertise.
5. That Council allocates \$6,000 in the 2019/20 Operational Plan for relevant costs incurred by Council's external alternate members (professional fees and travel), and that this funding be sourced from within the operational budget relating to Councillor expenses, and that in the development of the 2020/21 Operational Plan, a minimum allocation of \$12,000 be provided for such expenses.

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BACKGROUND AND REPORT

Regional Planning Panels

Regional Planning Panels (RPP's), were introduced in NSW on 1 July 2009 to strengthen decision making on regionally significant development applications and certain other planning matters. RPP's:

- determine 'regionally significant' development applications (DAs) and certain other DA's and s4.55(2) modification applications
- act as the Planning Proposal Authority (PPA) when directed
- undertake rezoning reviews
- provide advice on other planning and development matters when requested
- determine site compatibility certificates under the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

Regional Planning Panels consist of five members, with three of the members, including the chair, appointed by the Minister (State members) and two members nominated by the relevant council (council members). The maximum period members can be appointed to a RPP is three years in accordance with Clause 11(1) of Part 4 of Schedule 2 of the Environmental Planning and Assessment Act 1979. Members are eligible for re-appointment.

All RPP members appointed by the Minister are required to have 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.

At least one council member is required to have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.

It is noted that it is *not mandatory* for Council to nominate members to the RPP. If a council fails to nominate one or more council members, a panel may still exercise its functions in relation to the area of the council concerned.

Council's Current RPP Members

Council's most recent appointed Hunter and Central Coast RPP members were the Mayor Councillor Pynsent and Councillor Sander, with the alternate members being Councillor Stapleford and Councillor Lyons (for James Street Planning Proposal only).

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The following table identifies Council's members, and their appointment timeframe:

Member	Type of member	Date appointed	Expiry of membership
Mayor Councillor Pynsent	Full member	5 October 2016	5 October 2019
Councillor Sander	Full member	5 October 2016	5 October 2019
Councillor Stapleford	Alternate member	5 October 2016	5 October 2019
Councillor Lyons	Alternate member (James Street Planning Proposal)	5 April 2017	5 April 2020 or completion of James Street Planning Proposal

The relevant Councillors, as identified in the above table, were nominated via a Council resolution on 5 October 2016, as follows:

- That Council appoint Councillor Pynsent and Councillor Sander as members and Councillor Stapleford as the alternate, to the Hunter and Central Coast Joint Regional Planning Panel (JRPP) for a period of three (3) years, and advise the JRPP Secretariat of these appointments.*
- That Council's adopted Expenses and Facilities Policy apply to any expenses incurred by members exercising their JRPP responsibilities.*

As outlined in the above table, the term of Council's most recent appointed Hunter and Central Coast RPP members, expired on 5 October 2019.

It is noted that Councillor Lyons was appointed to the RPP in respect of the James Street Planning Proposal, via Council resolution on 5 April 2017. Considering that the James Street Planning Proposal has been finalised, Councillor Lyons is no longer a member of the RPP.

The 'Planning Panels Operational Procedures', dated September 2016, stipulate the following in terms of Council member appointments:

'Each Council identifies how their members are selected. In selecting members, Councils should have regard to the conflict of duties that would be created for a person nominated to the regional panel if they were in any way responsible or involved in the assessment and recommendation of a DA to be determined by the panel.

Councils are not restricted to nominating people from the Council's local area. They can appoint, terminate and reappoint members at any time, and can determine the duration of their appointment. Generally, so as to ensure the greatest degree of continuity for the regional panels, Councils should consider appointing members for the maximum term of three years provided for under the EP&A Act. However, Councils should reconsider if the nominations to the regional panels are appropriate within 12 months following a Council election.

Following a change to its nominees, Council is to forward the new member's personal details to the secretariat as soon as possible and this must be a minimum 14 days before any meeting at which they will act as a panel member.

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If a Council fails to nominate one or more Council members, a regional panel may still exercise its functions in relation to the area of the Council concerned.

Councils determine the fees they pay their panel members. The Minister has provided guidance to all councils on appropriate rates of remuneration for travel and subsistence allowance for their members. Each Council is responsible for making payments to its panel members when they attend planning panel meetings'

As part of the RPP process, the Minister has determined that each Council is responsible for setting the fees they pay their panel members, and for making payments to their panel members when they attend regional planning panel meetings.

The Minister has previously provided guidance (July 2009) to all Councils on appropriate rates of remuneration for travel and subsistence allowances for their members. At the time, the Minister stated that it had been decided '*not to set the fees for Council nominated members*' and that '*Councils are free to determine the fees paid to their appointed members*'.

The advice provided in July 2009 suggested that, with regard to elected Councillors, '*as Councillors already receive an annual fee set by the Local Government Remuneration Tribunal each year for performing their Councillor duties, an additional per meeting fee of no more than \$600 appears reasonable, recognising that membership of the Regional Panel will bring additional responsibilities*'.

At its meeting of 5 October 2016 when Council's previous panel members were appointed, Council resolved as follows:

That Council's adopted Expenses and Facilities Policy apply to any expenses incurred by members exercising their JRPP responsibilities.

As outlined above, the figures provided in July 2009 are provided for guidance purposes only, and it is open to each Council to determine its fees and associated subsistence allowances. If Council determines to pay fees, the appropriate budgetary amendments will need to be incorporated in the quarterly budget review process for consideration given the budget provision outlined in Recommendation 5 only relates to external members.

In consideration of the expiration of the term of Council's previous panel members, it is now necessary to nominate new members; determine appropriate fees for such members as payment for exercising their RPP responsibilities; and advise the Panel Secretariat of the appointments. Council is reminded that at least one council member is required to have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.

Expressions of Interest for External Alternate Applicants

By way of background, it is noted that, due to the provisions contained within Section 10.12 of the 'Planning Panels Operational Procedures' (September 2016), and the Planning Panel's 'Code of Conduct' (August 2018), it is becoming increasingly common for Council's permanent and alternate members to declare a conflict of interest in respect of the consideration of a development application. This is mainly due to their previous involvement in a Planning Proposal for the site the subject of the development application.

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In the event the above situation occurs, it becomes necessary for Council officers to prepare a report to Council seeking alternate RPP members. In some cases, such as in respect of the DA, it is not possible for alternate Councillors to be appointed to the RPP, as some or all Councillors may also have a conflict of interest due to their previous consideration of, for example, a Planning Proposal. It could therefore be possible that situations arise whereby Council is not represented on the RPP.

In consideration of the above, at their meeting of 3 April 2019, Council resolved (inter alia):

1. *That the General Manager make arrangements for an Expressions of Interest process to occur calling for suitable external applicants to act as Council's alternate Hunter and Central Coast Regional Planning Panel representatives to participate in any briefings and meetings scheduled for the Regional Planning Panel in respect of any Development Application, S4.55 Application, and Planning Proposal where a member has declared a conflict of interest, for a period of three (3) years.*
2. *That a further report on the Expressions of Interest outcomes, including financial implications, be provided to Council for consideration and the endorsement of alternate representatives to the Hunter and Central Coast Regional Planning Panel.*

In accordance with Council's resolution from the meeting of 3 April 2019, Council staff carried out an Expressions of Interest process calling for suitable external applicants to act as Council's alternate representatives, in the event current members declare a conflict of interest. In the report referred to Council's meeting of 3 April 2019, it was recommended that Council appoint a minimum of two external representatives.

Expressions of Interest were sought from interested persons between 28 August and 25 September 2019.

Advertisements calling for Expressions of Interest were placed in newspapers circulating in both the local and wider Hunter region, including the Newcastle Herald, and the Advertiser; a notice was published on Council's website, and the advertisement was circulated via LinkedIn.

Council's advertisement outlined that, pursuant to Section 2.18 of the *Environmental Planning and Assessment 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.

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In response to the advertisement, Council received a total of three Expressions of Interest, all of which were complete and could therefore be considered.

Council staff carried out an evaluation of the Expressions of Interest against the following criteria:

Number	Selection Criteria
1	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.
2	A good working knowledge of relevant State and Local Government legislation, including the NSW <i>Environmental Planning and Assessment Act 1979</i> ; and knowledge/understanding of the planning process, including the assessment of complex developments.
3	Availability to service the proposed contract
4	Price
5	Reside in either the Cessnock LGA or the Hunter Region

The evaluation is attached to this report as Confidential Enclosure 1.

The evaluation concluded that all three persons had the necessary experience, knowledge and experience to fulfil the requirements of the RPP alternate member, and have the ability to service the proposed contract.

Accordingly, this report recommends that Council endorse three external alternate members, to represent Council and participate in any briefings and meetings scheduled for the Regional Planning Panel in respect of any Development Application, S4.55 Application, and Planning Proposal where a member has declared a conflict of interest, for a period of three (3) years.

Should Council resolve to endorse the recommended external alternate members, the successful candidates will be notified in writing.

OPTIONS

1. *Appoint Council members and external alternate members*

Council may resolve to appoint Council members and external alternate members to the RPP for a period of time, (until the term of the current Council expires and up to a maximum of three years, respectively). At least one of the main members must meet the expertise requirements in an area(s) of planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.

Option 1 is preferred as the appointment of both Council representatives and external alternate members will ensure that Council is represented during all RPP meetings.

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2. Do not appoint any members

As outlined previously in this report, it is *not mandatory* for Council to nominate members to the RPP. If a council fails to nominate one or more council members, a panel may still exercise its functions in relation to the area of the council concerned.

Therefore, Council may resolve not to appoint members and alternate members to the RPP.

This option is not preferred as this would mean that Council would not be represented on the RPP.

CONSULTATION

Director Planning and Environment
Team Leader Development Services
Senior Planning Assessment Officer
Senior Contracts and Tendering Officer

STRATEGIC LINKS

a. Delivery Program

This report is linked to Objective 5.3.3 Continue to efficiently and effectively process development applications, and respond to planning related enquiries.

This matter also relates to the Community's Desired Outcome for "*Civic Leadership and Effective Governance*".

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

The implications for Council's participation on the Hunter and Central Coast RPP are outlined in the report.

b. Financial Implications

Ongoing costs will be associated with the appointment of external alternate representatives to the RPP, specifically in respect of professional fees and associated travel expenses.

Draft estimates, based on 6 meetings and briefings per year where one alternate may be required, confirm that approximately \$12,000 would be required to cover professional fees and travel expenses, per annum.

It is noted that the above figure is based on costs only being incurred by Council's external alternate representatives.

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As outlined previously in this report, when Council last resolved to appoint panel members (elected Councillors) at its meeting of 5 October 2016, Council resolved as follows:

That Council's adopted Expenses and Facilities Policy apply to any expenses incurred by members exercising their JRPP responsibilities.

In the event Council resolves on this occasion to pay different costs to Council's appointed panel members (elected Councillors), the budgetary estimation quoted above would increase.

This report recommends that Council allocates \$6,000 in the 2019/20 Operational Plan for relevant costs incurred by Council's external alternate members (professional fees and travel), and that this funding be sourced from within the operational budget relating to Councillor expenses, and that in the development of the 2020/21 Operational Plan, a minimum allocation of \$12,000 be provided for such expenses.

c. Legislative Implications

N/A

d. Risk Implications

The appointment of both Council representatives and external alternate members will ensure that Council is represented during all RPP meetings.

e. Other Implications

N/A

CONCLUSION

This report recommends that Council nominate two Council members, and one alternate Council member for appointment to the Hunter and Central Coast Regional Planning Panel, until the term of the current Council expires.

In addition, this report recommends that Council endorse three external alternate members to represent Council and participate in any briefings and meetings scheduled for the Regional Planning Panel in respect of any Development Application, S4.55 Application, and Planning Proposal in circumstances where a member has declared a conflict of interest, for a period of three years.

The appointment of both Council representatives and external alternate members will ensure that Council is represented during all Regional Planning Panel meetings.

ENCLOSURES

- 1** Evaluation of Expressions of Interest - *This matter is considered to be confidential under Section 10A(2) (j) of the Local Government Act, as it deals with Council Policy.*

SUBJECT: *POST EXHIBITION REPORT OF THE DRAFT COMMUNITY PARTICIPATION PLAN*

RESPONSIBLE OFFICER: *Assistant Strategic Planner - Hannah McCauley*

SUMMARY

The purpose of this report is to seek Council adoption of the Draft Community Participation Plan (CPP).

RECOMMENDATION

1. That Council adopts the revised Community Participation Plan.
2. That Council writes to all those persons who made a submission thanking them for their input and to advice of Council's decision.
3. That Council repeal Chapter B.2 Public Notification and Advertising of the Cessnock Development Control Plan 2010.

BACKGROUND

In 2018 the Department of Planning, Industry and Environment (DPIE) published an update to the *Environmental Planning and Assessment Act 1979* (EP&A Act). The changes to the EP&A Act included mandating the requirement for all NSW planning authorities to have a Community Participation Plan (CPP). The CPP is required to be in place by 1 December 2019.

Council staff drafted the Community Participation Plan and reported it to the Ordinary Council meeting of 18 September 2019. Council resolved to amend section **3.3.2 Development Assessment not requiring exhibition** of the Draft CPP and place it on public exhibition for a period of 28 days. The exhibition period ran from the 2 October – 31 October 2019.

REPORT/PROPOSAL

Community participation is an important component of Council's role in engaging with the community, particularly with regard to our role as the local planning authority. Our approach to community participation is centered on ensuring the community is aware and engaged with the planning activities being undertaken by Council and to ensure that we meaningfully engage with our community and stakeholders on planning matters.

The intent of the CPP is to make it clear and easy for community members to understand how they are able to participate in the planning process. It provides guidance on how the community can have a say on the different strategic and statutory planning matters.

The CPP applies the principles of the International Associated of Public Participation (IAP2) and outlines how and when Council will engage with the community. The document also outlines best practice guidelines for subject matters that is not legislated by the EP&A Act.

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The CPP ensures that opportunities to participate in Council's planning decision making are made available in line with legislation and with consideration as to the likelihood of impact of the planning matter.

The legislation under which the CPP is administered enables planning authorities the ability to nominate certain types of developments (land uses) as being exempt from exhibition requirements. The EP&A Act stipulates that the planning authority is to have regard to scale of the development the likely impact of the proposed development when preparing its' CPP.

At the ordinary meeting of 18 September 2019, Council resolved to reduce the proposed list of exemptions included at **3.3.2 Development Assessment not requiring exhibition**. The changes made by this resolution would result in exhibition controls that are stricter than the controls currently outlined within chapter B.2 Public Notification and Advertising of the Cessnock Development Control Plan (DCP) 2010. The change made by the resolution of Council would result in the requirement to notify developments such as sheds, garages, swimming pools, extensions to dwelling houses and single storey dwellings.

Council received three submissions during the exhibition period. The submission raised concern with the list of exemptions to development types proposed by the exhibition draft of the CPP; as well as Council's existing engagement practices, such as use of social media, engaging with community groups and the communication methods Council utilises to engage with the community. The submission provided an example where Council exhibits technical reports, such as Environmental Impact Statements and provides no plain English explanation.

One submission suggested the creation of an electronic subscription list for residents and community groups to "opt-in" to be notified of projects in their areas. Additionally, the submission suggested other ways Council could engage via Social Media and YouTube. These matters are best placed to be addressed in the Community Engagement Strategy as they may be able to be applied across Council rather than specifically to planning related matters.

The submissions identified that the list of exemptions included in the exhibition copy of the Draft CPP were more onerous than the list of proposed exemptions originally reported to Council. One submission also drew a comparison between the proposed notification requirements of the exhibition draft of the CPP and what is able to be completed under the *State Environmental Planning Policy (Exempt and Complying Development) Codes 2008* as Complying Development and as such not requiring notification. Theorising that the modifications made at the Ordinary Council meeting of 18 September 2019 could result in a higher volume of privately certified Complying Development Certificates.

Having regard to the increased of notification provisions contained within the exhibited Draft CPP, and the content of the submissions received, it is recommended that section **3.3.2 Development Assessment not requiring exhibition** of the CPP be amended to include those develop types currently excluded from exhibition under Chapter B.2 of the Cessnock DCP 2010. As such, it is proposed to include single storey dwellings, additions to dwellings and development that is ancillary to a dwelling within the list of exemptions. The recommended post exhibition amendments to the proposed list of development type's not requiring notification are:

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1. Development is for a new **dwelling houses**, additions to a dwelling house, and/or ancillary development to a dwelling house provided that the development:
 - a) is a maximum of one storey;
 - b) is a maximum height 8.5m from the existing ground level; and
 - c) is setback 900mm from the boundary
2. **Commercial premises** and **shop-top housing** in commercial zones where the site does not directly adjoin land in a residential zone.
3. Industrial development in industrial zones where the site does not directly adjoin land in a residential zone.
4. Development is for **extensive agriculture**, or development that is ancillary to the rural use of the land including but not limited to **farm buildings**, dams etc.
5. Internal works to any building (excluding heritage listed items), where there is no change to the external configuration of the building.

OPTIONS

The options of Council are:

1. Adopt the modified Community Participation Plan at Enclosure 1 of this report. This is the recommended option.
2. Adopt the exhibition version of Community Participation Plan at Enclosure 1 of this report. This option would mean that development types that do not currently require exhibited under Chapter B.2 of the Cessnock DCP 2010 will be subject to exhibition requirements.

CONSULTATION

The Draft CPP was developed in consultation with the following internal staff:

- Strategic Planning Manager;
- Development Services Manager;
- Development Services Team Leaders;
- The Strategic Planning team;
- Senior Media and Communications Officer; and
- Senior Adviser – Business Improvement.

The Draft CPP was placed on public exhibition for a period of 28 days. Council advertised the exhibition period in the local newspapers. A total of two submissions were received, the details of which and Councils responses to are detailed above.

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STRATEGIC LINKS

a. Delivery Program

The CPP reflects the key themes of the Community Strategic Plan and Delivery Programs as it aligns with Civic leadership and effective governance, which outlines the following objectives:

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

b. Other Plans

The CPP stipulates how Council will engage with the community on planning, related matters and as such has a direct link to future strategic plans, masterplans or amendments to existing strategic plans, development application and the like developed by Council within the legislative function of the EP&A Act.

IMPLICATIONS

a. Policy and Procedural Implications

The CPP will apply to the Planning and Environment Directorate and specifically relate to the processes utilised to undertake public exhibition across the range of planning matters.

b. Financial Implications

Nil.

c. Legislative Implications

The CPP has been developed in line with the relevant provisions of the EP&A Act, associated regulations and the guidelines issued by the NSW DPIE.

Adoption and implementation of the CPP will ensure that the Council is compliant with its legislative obligations as a planning authority as set out by the EP&A Act.

d. Risk Implications

Failure to adopt the CPP by 1 December 2019 will mean that Council is not compliant with the legislative requirements set out by the EP&A Act for **all** NSW planning authorities.

e. Environmental Implications

Nil.

f. Other Implications

Nil.

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CONCLUSION

All NSW planning authorities are required to have implemented a CPP by 1 December 2019.

The intent of the CPP is to make it easier for our Community to understand how and when they can get involved in planning matters. The CPP provides clear guidance on when and how the community will be consulted on the different types of planning matters that fall within the realm of Council responsibility and in turn how they can have their say.

ENCLOSURES

[1](#) Revised Community Participation Plan





Figure 1: Mount Yengo, located in Yengo National Park, holds great significance to local Aboriginal people.

Acknowledgement of Country

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

WARNING: Aboriginal and Torres Strait Islander people are warned that this document may contain images of people who have died.

September 2019

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Document History

Revision	Date Approved	Description of Changes
1		Community Participation Plan adopted by Council.

DOC2019/066492

Community Participation Plan

2

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ABBREVIATIONS:

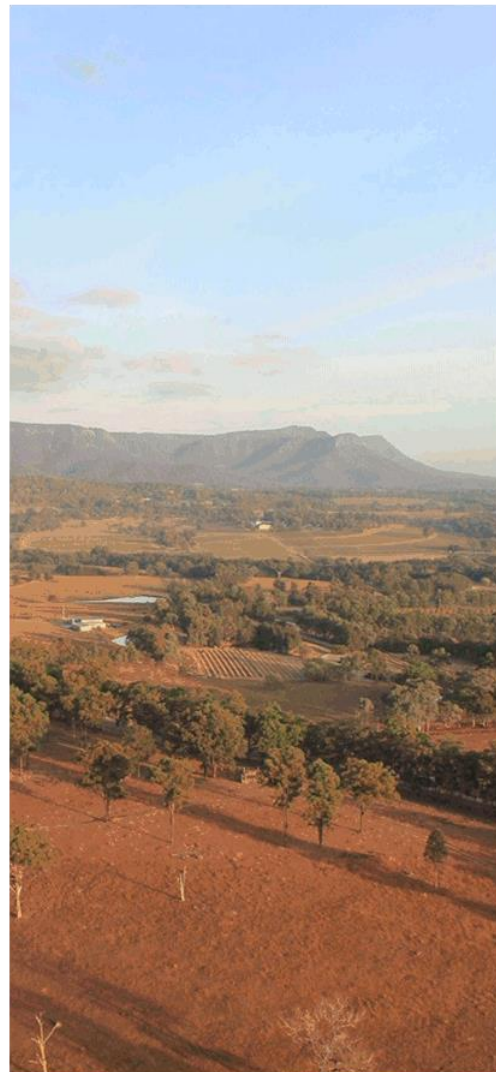
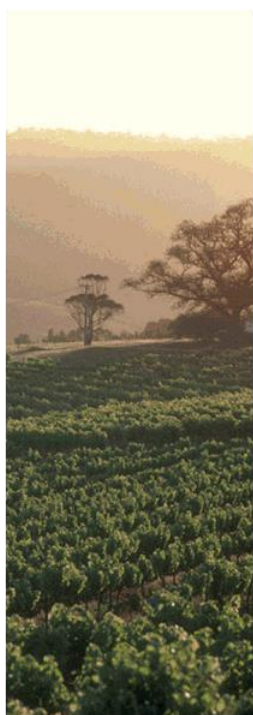
CES	Community Engagement Strategy
CPP	Community Participation Plan
CSP	Community Strategic Plan
DA	Development Application
DCP	Development Control Plan
EP&A Act	Environmental Planning and Assessment Act 1979 No 203
EP&A Reg	Environmental Planning and Assessment Regulation 2000
IAP2	International Association of Public Participation
LEP	Local Environmental Plan
LG Act	Local Government Act 1993 No 30
LSPS	Local Strategic Planning Statement



Our Cessnock

The history of the Cessnock Local Government Area is diverse and intrinsically linked to the environmental setting, our diverse cultural history, and to the agricultural, mining and viticultural sectors on which the area was established and has relied upon for employment and growth.

Cessnock is made up of a number of towns and villages nestled amongst picturesque rural and environmental areas. The people of Cessnock take great pride in the village or town they are from and want to see their local community thrive.



1 What is a Community Participation Plan?

Cessnock City Council values the diverse and rich history of the region and the value the community places on the distinctive villages and communities, and the pride and community spirit this creates. The CPP wants to ensure that this sense of pride and spirit is supported through good planning practice.

The intent of CPP is to make it easier for the community to understand how to get involved in planning matters. It provides guidance on how the community can have a say on the different types of planning documents and planning outcomes.

1.1 Where does the CPP apply?

The CPP applies only to activities under the [Environmental Planning and Assessment Act 1979 No 203](#) that are being assessed by Cessnock City Council. All other NSW planning authorities are required to prepare their own CPP.

This CPP repeals Chapter B.2 Public Notification and Advertising of the Cessnock DCP 2010.

1.2 What does the CPP include?

The CPP addresses mandatory and best practice methods to ensure the community can meaningfully participate in planning matter across the Cessnock where Cessnock City Council is the planning authority.

The CPP is Council's formal policy position on submissions relating to planning matters.

1.3 How did Council develop this CPP?

The CPP has been developed in accordance with the requirements of the EP&A Act. Due consideration has been provided to the council charter of the [Local Government Act 1993](#) (and Council's own Community Strategic Plan 2027. A representation of Council's engagement framework is outlined below in Figure 2.

Figure 2: Council's engagement framework



1.4 How is the CPP to be used?

Community input and participation is central to the creation of thriving communities. This CPP is Council's invitation to the community to participate in planning so that we can achieve better social, economic and environmental outcomes for the Cessnock Community today and in the future.



Community Strategic Plan

The purpose of the CSP is to identify the community's main priorities and aspirations for the future and to identify strategies for achieving these goals. The CPP reflects the key themes of the CSP, particularly:

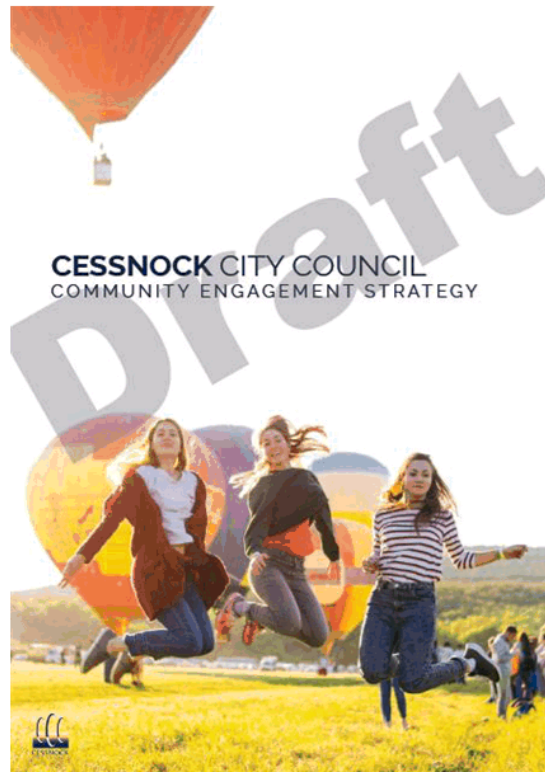
Civic leadership and effective governance which outlines the following objectives:

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

Community Engagement Strategy

Council's CES is currently under review.

The CPP has been designed to complement Council's existing engagement framework and be consistent with best practice engagement methods.



The CPP will be exhibited and adopted as an individual document but is intended to be read as an addendum to the CES when it is finalised and adopted.

1.5 Changes to the NSW Planning Framework – Local Strategic Planning Statements

The Local Strategic Planning Statement will take the vision of the Community Strategic Plan and grow this into a land use planning blueprint to guide the future of Cessnock up to 2036.

The LSPS will provide the framework for development of a new LEP and DCP.

This provides another way of ensuring the voice of the community is considered in the planning system and is a new legislative requirement.



2 What is community participation and why is it important to planning?

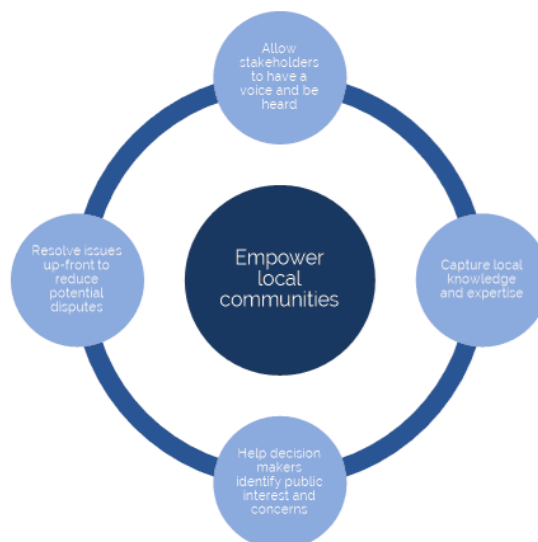
Planning is an important function of Council and plays a part in defining our local communities. Planning influences how people experience the region on a daily basis, whether they be living, working, or visiting the area.

Community participation is an important component of Council's role in serving the community, particularly with regard to our role as the local planning authority. Our approach to community participation is centred on ensuring the community are aware and engaged with planning activities being undertaken by Council and to ensure that we meaningfully engage with our community and stakeholders on planning matters. The level and extent of participation and engagement will depend on the scale of the project.

Council want to draw on local knowledge, ideas and skills to create a shared sense of purpose in delivering better urban spaces while protecting the natural landscape and environmental values of our region

By effectively engaging with our community we gain a better understanding of:

- How residents live in the region;
- How we connect with each other as a community; and
- What we want the future of Our Cessnock to be.



This helps Council to achieve planning outcomes that are in line with our communities, values, concerns and ideas for the area.

Good community participation provides a strong foundation for understanding planning processes and building the communities trust in Council.

By engaging in meaningful community participation we create a sense of purpose and it seeks to protect the local character of Our Cessnock and environment landscape in which it is located.

Encouraging more participation in the planning system has the flow on benefit of reducing confusion within the community and strengthening Council's relationship with our community.

2.1 What legislation governs the NSW Planning System?

The NSW Planning System is governed by two significant pieces of state legislation:

- [Environmental Planning and Assessment Act 1979 No 203](#) (EP&A Act)
- [Environmental Planning and Assessment Regulation 2000](#) (EP&A Regulation)

There are other significant state acts that have relevance to Council's functions as a planning authority, including particular requirements for community participation in planning. These acts and their participation requirements are the:

- [Local Government Act 1993 No 30](#) – the principal piece of legislation that governs Local Government within NSW. It details the establishment and function of local councils. This Act details consultation requirements for reclassification of Council owned land.
- [National Parks and Wildlife Act 1974 No 80](#) – provides functions for conservation and management of land by applying the principles of ecologically sustainable development. This Act provides guidelines on how to consult on matters of Aboriginal heritage.

2.2 The foundations of public participation

It is important to recognise the role that appropriate engagement and early stakeholder involvement has in the successful delivery of a project or service.

Council applies the principles of the International Association of Public Participation (IAP2) to our engagement and participation practices.

Why does Council engage with the community?

Council engages with the community to help achieve better outcomes and foster an environment of transparency and trust.

When we engage with our community we are seeking to ensure that our community is:

- **Informed** on matters that will influence their lives.
- **Consulted** in a manner that allows a range of voices to be heard.
- **Involved** in decision making that ensures Council practices best meet their needs.
- **Collaborated** with to identify and understand what is important to them.
- **Empowered** to ensure we meet their wants, needs and aspirations.

2.3 Where do the foundations of community participation come from?

The CPP considers the principles of IAP2, as utilised in Council's CES, and those outlined within the EP&A Act as the core principles for community participation in planning matters. In addition, Council has identified four principles that will guide how our Planning and Environment directorate will consult on planning matters under assessment.

Community participation is the process of involving people in the decisions that affect their lives. As the local planning authority this is one of Council's core responsibilities to our community.

IAP2 defines engagement as involving "the public in the problem solving or decision-making and uses public input to make sustainable decisions."

Table 1: Application of the IAP2 Public Participation Spectrum

	Increasing level of public impact				
	Inform	Consult	Involve	Collaborate	Empower
Our promise to the community	We will keep you informed.	We will keep you informed, listen to and acknowledge your concerns and aspirations, and provide feedback on how public input influenced the planning decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the projects development and provide feedback on how public input influenced the decision / outcome.	We will work together with you to formulate solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.
Frequency of use in planning matters	HIGH	HIGH	MEDIUM	MEDIUM	RARE
Application to planning	Focuses on notification and communication that closes the "feedback loop." E.g. Planning Agreements	Widely used across a range of planning projects. E.g. Development Applications	For targeted use on complex projects. E.g. Development Control Plans.	Applied to strategic planning and place making projects. E.g. Place making, Public Domain Plans and Strategies	Empowerment is difficult to achieve in the planning system due to the stringent and layered legislative framework.

2.4 What are the principles of community participation?

2.4.1 Council's principles for community participation

Council has identified four principles that will guide how our Planning and Environment Directorate will consult on planning matters under assessment.

Community participation should:

- Be facilitated with **integrity**, ensuring the process is transparent and clear in scope and purpose.
- Be designed to be **inclusive** ensuring a range of values and perspectives are captured through use of participation practices that are accessible.
- Promote **dialogue** and encourage open and genuine discussion in an environment where participants feel heard.
- Ensure that the communities **influence** is reflected in the outcomes.

2.4.2 Legislated principles for community participation

The EP&A Act has identified 8 core principles for community participation applicable specifically to the NSW Planning System, these are:

- a) *The community has a right to be informed about planning matters that affect it.*

- b) *Planning authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.*
- c) *Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning.*
- d) *The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.*
- e) *Community participation should be inclusive and planning authorities should actively seek views that are representative of the community.*
- f) *Members of the community who are affected by proposed major development should be consulted by the proponent before an application for planning approval is made.*
- g) *Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions (including how community views have been taken into account).*
- h) *Community participation methods (and the reasons given for planning decisions) should be appropriate having regard to the significance and likely impact of the proposed development.*

We are transparent and credible.

Ensuring all our planning processes are underpinned by the community's right to be informed about planning matters that affect them.



2.5 How will the CPP apply principles of community participation?

The following table details of how Council's community participation principles and objectives, outlined in this document, the Draft Community Engagement Strategy and the Cessnock 2020 Community Plan, align with the principles of the EP&A Act; and in turn how these will be translated into the CPP.

Table 2: Principles of community participation

Council's principles for community participation in planning <i>Community participation is...</i>	Council's objectives for community participation <i>Council will...</i>	How the CPP implements these objectives and principles? <i>The CPP will...</i>
Inclusive and conducted with integrity and an open dialogue that ensures the influence is meaningful and reflected in planning outcomes.	Encourage more community participation in decision making	Identify and implement inclusive engagement techniques for people of all abilities.
	Be more responsiveness to community.	<ul style="list-style-type: none"> Communicate in plain English; Use visual aides where appropriate; Ensure accessible opportunities are provided; and Encourage greater digital and electronic engagement methods.
	Improve the efficiency and transparency of Council engagement processes.	Nominate the community participation methodologies that can be used and ensure they are appropriate to scale and level of the planning matter being assessed.
	Inform the community on decision making outcomes.	<ul style="list-style-type: none"> Ensure planning matters are publicised early; Provide ongoing opportunities for participation; and Close the feedback loop at the end of the process.
	Develop and implement strategies to encourage and empower the community to participate in consultation activities	<ul style="list-style-type: none"> Ensure that: <ul style="list-style-type: none"> Community participation and consultation is consciously designed and planned for the project. Our planning teams engage with the community regularly.

2.6 Why do different scales of development require different levels of participation?

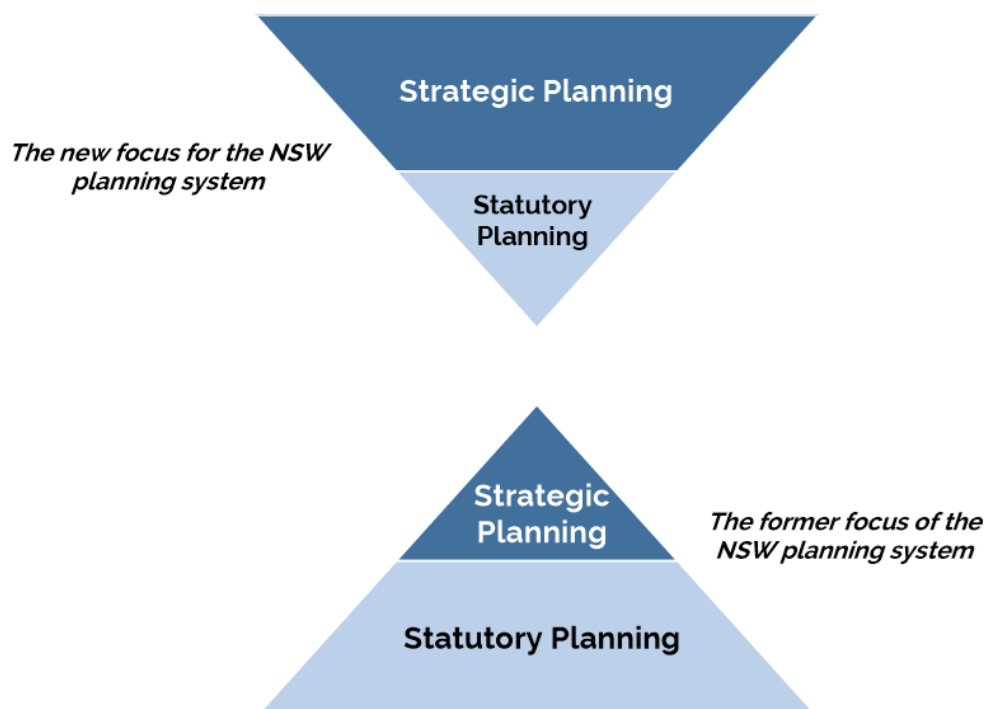
The NSW Planning system incorporates a number of different approval pathways. The CPP has been written to reflect the approval pathways in the following three categories:

- **Strategic Planning:**
sets the direction for the area and provides a method for achieving the directions through the development of strategies, planning controls and policy direction. Strategic planning enables development and informs change, and establishes the planning controls that are used in the Statutory planning process.
- **Statutory Planning:**
the process of assessment of development applications. Statutory decision making is informed by the controls developed by Strategic planning.
- **Other Matters:**
being matters external to Council.

When applying the principles of community participation to the planning system is in critical to consider the scale of the planning matter, the approvals pathway under which it is being assessed and the associated impact.

The NSW State Government, Council and other planning authorities are working to refocus the hierarchy, shifting the focus will help planning authorities to ensure community participation occurs at the appropriate approval pathway.

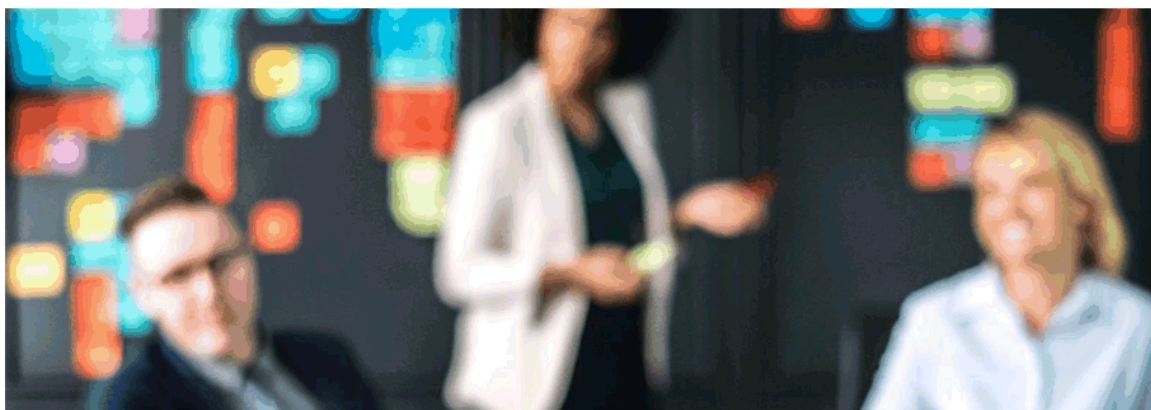
Figure 3: Refocusing the NSW planning system



Opportunities to participate in Council's Planning system are made available in line with the legislation and the likelihood of impact of the planning matter. It is important that the *category* and *scale* of a planning matter is known to determine the likelihood of the impact and ensure that the appropriate level of community participation can be determined. Table 3 provides detail on why community participation is important to each category of planning matters, and how and Council will undertake community participation for planning matters within each category.

Table 3: Categorisation of planning matters and associated participation activities

	Strategic planning <i>Plan making</i>	Statutory planning <i>Development assessment</i>	Other matters <i>external to Council</i>
Why is this important to participation?	<ul style="list-style-type: none"> • Opportunities for integrating our community in consultation on or exhibition of Council led projects 	<ul style="list-style-type: none"> • Building trust with our community • Providing clarity and consistency • Generating involvement in local matters 	<ul style="list-style-type: none"> • Advocating for our community • Opportunity for being innovative in community participation for project's outside of Council's control
When?	Pre, during and post exhibition.	Primarily during exhibition.	During exhibition or as part of ongoing advocacy
How?	Administer a Council managed method for incorporating community feedback into Council plan making.	Decision making in the public interest	<ul style="list-style-type: none"> • Notify our community of the opportunity to make a submission and how to do so. • Advocate on behalf of our community
Example	Attend a workshop, complete a survey, or participate in a working group to provide feedback on a plan.	Community member makes a submission in response to a DA notification.	<ul style="list-style-type: none"> • Make a submission directly to the external agency • Report the matter to Council for consideration.



3 *What are Council's notification and exhibition requirements?*

This section of the CPP outlines all notification and exhibition requirements as mandated by the EP&A Act.

Council's Department of Planning and Environment operates with the intention of actively involving our community in the planning for their places and community. Community participation opportunities can include:

- Upfront engagement during the early stages of planning projects;
- Making a submission to a development application;
- Engaging in community consultation sessions on draft strategic plans; and
- Making a submission on draft strategic plans and policies during the formal public exhibition undertaken towards.

The CPP includes mandatory and non-mandatory requirements for public exhibition on planning matters. The mandatory requirements are legislated and exist to safeguard the community's right to comment on planning matters that affect them. The non-mandatory requirements reflect best practice measures and seek to actively involve the community in planning matters that may have a broader community impact.

Important public exhibition information:

- Timeframes for all public exhibition are in calendar days and include weekends.
- If the nominated exhibition period is due to close on a weekend or public holiday Council will extend the exhibition to finish on the first available work day, this will be explained in all correspondence relating to the exhibition.
- The period between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition.
- A public authority is not required to make available for public inspection any part of an Environmental Impact Statement whose publication would, in the opinion of the public authority, be contrary to the public interest because of its confidential nature or for any other reason.

HOW WE ENGAGE WITH OUR COMMUNITY



MAILOUT OR LETTERBOX DROP

- Written correspondence to relevant stakeholders
- Letterbox drop
- Attachments to rates notices



INFORMATION IN PUBLIC PLACES

- Copies of exhibition material provided at Council's administration building and libraries
- Interactive displays in public locations such as civic centres, libraries, shopping centres and at community events



COUNCIL'S WEBSITE

- Council's public exhibition web page
- Application Tracker
- Surveys
- Mapping
- Online engagement tools



SOCIAL MEDIA

- Circulate information about planning projects using Council's social media
- Council newsletters



NEWSPAPER NOTICES & DIGITAL ADVERTS

- Newspaper notices and advertisements
- Digital media advertisements



WORKSHOPS & COMMUNITY MEETINGS

- Workshops and community meetings
- Stakeholder meetings and round-tables
- Public seminars
- Creative workshops with children
- Drop-in sessions and pop-up stalls



ADVISORY PANELS & REFERENCE GROUPS

- Interagency forums
- Community and stakeholder reference groups
- Advisory panels and groups

Note: This is not limiting or all-inclusive list and will evolve with technology advances, time and changes to industry recognised practices.

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Community Participation Plan

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3.2 Strategic – plan making

3.2.1 Exhibition timeframes and methods - Strategic

Draft planning documents must be reported to Council seeking endorsement for exhibition prior to the commencement of the formal exhibition period. [Schedule 1 Community Participation Plans](#) of the EP&A Act outlines the minimum timeframes for public exhibition of strategic planning documents.

Council will communicate opportunities for public exhibition on Strategic Planning projects through the most appropriate means depending on the scale of the project.

This is not limiting or all-inclusive list and will evolve with technology advances, time and changes to industry recognised practices.

Council has decided to adopt public exhibition timeframes consistent with the EP&A Act, these are detailed in Table 4 below. Table 5 provides exhibition timeframes for documentation not addressed in Schedule 1 of the EP&A Act.

Table 4: Strategic Planning exhibition timeframes - legislated

Application Type	Public Exhibition Timeframe
Draft Community Participation Plans	28 days
Draft Local Strategic Planning Statements	28 days
Planning Proposals for local environmental plans subject to a gateway determination	28 days or a) if a different period of public exhibition is specified in the gateway determination for the proposal—the period so specified, or b) if the gateway determination specifies that no public exhibition is required because of the minor nature of the proposal—no public exhibition.
Draft Development Control Plans	28 days
Draft contributions plans	28 days
Draft planning agreements	28 days

Table 5: Other Strategic Planning matters – best practice guidelines

Application Type	Public Exhibition Timeframe
Reclassification of land	28 days and a public hearing to occur after the conclusion of the public exhibition
Draft policies or guidelines	28 days
Public Domain Plans, Masterplans and similar plans for urban renewal	28 days
Re-exhibition of any matter referred to above	As per the original exhibition period.

Council may choose to extend the public exhibition period relating to any proposal should the scope of the project be determined to require it, or should the elected representatives resolve to do so.

3.3 Statutory – development assessment

There are different classifications of development that require consent in accordance with the EP&A Act. A DA is a formal application for consent to under the EP&A Act by way of one of the classifications of development listed below and defined within the *Glossary*. DA's consist of standard application forms, supporting technical reports and plans, and associated fees. Council is not always the consent authority for development. The consent authority for each type of development is also identified below:

Table 6: Development application classifications and consent authorities

Development Classification	Consent Authority
<ul style="list-style-type: none"> Local development Integrated development Designated development 	Council
<ul style="list-style-type: none"> Regional development 	Regional Planning Panel
<ul style="list-style-type: none"> State Significant Development State Significant Infrastructure 	This Minister or his delegate

3.3.1 Exhibition timeframes and methods - Statutory

The notification timeframes for development applications are legislated in [Schedule 1 Community Participation Plans](#) of the EP&A Act.

Table 7: Statutory Planning exhibition timeframes - legislated

Application Type	Legislated timeframe
Application for development consent <i>other than for Complying Development Certificate, for Designated Development or for State Significant Development</i>	14 days *
Application for development consent for Designated Development	28 days
Application for development consent for State Significant Development	28 days
Application for modification of development consent that is required to be publicly exhibited by the regulations	Section 4.55 (1A) – not required Section 4.55 (2) – as per the EP&A Regs. Section 8.3 – as per the EP&A Regs.
Environmental Impact Statement obtained under Division 5.1	28 days
Environmental Impact Assessment (EIA) for State Significant Infrastructure under Division 5.2	28 days

Note: In the instance that the development type is not addressed in Table 7: Statutory Planning exhibition timeframes - legislated, Council will defer to [Schedule 1 Community Participation Plans](#) of the EP&A Act and the associated EP&A Regulations.

3.3.2 Development Assessment not requiring exhibition *

[Schedule 1 Community Participation Plans](#) of the EP&A Act stipulates that Council can specify types of development applications that will not require public exhibition.

Notification will not be conducted for the following development types except where the development application is for works on a heritage item or in a heritage conservation area as outlined by the Cessnock LEP 2011.

1. Development is for a new **dwelling houses**, additions to a dwelling house, and/or ancillary development to a dwelling house provided that the development:
 - a) is a maximum of one storey;
 - b) is a maximum height 8.5m from the existing ground level; and
 - c) is setback 900mm from the boundary
2. **Commercial premises** and **shop-top housing** in commercial zones where the site does not directly adjoin land in a residential zone.
3. Industrial development in industrial zones where the site does not directly adjoin land in a residential zone.
4. Development is for **extensive agriculture**, or development that is ancillary to the rural use of the land including but not limited to **farm buildings**, dams etc.
5. Internal works to any building (excluding heritage listed items), where there is no change to the external configuration of the building.

Note: Notwithstanding any other provision of the CPP, Council reserves the right to notify or exhibit any proposed development if, in the opinion of Council, it is in the public interest to do so.

Figure 4: Examples of development not requiring exhibition



3.4 What types of exhibition methods Council will use?

This CPP has outlined that opportunities for community participation are respondent to the scale and category of the planning matter. During public exhibition Council make available relevant documents that we are seeking community input on. Table 8 outlines some of the different methods we may use to seek community input and how they will be applied to particular planning matters.

Table 8: Types of exhibition to be used for planning matters

X : must be undertaken ♦ : may be undertaken. This requirement will be determined at the discretion of Council staff and based on the scale of the planning matter		Notification	Newspaper advertisement	Council website (including Application Tracker)	Site notice	Viewing at other venues
Statutory Planning	Designated Development	X	X	X	X	X
	Integrated development	X		X		
	Local development	X		X		
Strategic Planning	Draft Community Participation Plans		X	X		X
	Draft Contributions Plans	♦	X	X		X
	Draft Development Control Plans	♦	X	X		X
	Draft Local Strategic Planning Statements		X	X		X
	Planning Agreements	X	X	X		X
	Planning Proposals	♦	X	X		X
	Draft Public Domain Plans, Masterplans and other Strategies	♦	X	X		X
	Draft Policies or guidelines					

Note: This table is considered to be a guideline for requirements. Council may choose to conduct other types of community participation if it is consider to be in the public interest to do so.

3.5 Submissions

A person is entitled to make a submission on a planning matter within the public exhibition period. Submissions can object to or support the proposal. Formal submissions must be made in writing, addressed to the General Manager and submitted by one of the following methods:

Table 9: Making a submission

Submission method	Strategic planning <i>plan making</i>	Statutory planning <i>development assessment</i>
Email	council@cessnock.nsw.gov.au	council@cessnock.nsw.gov.au
Post	PO Box 52 CESSNOCK NSW 2325	PO Box 52 CESSNOCK NSW 2325
Application Tracker		http://datracker.cessnock.nsw.gov.au/

3.5.1 Submission period

The submission period is the same as the public exhibition timeframe.

3.5.2 Anonymous submissions

Anonymous submissions will not be considered by Council.

3.5.3 Disclosure of submissions

Submissions are not kept confidential. Council releases submissions when a request is made in accordance with the relevant provisions under the *Government Information (Public Access) Act 2009*. When a submission is released by law, Council routinely withholds contact numbers, email addresses and signatures.

Should you wish for all personal details or any information that may identify you to be withheld from the public, please advise Council of this in your submission.

3.5.4 Provision of submissions to the applicant/proponent

Copies of submissions may be forwarded to the applicant or proponent seeking that they address the issues raised in the submissions, by way of comments or amendments to the proposed application or plan.

3.5.5 Acknowledgement of submissions

All submissions received during public exhibition will be acknowledged as soon as practicable by Council following the conclusion of the exhibition period.

3.5.6 Petitions

Where a petition is received the person who submits the petition to Council will be acknowledged as the point of contact for all future correspondence on the progress of the application/project.

Petitions will not be counted as a submission and will be tabled separately.

3.5.7 Notification of the outcome

Following determination of a development application, or the adoption of a strategic planning document, all persons who made a submission shall be notified in writing of the decision.

4 Glossary

Planning Term	Definition
Community Participation Plan (CPP)	A community participation plan prepared and published under Division 2.6 of the Environmental Planning and Assessment Act 1979 No 203 .
Contributions plans	A plan developed by Council for the purpose of gaining financial contributions from new development towards the cost of new and upgraded public amenities and/or services required to accommodate the new development. Contributions plans are approved under section 7.18 of the Environmental Planning and Assessment Act 1979 No 203 .
Designated development	Designated Development refers to developments that are high impact or are located in or near an environmentally sensitive area.
Development Application	An application for consent under Part 4 of the Environmental Planning and Assessment Act 1979 No 203 to carry out development but does not include an application for a complying development certificate.
Development Control Plan (DCP)	A plan that provides detailed planning and design guidelines to support the planning controls in a LEP.
Environmental Planning Instrument	An environmental planning instrument (including a SEPP or LEP but not including a DCP) made, or taken to have been made, under Part 3 of the Environmental Planning and Assessment Act 1979 No 203 and in force.
Gateway determination	A gateway determination is issued following an assessment of the strategic merit of a proposal to amend or create an LEP and allows for the proposal to proceed to public exhibition.
Local development	Local development is the most common type of development in NSW, with projects ranging from home extensions to medium sized commercial, retail and industrial developments. A development is considered local development if: <ul style="list-style-type: none"> a local environmental plan (LEP) or State environmental planning policy (SEPP) states that development consent is required before the development can take place; and it is not considered to be either Regionally or State significant development.
Local Environmental Plan (LEP)	An environmental planning instrument developed by a local planning authority, generally a council. An LEP sets the planning framework for a Local Government Area.
Planning Authority	<ul style="list-style-type: none"> a) a council, or b) the Minister, or c) the Planning Ministerial Corporation, or d) a development corporation (within the meaning of the Growth Centres (Development Corporations) Act 1974), or e) a public authority declared by the regulations to be a planning authority for the purposes of this Division.

Planning Term	Definition
Planning Agreement	<p>A planning agreement is a voluntary agreement or other arrangement under this Division between a planning authority (or 2 or more planning authorities) and a person (the developer):</p> <ul style="list-style-type: none"> a) who has sought a change to an environmental planning instrument, or b) who has made, or proposes to make, a development application or application for a complying development certificate, or c) who has entered into an agreement with, or is otherwise associated with, a person to whom paragraph (a) or (b) applies, <p>under which the developer is required to dedicate land free of cost, pay a monetary contribution, or provide any other material public benefit, or any combination of them, to be used for or applied towards a public purpose.</p>
Regional development	<p>A regional development needs to be notified and assessed by a council and then determined by the relevant Planning Panel - either a Sydney planning panel for applications within the Greater Sydney Region or the relevant Joint Regional Planning Panel outside of Sydney. Regional development is defined in Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011 and includes:</p> <ul style="list-style-type: none"> • development with a capital investment value (CIV) over \$30 million • development with a CIV over \$5 million which is: <ul style="list-style-type: none"> ◦ council related ◦ lodged by or on behalf of the Crown (State of NSW) ◦ private infrastructure and community facilities ◦ eco-tourist facilities • extractive industries, waste facilities and marinas that are designated development • certain coastal subdivisions • development with a CIV between \$10 million and \$30 million which is referred to the Planning Panel by the applicant after 120 days
Regional strategic plan	20-year plans that address the community's needs for housing, jobs, infrastructure and a healthy environment for a DPIE Region.
State Environmental Planning Policy (SEPP)	An environmental planning instrument developed by the Department, that relates to planning matters that are state significant or are applicable across the state.
State significant development (SSD)	<p>Some types of development are deemed to have State significance due to the size, economic value or potential impacts that a development may have. Examples of possible SSD include new educational establishments, hospitals and energy generating facilities.</p> <p>Development that is State significant development (SSD) is identified in the State and Regional Development SEPP.</p>
State significant infrastructure (SSI)	SSI includes major transport and services development that have a wider significance and impact than on just the local area. Examples of possible SSI include rail infrastructure, road infrastructure and water storage and treatment plants.
Urban renewal areas	<ul style="list-style-type: none"> • Growth centres: Land identified in State Environmental Planning Policy (Sydney Region Growth Centres) 2006, earmarked for the establishment of vibrant, sustainable and liveable neighbourhoods that provide for community well-being and high quality local amenity • Planned precincts: Identified locations across Greater Sydney with good access to existing or planned public transport connections, suitable for rejuvenation with new homes and jobs • State significant precincts: State significant precincts are large areas of predominantly State-owned land, within Greater Sydney, that are identified by the State Government as areas for growth because of their social, economic or environmental characteristics

5 References

Department of Planning, Infrastructure and Environment (2018) *Draft Community Participation Plan*

International Association for Public Participation *Foundations of Public Participation*



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Community Participation Plan

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Corporate and Community

Report No. CC92/2019

Corporate and Community Services



SUBJECT: *MINUTES OF THE CULTURAL FACILITIES COMMITTEE MEETING OF CESSNOCK CITY COUNCIL HELD 24 OCTOBER 2019*

RESPONSIBLE OFFICER: *Acting Community & Cultural Engagement Manager - Johanna Dennis*

RECOMMENDATION

That the Minutes of the meeting of the Cultural Facilities Committee held on 24 October 2019 be adopted as a resolution of the Ordinary Council.

MINUTES OF CULTURAL FACILITIES COMMITTEE MEETING OF CESSNOCK CITY COUNCIL HELD AT THE CESSNOCK PERFORMING ARTS CENTRE ON THURSDAY, 24 OCTOBER 2019, COMMENCING AT 4.00PM

PRESENT: The Mayor, Councillor Pynsent
Councillors Dunn and Fitzgibbon

IN ATTENDANCE: General Manager
Director Corporate & Community Services
Community and Cultural Engagement Manager
Curator of Creative & Performing Arts – CPAC
CPAC Operations Team Leader
Principal Community Planner

INVITEES: Nil

APOLOGIES

Councillor Dagg

CONFIRMATION OF MINUTES

MINUTES: **RECOMMENDED** that the Minutes of the Cultural Facilities Committee held on 24 July 2019, as circulated, be taken as read and confirmed as a correct record.

Corporate and Community

Report No. CC92/2019

Corporate and Community Services



LISTED MATTERS

LISTED MATTERS - COMMITTEE NO. CFCCLM9/2019

SUBJECT: UPDATE ON INVESTIGATION FOR EXPANDED CESSNOCK LIBRARY BRANCH

Moved: Councillor Fitzgibbon

Seconded: Councillor Dunn

RECOMMENDATION

That the Committee notes the draft business case for an expanded Cessnock Library Branch, which is being consulted with Council Officers, and that the draft Business Case will be available for review and endorsement of the Committee by the end of the 2019 year.

CARRIED UNANIMOUSLY

LISTED MATTERS - COMMITTEE NO. CFCCLM8/2019

SUBJECT: UPDATE FOR INVESTIGATION OF A CULTURAL HUB AT CESSNOCK PERFORMING ARTS CENTRE

Moved: Councillor Fitzgibbon

Seconded: Councillor Dunn

RECOMMENDATION

That the Committee notes the progress for investigating the creation of a cultural hub at Cessnock Performing Arts Centre.

CARRIED UNANIMOUSLY

CORRESPONDENCE

Nil

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Corporate and Community Services



GENERAL BUSINESS

Nil

The Meeting Was Declared Closed at 4:47pm

ENCLOSURES

There are no enclosures for this report

Corporate and Community

Report No. CC93/2019

Corporate and Community Services



SUBJECT: *ADOPTION OF RECORDS MANAGEMENT POLICY*

RESPONSIBLE OFFICER: *Information Technology Manager - Steven Hepple*

SUMMARY

This report is presented for Council to adopt the revised Records Management Policy, which has been updated to support Council in meeting its requirements under the *State Records Act 1998* (NSW).

RECOMMENDATION

That Council adopts the revised Records Management Policy.

BACKGROUND

Records Management is defined under the *State Records Act 1998* (NSW) as the practice of controlling and managing the records of an organisation including creation, maintenance, use and disposal.

Key obligations under the Act require all public agencies to:

- make and keep records that fully and accurately document their operations and administration;
- establish and maintain a records management program in conformity with standards and codes of best practice approved by NSW State Archives and Records;
- ensure that records are stored in conditions appropriate to their format and preservation requirements; and
- ensure that records held in digital or other technology dependent formats are accessible for as long as they required.

REPORT/PROPOSAL

Under the *State Records Act 1998* (NSW), all public agencies including Council, are required to establish and maintain a Records Management Program. This program includes a number of policies, protocols, procedures and systems that guide and support the management of Council records.

The Records Management Policy provides the foundation of the Records Management Program by establishing a structure for the management of Council's corporate records and outlining the responsibilities of Council officials to make and keep full and accurate records.

The key objectives of the Records Management Policy are to:

- Ensure full and accurate records of all activities and decisions are created, managed, retained and disposed of appropriately and in accordance with legislation.
- Provide information to staff and the community on how Council manages and stores records.

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- Provide timely and comprehensive information in order to meet operational business needs, accountability requirements and community expectations and support decision-making processes.

The existing Records Management Policy was last reviewed in 2017 and has been updated to ensure it reflects best practice and legislative requirements. Minor changes include:

- expansion of policy objectives and inclusion of scope;
- inclusion of technological changes such as the use of text messaging and social media; and
- inclusion of responsibilities regarding retrieval of information for access requests and copyright requirements.

This Records Management Policy has been developed and reviewed in accordance with the *State Records Act 1998* (NSW) and associated standards and codes of best practice. The revision has included consultation with Records Management staff, Governance and the Management Team and has been endorsed by the Executive Management Team.

The Records Management Policy is presented to Council for adoption, and it is considered that a public exhibition period is not required as it essentially outlines the responsibilities and requirements of Council Officials in capturing and managing Council records.

OPTIONS

N/A

CONSULTATION

Executive Leadership Team
Management
Governance

Councillors have been made aware and received updates on records management responsibilities during this term of Council, most recently during the development and adoption of the Code of Meeting Practice and Code of Conduct in 2019. This included workshops and training both before and after the adoption of each individual Code.

STRATEGIC LINKS

a. Delivery Program

The proposed Records Management Policy documents are consistent with the community's desired outcome of Civic Leadership and Effective Governance.

b. Other Plans

N/A

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IMPLICATIONS

a. Policy and Procedural Implications

The adoption of Records Management Policy will result in amendments to Council's Controlled Documents Register.

The Records Management Policy also links to internal procedures and guidelines including:

- Records Management Protocol
- Archiving and Disposal Management Plan
- Records Management Naming Protocol

b. Financial Implications

N/A

c. Legislative Implications

Under Section 12 of the *State Records Act 1998* (NSW) a public office must establish and maintain a records management program. The adoption of the Records Management Policy will assist Council to meet this obligation.

d. Risk Implications

The adoption of the revised Records Management Policy will ensure records are accurately created, used, stored, accessed and disposed of in accordance with statutory requirements and will minimise the risk of exposure for Council should any decisions or actions be disputed.

e. Environmental Implications

N/A

f. Other Implications

N/A

CONCLUSION

The adoption of the Records Management Policy will assist Council to meet its statutory obligations under the *State Records Act 1998* (NSW) by clearly outlining the responsibilities and requirements of Council Officials in capturing and managing Council records.

ENCLOSURES

- [1](#) Records Management Policy



Cessnock City Council Records Management Policy

Date Adopted XX/XX/XX Revision: 2

1. POLICY OBJECTIVES

- 1.1. The purpose of this policy is to:
 - 1.1.1. Ensure that full and accurate records of all activities and decisions of Council are created, managed and retained or disposed of appropriately, and in accordance with relevant legislation.
 - 1.1.2. Establish a framework for the management of Council's corporate records in accordance with the State Records Act 1998 NSW (the Act) and codes of best practice for recording, storing and disposing of all physical and electronic records.
- 1.2. This will enable Council to achieve information accessibility, business enhancement and improvement. It will also meet its obligations for accountability while ensuring that it protects the rights and interests of Council, staff and the community.
- 1.3. The Records Management framework aims to ensure Council:
 - 1.3.1. Manages its records effectively and efficiently,
 - 1.3.2. Meets accountability requirements and community expectations,
 - 1.3.3. Complies with legislative and policy requirements relating to recordkeeping practices, and
 - 1.3.4. Processes, capabilities and decision making is enhanced as a result of effective and efficient management of its corporate records.

2. POLICY SCOPE

- 2.1. This policy applies to all Council Officials which includes Councillors, employees, consultants, volunteers and contractors of Council.
- 2.2. This policy applies to all Council business records including electronic and physical records. It includes records which are created, collected, processed, used, stored and disposed of in the conduct of Council business.

3. POLICY STATEMENT

- 3.1. Under the Act Council is required to establish and maintain a records management program that conforms to standards and codes of best practice approved by NSW State Archives and Records.
- 3.2. The Records Management Framework aims to ensure efficient, effective, and compliant records management for Council.
- 3.3. Council is dedicated to managing records electronically wherever possible and will do so in compliance with the Act, *Electronic Transactions Act 2000* (NSW) and *Evidence Act 1995* (NSW).
- 3.4. Council utilises an electronic document record management system (EDRMS) to capture, manage, store and secure all digital records in a structure that meets legislative requirements.



4. RECORDS MANAGEMENT PROGRAM

- 4.1. Council must establish and maintain a Records Management Program in conformity with standards and codes of best practice issued by NSW State Archives and Records.
- 4.2. Council is committed to maintaining a Records Management Program that meets its business needs and accountability requirements to support the decision making processes
- 4.3. The Records Management Program includes a planned and coordinated set of policies, protocols, procedures, systems and activities to manage the information and records of Council.
- 4.4. Council's information resources and Records Management Program provides timely and comprehensive information to meet operational business needs, accountability requirements and community expectations.
- 4.5. Council's 'corporate memory' will be preserved through sound recordkeeping practices and the accurate capture storage and archiving of information.
- 4.6. Council's information is a resource that must be managed and used effectively.
- 4.7. Knowledge management is facilitated through an effective Records Management Program.

5. ROLES AND RESPONSIBILITIES

- 5.1. The Act requires that all public officials must make and keep full and accurate records of business activities and this includes Council Officials in the performance of their roles.
- 5.2. **General Manager**
 - 5.2.1. In accordance with Parts 2 – 10 of the Act, the General Manager is responsible for ensuring that Council complies with the regulations and requirements of the Act.
- 5.3. **Manager Information Technology**
 - 5.3.1. In accordance with the Act responsibility for Council's Records Management Program must be assigned to an officer of Council. This responsibility has been delegated to the Manager Information Technology.
 - 5.3.2. Part of this responsibility requires the Manager Information Technology to provide a strategic focus for records management within Council.
 - 5.3.3. In addition the Manager Information Technology has authority and is responsible for:
 - 5.3.3.1. Establishing Records Management Policies for Council.
 - 5.3.3.2. Establishing corporate standards and business rules for records management.
 - 5.3.3.3. Monitoring and auditing compliance with these standards within Council.
 - 5.3.3.4. Measuring performance of Council officers against these standards.
 - 5.3.3.5. Providing consulting services to Council staff.
 - 5.3.3.6. Developing corporate electronic records management strategies.
 - 5.3.3.7. Working with other Managers of information resources to develop coherent information architecture across the organisation.



- 5.3.3.8. Working with other accountability stakeholders and Executive Leadership Team, to ensure recordkeeping systems support organisational and public accountability.
- 5.3.3.9. Undertaking regular planning for the Records Management Program in conjunction with strategic and operational planning which will be reviewed on a regular basis.

5.4. **Records Management Team**

- 5.4.1. The Records Management Coordinator or equivalent is operationally responsible for the efficient management of Council records (physical and electronic) incorporating sound recordkeeping principles and records management best practice guidelines.
- 5.4.2. The Records Management Team is responsible for the effective management and system administration of Council's primary recordkeeping systems.
- 5.4.3. The Records Management Team is to assist all Council Officials in fulfilling recordkeeping responsibilities and provide advice and training.
- 5.4.4. The Records Management Coordinator or equivalent is to monitor and review records management policies, programs and procedures.
- 5.4.5. The Records Management Team is to provide electronic and physical records management resources and facilities to support the Records Management Program.
- 5.4.6. The Information Technology Team is to provide appropriate technical assistance to maintain electronic records management systems in accordance with the legislation and organisational requirements.

5.5. **Council Officials**

- 5.5.1. All Council Officials are required to make themselves aware of the recordkeeping requirements and responsibilities, in accordance with the Act and Council's Code of Conduct.
- 5.5.2. This includes:
 - 5.5.2.1. Making records to support the undertaking of business activities;
 - 5.5.2.2. Creating records that would not otherwise be created;
 - 5.5.2.3. Capturing records into electronic recordkeeping systems
 - 5.5.2.4. Capturing emails where the Council Official is the first recipient in the 'To' field.
 - 5.5.2.5. Protecting and maintaining all assigned files and documents and ensuring sensitive or confidential information is placed in secure storage areas when not in use;
 - 5.5.2.6. Performing reasonable searches as necessary to locate government information requested under the Government Information (Public Access) Act 2009 (NSW) (GIPA Act).
 - 5.5.2.7. Make records available under the GIPA Act where delegations permit;
 - 5.5.2.8. Protect confidential records as required by the Privacy and Personal Information Protection Act 1998 (NSW) (PPIP Act) and Council's Code of Conduct;



- 5.5.2.9. Protect the business interests of organisations and individuals as required by the Copyright Act 1968 (Cth) and Council's Copyright Policy.
- 5.5.2.10. Do not destroy Council records unless authorised by an approved Authority to Destroy;
- 5.5.2.11. Ensure customer request and complaint records are created in accordance with Council procedures; and
- 5.5.2.12. Understand and implement Council's records management procedures.

6. CAPTURE OF COUNCIL RECORDS

- 6.1. It is the responsibility of all Council Officials to make and keep full and accurate records of Council's business activities. This includes records in all formats including but not limited to hardcopy documents, emails, electronic documents, photos, plans, video, audio, social media posts, web chat and SMS/text messages. Electronic records will be stored and managed in Council's Electronic Document and Records Management System (**EDRMS**).
- 6.2. Council Officials must ensure they capture any Council records they send or receive into the EDRMS in a timely and efficient manner to ensure their security and preservation.
- 6.3. Council Officials who do not have access to Council's EDRMS must provide any Council records they create or receive to their supervisor who will ensure the records are captured into the EDRMS.

7. ACCESS TO COUNCIL RECORDS

- 7.1. Access to Council records will be in accordance with all relevant legislation referenced in this Policy.
- 7.2. Council complies with the openness and transparency required under the GIPA Act by providing access to Council information and publishing open access information on Council's website.
- 7.3. Council provides access to documents wherever it is legally able to do so, however some requests may require a formal GIPA Act application. Each application is considered on merit and determined by Council Officers holding the appropriate delegations.
- 7.4. Council is required to undertake reasonable searches for information requested in an access application (under the GIPA Act). What constitutes a reasonable search will depend on the circumstances.
Specifically, the requirements are that Council:
 - must have undertaken such reasonable searches as necessary to locate the government information requested;
 - must use the most efficient means reasonably available to it; and
 - only needs to search for government information held at the time of the application.

8. ARCHIVING AND DISPOSAL OF RECORDS

- 8.1. All records must be protected, maintained and accessible for their entire retention period as outlined in *General Authority 39 – Local Government Records (GA39)*.
- 8.2. Records must not be disposed of without the authorisation of the Manager Information Technology.



- 8.3. The disposal of records will be undertaken in accordance with the requirements of the GA39 and the General Authority – Original or sourced records that have been copied (GA45) Records will be kept detailing any destruction of records.
- 8.4. Records that are no longer currently used, but due to their evidential or informational value, have been selected for permanent retention, are to be archived. The archiving process for records should be organised in consultation with the Record Management Team.
- 8.5. Records to be destroyed are transported off-site in a secure manner and securely disposed of by either pulping or shredding.

9. STORAGE AND SECURITY OF RECORDS

- 9.1. Council takes the security of its records seriously. Records are crucial, as they provide evidence of business transactions, support management decisions and ensure public accountability requirements are met.
- 9.2. Records in all formats must be stored securely to prevent unauthorised access, destruction, alteration or removal.
- 9.3. Electronic records must be stored in the EDRMS, with appropriate security applied. Other electronic information is stored in all Council's online applications and on Council's website.
- 9.4. Hardcopy records are housed in secure storage areas on-site, or at a secure offsite records storage facility. All Council records will be stored in conditions appropriate to their format and use in accordance with the NSW State Archives and Records' Standard on the Physical Storage of State Records, to minimise deterioration.
- 9.5. Unauthorised alteration, distribution, removal, or destruction of Council records is prohibited.
- 9.6. Hard copy records must not be left unattended, in unsecured areas of vehicles, or when being viewed by members of the public. At no time shall Council records be left unattended in areas accessible to unauthorised personnel or members of the public.
- 9.7. Computers must not be left unattended in unsecured areas without being locked to prevent unauthorised access to records and information.
- 9.8. All electronic records are backed up systematically.
- 9.9. Measures will be taken to prevent the loss of records in the event of a disaster, including imaging of records, off-site storage, fire-proof containment and disaster planning.

10. MONITORING AND COMPLIANCE

- 10.1. The Records Management Coordinator and Records Management Unit will monitor and audit compliance with this policy and records management standards to ensure the effectiveness and compliance of record keeping systems and processes.
- 10.2. Failure to adhere this policy may result in disciplinary action in accordance with the Local Government (State) Award 2017 and any successor Awards. In the case of Senior Staff a breach of this protocol will be handled in accordance with the terms and conditions of the Contract of Employment.

11. POLICY DEFINITIONS

Accountability	The principle that individuals, organisations, and the community are required to account to others for their actions. Organisations and their employees must be able to account to appropriate regulatory authorities and to the public to meet statutory obligations, audit
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	requirements, relevant standards and codes of best practice and community expectations.
Council	Cessnock City Council
Council Officials	Includes Councillors, employees, consultants, volunteers and contractors of Council
Documents	Structured units of recorded information, published or unpublished, in hard copy or electronic form, and managed as discrete units in information systems.
EDRMS	Electronic Document and Records Management System
Evidence	Information that tend to prove a fact. Not limited to the legal sense of the term.
Government Information	The expression "government information" is given a wide meaning by section 4 of the GIPA Act, which provides that it is "information contained in a record held by an agency." This means that searches will need to be broadly conducted and include both paper-based and electronic records.
Record(s)	Recorded information, in any form, created or received and maintained by an organisation or person in the transaction of business and conduct of affairs and kept as evidence of such activity.
Records Management	The discipline and organisational function of managing records to meet operational business needs, accountability requirements and community expectations.

12. POLICY ADMINISTRATION

Business Group	Records Management Team
Responsible Officer	Records Management Coordinator
Policy Review Date	Three years from date of adoption unless legislated otherwise
File Number / Document Number	DOC2012/000082
Relevant Legislation (reference specific sections)	<p>This policy supports Council's compliance with the following legislation:</p> <ul style="list-style-type: none"> • <i>State Records Act 1998</i> (NSW) • <i>State Records Regulation 2005</i> (NSW) • State Records GA-39 – General Retention and Disposal Authority – Local Government Records • State Records GA-45 – General Authority – Original or source records that have been copied. • State Records and Archives Authority of NSW - Standard on Records Management • State Records and Archives Authority of NSW - Standard on the Physical Storage of State Records • <i>Local Government Act 1993</i> (NSW) • <i>Government Information (Public Access) Act 2009</i> (NSW) (GIPA Act)



	<ul style="list-style-type: none"> • <i>Privacy and Personal Information Protection Act 1998 (NSW)</i> • <i>Public Interest Disclosures Act 1994 (PID Act) (NSW)</i> • <i>Health Records and Information Privacy Act 2002 (NSW)</i> • <i>Evidence Act 1995 (NSW)</i> • <i>Public Finance and Audit Act 1983 (NSW)</i> • <i>Environmental Planning and Assessment Act 1979 (NSW)</i> • <i>Electronic Transactions Act 2000 (NSW)</i> • <i>Evidence Act 1995 (NSW)</i> • <i>Copyright Act 1968 (Cth)</i>
Relevant desired outcome or objectives	Civic Leadership & Effective Governance
Related Policies / Protocols / Procedures	<ul style="list-style-type: none"> ▪ DOC2019/022809 – Records Management Protocol ▪ DOC2012/000073 – Naming Convention Protocol ▪ DOC2019/006472 – Content Manager/TRIM User Guide ▪ DOC2019/015730 – Archiving & Disposal Management Plan ▪ DOC2018/045852 – Document Capture & Quality Assurance Procedure ▪ DOC2014/033372 – Capture Councillor Records – Business Rule. ▪ Agency Information Guide ▪ Code of Conduct ▪ AS ISO 15489:1 2017 <i>Information & Documentation – Records Management Part 1: Concepts and Principles</i> ▪ Privacy Management Plan ▪ Copyright Policy



9. POLICY AUTHORISATIONS

No.	Authorised Function	Authorised Business Unit / Role(s)
	<p>Establish Records management policies</p> <p>Establish Corporate standards and business rules for records management</p> <p>Receive, approve and implement auditing compliance reports with set standards</p> <p>Receive and process complaints with respect to, and in accordance with, the policy</p> <p>Approve destruction of records in accordance with the policy and the Archiving and Disposal Management Plan</p>	Manager Information Technology
	<p>Receive complaints with respect to the policy</p> <p>Performing destruction of records in accordance with the policy and the Archiving and Disposal Management Plan</p>	Records Management Coordinator
	<p>Performing destruction of records in accordance with the policy and the Archiving and Disposal Management Plan</p>	Records Management Team

10. POLICY HISTORY

Revision	Date Approved / Authority	Description Of Changes
1.0	20/03/2015	Policy Endorsed
1.2	30/11/2016	Updated
1.3	23/06/2017	Review of procedure by RMCI Group and RM Systems Analyst. Updates made and approved by Manager IT – taken to MAT and then to ELT for approval.
1.4	10/11/2017	Policy changes endorsed by ELT
2		Updated to new format, new sections added for scope, capture of Council records, monitoring and compliance.

Corporate and Community

Report No. CC94/2019

Corporate and Community Services



SUBJECT: *FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2019 - PRESENTATION TO COUNCIL AND THE PUBLIC*

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

SUMMARY

The report presents the audited financial statements for the year ended 30 June 2019 to Council and the public in accordance with Section 419 of the *Local Government Act 1993*.

RECOMMENDATION

That the Annual Financial Statements, incorporating the Auditor's Reports for the year ended 30 June 2019, be received and the information be noted.

BACKGROUND

The *Local Government Act 1993* requires Council to prepare General Purpose Financial Reports for the financial year ending 30 June and for the audited financial statements to be presented to the public following audit.

The reports have been posted on Council's website and are now presented to the public.

REPORT

The statements set out the financial performance, financial position and cash flows of Council at each year ending 30 June, and are supported by detailed notes to the statements.

Council is required under Section 413(1) of the *Local Government Act 1993* to prepare financial reports each year and refer them for audit. The financial reports must include a general purpose financial report, any other matter prescribed by the regulations and a statement in the approved form by the Council as to its opinion on the general purpose financial reports.

The statement by Council and management was authorised by a resolution of Council on 4 September 2019 (Report No. CC72/2019) and was signed in accordance with that resolution by the Mayor, a Councillor, the General Manager and the Responsible Accounting Officer.

Audit and Risk Committee

The Financial Statements and Auditors Report were presented for review to the Audit and Risk Committee at its meeting on 17 October 2019. Following review and questioning of management and the External Auditor regarding the Statements, the Committee has made the following recommendations (wording subject to confirmation of Committee minutes):

1. *That the Audit and Risk Committee receive and endorse the audited 2018-19 Annual Financial Statements for presentation to Council and the public at the Ordinary Council Meeting of 6 November 2019.*

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2. *That the Audit and Risk Committee continues to support the practice of recognising Rural Fire Service land and buildings which are owned by Council but not recognising Rural Fire Services plant and equipment within Council's finance accounts as based on the criteria for recognition of assets within the AASB Accounting Standards, as Council does not have control of Rural Fire Service plant and equipment.*
3. *That the Audit and Risk Committee recognise the high quality work of the Finance Team.*

Financial Report Summary

The Income Statement shows a Net Operating Surplus of \$15.020M compared to a surplus of \$39.363M in 2017-18. The Net Operating Result before Capital Grants & Contributions shows a deficit of \$3.047M compared to a deficit of \$5.374M in 2017-18.

The change in the result from the prior year was attributable to a number of items. For further details refer to Notes 3 to 5 in the Financial Statements. A major factor for the improvement in the result was the reduction in the S88 Waste Levy of \$2.4M.

The Auditors report on the conduct of the audit will also provide commentary on the factors contributing to the financial result. The Auditors reports are contained in the enclosure documents to this report.

Cash and Investments (Restricted Assets)

Cash and investments at 30 June 2019 totalled \$40.321M, compared to \$39.160M at 30 June 2018. Details around the level of investments held and reasons for fluctuations are provided within the monthly investment report provided to Council. It is highlighted that Council's investment portfolio consistently outperformed the benchmark indices for the financial period, with an annualised return 0.67% above the benchmark.

Restrictions on cash and investments are divided into externally restricted assets where the funds are restricted in their use by externally imposed requirements and internally restricted assets where the funds are restricted in their use by resolution or policy of Council to reflect forward plans, identified programs of works and are, in fact, Council's "Reserves".

Full disclosure of the restricted assets held and balances are shown in Note 6 of the Financial Statements.

Balance Sheet

Net current assets recorded at \$27.170M, increasing from \$25.446M in 2017-18.

Net total assets have increased to \$859.234M from \$776.343M.

Full disclosure of the Statement of Financial Position (Balance Sheet) is shown in Notes 6 to 12 of the Financial Statements.

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TCorp Performance Measures

Following the sustainability reviews undertaken by NSW Treasury Corporation (TCorp) on all NSW councils, its financial indicators have now been prescribed within the Financial Statements. Note 22 of the General Purpose Financial Statements and Special Schedule Report on Infrastructure Assets provide details of the calculations used in the performance measures and commentary on each individual ratio.

Budget Variations

Note 18 of the General Purpose Financial Statements provide commentary on significant budget variations for the year. This highlights variations to original budget not to the revised budget adopted by Council each quarter.

Public Notice

A summary of Council's financial statements was published in The Advertiser on Wednesday 30 October 2019 giving notice that the financial statements and auditor reports will be presented to the Ordinary Council Meeting to be held 6 November 2019. The financial statements will be made available for public inspection at Council's offices and on Council's website. Written submissions on the financial statements may be lodged up until 4.00 pm Wednesday 13 November 2019.

NSW Audit Office

A representative from the external auditors was scheduled to address Council at this meeting, however due to other commitments the representative is unable to attend. The representative responsible for conducting the audit on behalf of the audit office attended the Audit and Risk Committee meeting on 17 October 2019 where the financial statements were presented. At that Committee meeting, the representative presented on the scope of the audit, the audit findings, and on the conduct of the audit including an explanation of the key ratios included in their report.

The External Auditor's comments on the financial statements can be found in the Independent Auditor's Report and Report on the Conduct of the Audit in the enclosure documents to this report.

OPTIONS

N/A

CONSULTATION

Senior Finance Staff
Asset Management Staff
Pitcher Partners Accountants
Audit Office of NSW
Audit and Risk Committee

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Corporate and Community Services



STRATEGIC LINKS

Delivery Program

This report is linked to the Community Strategic Plan Cessnock 2027, specifically, the key objective of *Civic Leadership and Effective Governance*.

Other Plans

N/A

STATUTORY IMPLICATIONS

a. Policy and Procedural Implications

N/A

Financial Implications

N/A

Legislative Implications

Council's General Purpose Financial Reports have been prepared in accordance with Section 413 of the *Local Government Act 1993*.

This report supports meeting Council's statutory obligations in accordance with provisions of *Local Government Act 1993* for the presentation of the financial statements and auditors reports to Council (Section 419), the public notice of the presentation (Section 418) and time for preparation and submission of audited financial statements (Section 416).

Risk Implications

N/A

Other Implications

N/A

CONCLUSION

Following audit Council's Annual Financial Statements for 2018-19 are required to be presented to Council and the public. The Audit and Risk Committee reviewed the statements and auditors reports at the Audit and Risk Committee meeting on 17 October 2019. Copies of the Annual Financial Statements have been given to Councillors as an inclusion with the Audit and Risk Committee agenda for the meeting on 17 October 2019 and are also available on Council's website.

Corporate and Community

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ENCLOSURES

- [1](#) 2018-19 Annual Financial Statements including Audit Reports (Available on Council's website)
- [2](#) Independent Auditor's Report - General Purpose Financial Report
- [3](#) Report on the Conduct of the Audit
- [4](#) Independent Auditor's Report - Special Purpose Financial Report
- [5](#) Independent Auditor's Report - Special Schedule - Permissible Income for General Rates

Placeholder for Enclosure 1

Corporate and Community No.

2018-19 Annual Financial Statements including Audit
Reports (Available on Council's website)



INDEPENDENT AUDITOR'S REPORT

Report on the general purpose financial statements

Cessnock City Council

To the Councillors of the Cessnock City Council

Opinion

I have audited the accompanying financial statements of Cessnock City Council (the Council), which comprise the Income Statement and Statement of Comprehensive Income for the year ended 30 June 2019, the Statement of Financial Position as at 30 June 2019, the Statement of Changes in Equity and Statement of Cash Flows for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information, and the Statement by Councillors and Management.

In my opinion:

- the Council's accounting records have been kept in accordance with the requirements of the *Local Government Act 1993*, Chapter 13, Part 3, Division 2 (the Division)
- the financial statements:
 - have been presented, in all material respects, in accordance with the requirements of this Division
 - are consistent with the Council's accounting records
 - present fairly, in all material respects, the financial position of the Council as at 30 June 2019, and of its financial performance and its cash flows for the year then ended in accordance with Australian Accounting Standards
- all information relevant to the conduct of the audit has been obtained
- no material deficiencies in the accounting records or financial statements have come to light during the audit.

My opinion should be read in conjunction with the rest of this report.

Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under the standards are described in the 'Auditor's Responsibilities for the Audit of the Financial Statements' section of my report.

I am independent of the Council in accordance with the requirements of the:

- Australian Auditing Standards
- Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants' (APES 110).

I have fulfilled my other ethical responsibilities in accordance with APES 110.

Parliament promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as auditor of councils
- precluding the Auditor-General from providing non-audit services.

I believe the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Other Information

The Council's annual report for the year ended 30 June 2019 includes other information in addition to the financial statements and my Independent Auditor's Report thereon. The Councillors are responsible for the other information. At the date of this Independent Auditor's Report, the other information I have received comprise the following:

- Special Purpose Financial Statements
- Special Schedules (the Schedules).
- Council's commentary on statement of performance measures
- 5-year financial review of key financial figures.

My opinion on the financial statements does not cover the other information. Accordingly, I do not express any form of assurance conclusion on the other information. However, as required by the *Local Government Act 1993*, I have separately expressed an opinion on the special purpose financial statements and Special Schedule - Permissible income for general rates.

In connection with my audit of the financial statements, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude there is a material misstatement of the other information, I must report that fact.

I have nothing to report in this regard.

The Councillors' Responsibilities for the Financial Statements

The Councillors are responsible for the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards and the *Local Government Act 1993*, and for such internal control as the Councillors determine is necessary to enable the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Councillors are responsible for assessing the Council's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting except where the Council will be dissolved or amalgamated by an Act of Parliament, or otherwise cease operations.

Auditor's Responsibilities for the Audit of the Financial Statements

My objectives are to:

- obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the financial statements.

A description of my responsibilities for the audit of the financial statements is located at the Auditing and Assurance Standards Board website at: www.auasb.gov.au/auditors_responsibilities/ar4.pdf. The description forms part of my auditor's report.

My opinion does not provide assurance:

- that the Council carried out its activities effectively, efficiently and economically
- on the Original Budget information included in the Income Statement, Statement of Cash Flows, and Note 18 Material budget variations
- on the Special Schedules. A separate opinion has been provided on Special Schedule - Permissible income for general rates
- about the security and controls over the electronic publication of the audited financial statements on any website where they may be presented
- about any other information which may have been hyperlinked to/from the financial statements.



Furqan Yousuf
Delegate of the Auditor-General for New South Wales

22 October 2019
SYDNEY



Cr Bob Pynsent
Mayor
Cessnock City Council
PO Box 152
CESSNOCK NSW 2325

Contact: Furqan Yousuf
Phone no: 02 9275 7470
Our ref: D1923552/1712

22 October 2019

Dear Mayor

**Report on the Conduct of the Audit
for the year ended 30 June 2019
Cessnock City Council**

I have audited the general purpose financial statements (GPFS) of the Cessnock City Council (the Council) for the year ended 30 June 2019 as required by section 415 of the *Local Government Act 1993* (the Act).

I expressed an unmodified opinion on the Council's GPFS.

This Report on the Conduct of the Audit (the Report) for the Council for the year ended 30 June 2019 is issued in accordance with section 417 of the Act. This Report should be read in conjunction with my audit opinion on the GPFS issued under section 417(2) of the Act.

INCOME STATEMENT

Operating result

	2019	2018	Variance
	\$m	\$m	%
Rates and annual charges revenue	50.1	47.9	4.6 ↑
Grants and contributions revenue	29.8	57.4	48.1 ↓
Operating result for the year	15.0	39.4	61.9 ↓
Net operating result before capital grants and contributions	(3.0)	(5.4)	44.4 ↑

Level 19, Darling Park Tower 2, 201 Sussex Street, Sydney NSW 2000
GPO Box 12, Sydney NSW 2001 | t 02 9275 7101 | f 02 9275 7179 | mail@audit.nsw.gov.au | audit.nsw.gov.au

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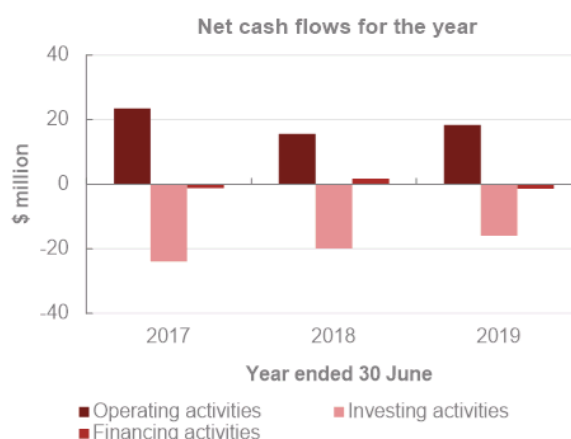
The Council's net operating result before capital grants and contributions was a deficit of \$3.0 million, which was \$2.4 million lower than the 2017–18 net operating result. This was mainly due to a decrease in total operating expenses for 2018–19.

The operating result for the year was a surplus of \$15.0 million, which was \$24.4 million lower than the 2017–18 operating result. Additionally, the grants and contributions revenue decreased by \$27.6 million compared to grants and contributions revenue for 2017–18. Both these movements were mainly attributable to the decrease in revenue from asset dedications in lieu of cash contributions by \$26.3 million.

Rates and annual charges revenue increased by \$2.2 million or 4.6 per cent in 2018–19. The movement is consistent with the increase in ordinary rates in line with the 2.3 per cent rate peg and the rise in the total number of rateable properties.

STATEMENT OF CASH FLOWS

- The Council's cash and cash equivalents was \$5.4 million (\$4.4 million for the year ended 30 June 2018). There was net increase in cash and cash equivalents of \$1.0 million at 30 June 2019.
- The Council has reported net cash inflows from its operating activities over the past three years. The increase in operating cash inflows in 2018–19 is mainly due to a decrease in total operating expenses.
- Net cash outflows from the investing activities decreased by \$4.0 million compared to prior year, mainly due to matured investment securities.
- Net cash outflows from the financing activities represent the repayment of borrowings and advances of \$1.4 million.



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FINANCIAL POSITION

Cash and investments

Cash and investments	2019	2018	Commentary
	\$m	\$m	
External restrictions	16.4	15.6	<ul style="list-style-type: none"> Externally restricted cash and investments are restricted in their use by externally imposed requirements. Council's externally restricted cash and investments have increased by \$0.8 million primarily due to an increase in available cash balance relating to the developer contributions. Internally restricted cash and investments have been restricted in their use by resolution or policy of Council to reflect identified programs of works and any forward plans identified by Council. The increase in the internal restrictions of \$1.1 million is mainly due to increase in reserves for Committed Projects (SRV) by \$1.8 million. The Council's unrestricted cash balance of \$0.7 million at 30 June 2019 is available to provide liquidity for day-to-day operations of the Council.
Internal restrictions	23.2	22.1	
Unrestricted	0.7	1.5	
Cash and investments	40.3	39.2	

Debt

The Council has \$6.9 million of borrowings as at 30 June 2019 (2018: \$8.3 million)

The Council has an accumulated drawdown facility limit of \$1.2 million as at 30 June 2019 (2018: \$1.1 million) of which remained unutilised at the year-end.

PERFORMANCE

Operating performance ratio

- The 'operating performance ratio' measures how well council contained operating expenditure within operating revenue (excluding capital grants and contributions, fair value adjustments, and reversal of revaluation decrements). The benchmark set by the former Office of Local Government (OLG) is greater than zero per cent.
- The Council did not achieve the OLG benchmark for operating performance ratio for the past two years. It last achieved the benchmark in 2016–17 mainly due to the early receipt of Financial Assistance Grants.
- The operating performance ratio improved compared to the prior year mainly due to a decrease in Council's operating expenses.

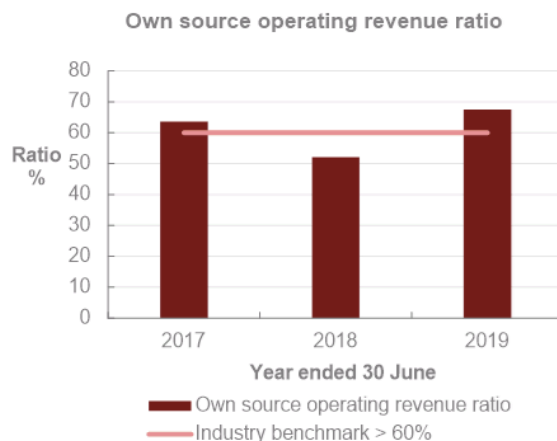


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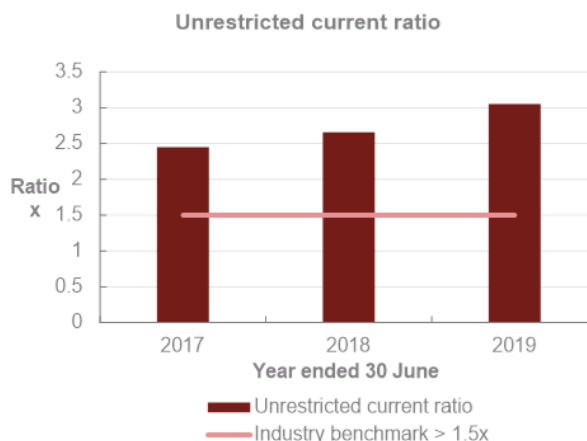
Own source operating revenue ratio

- The 'own source operating revenue ratio' measures council's fiscal flexibility and the degree to which it relies on external funding sources such as operating grants and contributions. The benchmark set by the former OLG is greater than 60 per cent.
- The Council's own source operating revenue ratio of 67.5% is above the industry benchmark of 60%. This indicates that the Council has a diversified source of income and does not have an overly strong reliance on operating grants and contributions.
- The improvement in own source revenue ratio was mainly due to a reduction in revenue from asset dedications in lieu of cash contributions by \$26.3 million.



Unrestricted current ratio

- The 'unrestricted current ratio' is specific to local government and represents council's ability to meet its short-term obligations as they fall due. The benchmark set by the former OLG is greater than 1.5 times.
- The Council's liquidity ratio of 3.1 is above the industry benchmark minimum of greater than 1.5 times. This indicates that the Council has sufficient liquidity to meet its current liabilities as and when they fall due.
- The Council's unrestricted current ratio has increased from prior year mainly due to the movements in current assets and liabilities at 30 June 2019.

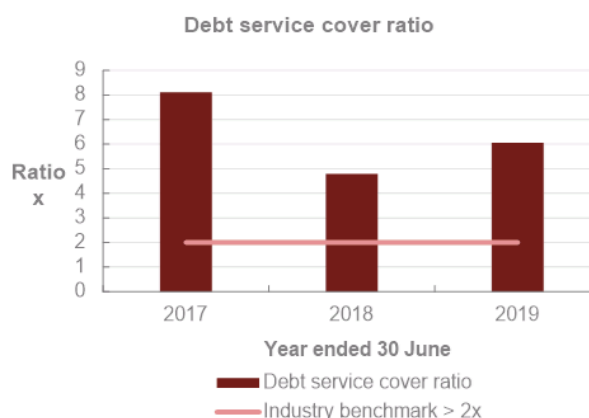


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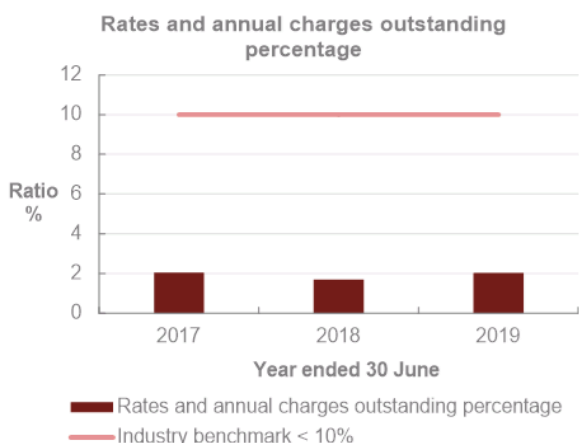
Debt service cover ratio

- The 'debt service cover ratio' measures the operating cash to service debt including interest, principal and lease payments. The benchmark set by the former OLG is greater than two times.
- The Council's debt service cover ratio of 6.1 times is above the industry benchmark of greater than 2 times.
- The increase in the ratio in the current year was due to the improved net operating result before capital grants and contributions.



Rates and annual charges outstanding percentage

- The 'rates and annual charges outstanding percentage' assesses the impact of uncollected rates and annual charges on council's liquidity and the adequacy of debt recovery efforts. The benchmark set by the former OLG is less than 10 per cent for regional councils.
- The Council's rates and annual charges outstanding percentage of 2.0% is within the benchmark of less than 10% for regional councils.
- Over the past three years, the Council's collection procedures have operated effectively to collect more than 90 per cent of the rates and annual charges revenue within the receivable due dates.

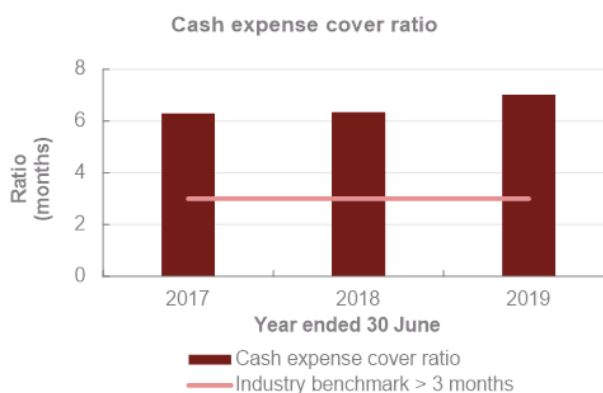


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Cash expense cover ratio

- This liquidity ratio indicates the number of months the council can continue paying for its immediate expenses without additional cash inflow. The benchmark set by the former OLG is greater than three months.
- The Council's cash expense cover ratio was 7.0 months, which is above the industry benchmark of greater than 3 months. This indicates that the Council had the capacity to cover 7 months of operating cash expenditure without additional cash inflows at 30 June 2019.
- The cash expense cover ratio increased compared with prior year due to reduced cash outflows for operating expenditure in 2018–19.



Infrastructure, property, plant and equipment renewals

The Council has renewed \$7.6 million of assets in 2018–19 financial year, compared to \$6.3 million of assets in the prior year.

OTHER MATTERS

New accounting standards implemented

Application period	Overview
AASB 9 'Financial Instruments' and revised AASB 7 'Financial Instruments: Disclosures'	
For the year ended 30 June 2019	<p>AASB 9 replaces AASB 139 'Financial Instruments: Recognition and Measurement' and changes the way financial instruments are treated for financial reporting.</p> <p>Key changes include:</p> <ul style="list-style-type: none"> • a simplified model for classifying and measuring financial assets • a new method for calculating impairment • a new type of hedge accounting that more closely aligns with risk management. <p>The revised AASB 7 includes new disclosures as a result of AASB 9.</p> <p>Council's disclosure of the impact of adopting AASB 9 is disclosed in Note 12.</p>

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Legislative compliance

My audit procedures did not identify any instances of non-compliance with legislative requirements or a material deficiency in the Council's accounting records or financial statements. The Council's:

- accounting records were maintained in a manner and form to allow the GPFS to be prepared and effectively audited
- staff provided all accounting records and information relevant to the audit.

The Council's:

- accounting records were maintained in a manner and form that facilitated the preparation and the effective audit of the general purpose financial statements.
- staff provided all accounting records and information relevant for the audit.

A handwritten signature in black ink, appearing to read 'Furqan Yousuf'.

Furqan Yousuf
Delegate of the Auditor-General for New South Wales

cc: Ms Lotta Jackson, General Manager
Ms Jennifer Hayes, Chair of the Audit and Risk Committee
Mr Jim Betts, Secretary of the Department of Planning, Industry and Environment



INDEPENDENT AUDITOR'S REPORT

Report on the special purpose financial statements

Cessnock City Council

To the Councillors of the Cessnock City Council

Opinion

I have audited the accompanying special purpose financial statements (the financial statements) of Cessnock City Council's (the Council) declared business activity, Strategic Services Australia Limited, which comprise the Income Statement of the declared business activity for the year ended 30 June 2019, the Statement of Financial Position of the declared business activity as at 30 June 2019, Note 1 Significant accounting policies for the business activity declared by Council, and the Statement by Councillors and Management.

In my opinion, the financial statements present fairly, in all material respects, the financial position of the Council's declared business activity as at 30 June 2019, and its financial performance for the year then ended, in accordance with the Australian Accounting Standards described in Note 1 and the Local Government Code of Accounting Practice and Financial Reporting – update number 27 (LG Code).

My opinion should be read in conjunction with the rest of this report.

Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under the standards are described in the 'Auditor's Responsibilities for the Audit of the Financial Statements' section of my report.

I am independent of the Council in accordance with the requirements of the:

- Australian Auditing Standards
- Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants' (APES 110).

I have fulfilled my other ethical responsibilities in accordance with APES 110.

Parliament promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as the auditor of councils
- precluding the Auditor-General from providing non-audit services.

I believe the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Emphasis of Matter - Basis of Accounting

Without modifying my opinion, I draw attention to Note 1 to the financial statements which describes the basis of accounting. The financial statements have been prepared for the purpose of fulfilling the Council's financial reporting responsibilities under the LG Code. As a result, the financial statements may not be suitable for another purpose.

Other Information

The Council's annual report for the year ended 30 June 2019 includes other information in addition to the financial statements and my Independent Auditor's Report thereon. The Councillors are responsible for the other information. At the date of this Independent Auditor's Report, the other information I have received comprise the general purpose financial statements and Special Schedules (the Schedules).

My opinion on the financial statements does not cover the other information. Accordingly, I do not express any form of assurance conclusion on the other information. However, as required by the *Local Government Act 1993*, I have separately expressed an opinion on the general purpose financial statements and Special Schedule 'Permissible income for general rates'.

In connection with my audit of the financial statements, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude there is a material misstatement of the other information, I must report that fact.

I have nothing to report in this regard.

The Councillors' Responsibilities for the Financial Statements

The Councillors are responsible for the preparation and fair presentation of the financial statements and for determining that the accounting policies, described in Note 1 to the financial statements, are appropriate to meet the requirements in the LG Code. The Councillors' responsibility also includes such internal control as the Councillors determine is necessary to enable the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Councillors are responsible for assessing the Council's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting, unless it is not appropriate to do so.

Auditor's Responsibilities for the Audit of the Financial Statements

My objectives are to:

- obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the financial statements.

A description of my responsibilities for the audit of the financial statements is located at the Auditing and Assurance Standards Board website at: www.auasb.gov.au/auditors_responsibilities/ar4.pdf. The description forms part of my auditor's report.

My opinion does not provide assurance:

- that the Council carried out its activities effectively, efficiently and economically
- about the security and controls over the electronic publication of the audited financial statements on any website where they may be presented
- about any other information which may have been hyperlinked to/from the financial statements.



Furqan Yousuf
Delegate of the Auditor-General for New South Wales

22 October 2019
SYDNEY



INDEPENDENT AUDITOR'S REPORT

Special Schedule - Permissible income for general rates

Cessnock City Council

To the Councillors of Cessnock City Council

Opinion

I have audited the accompanying Special Schedule – Permissible income for general rates (the Schedule) of Cessnock City Council (the Council) for the year ending 30 June 2020.

In my opinion, the Schedule is prepared, in all material respects in accordance with the requirements of the Local Government Code of Accounting Practice and Financial Reporting – update number 27 (LG Code) and is in accordance with the books and records of the Council.

My opinion should be read in conjunction with the rest of this report.

Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under the standards are described in the 'Auditor's Responsibilities for the Audit of the Schedule' section of my report.

I am independent of the Council in accordance with the requirements of the:

- Australian Auditing Standards
- Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants' (APES 110).

I have fulfilled my other ethical responsibilities in accordance with APES 110.

Parliament promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as auditor of councils
- precluding the Auditor-General from providing non-audit services.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Emphasis of Matter - Basis of Accounting

Without modifying my opinion, I draw attention to the special purpose framework used to prepare the Schedule. The Schedule has been prepared for the purpose of fulfilling the Council's reporting obligations under the LG Code. As a result, the Schedule may not be suitable for another purpose.

Other Information

The Council's annual report for the year ended 30 June 2019 includes other information in addition to the Schedule and my Independent Auditor's Report thereon. The Councillors are responsible for the other information. At the date of this Independent Auditor's Report, the other information I have received comprise the general purpose financial statements, special purpose financial statements and Special Schedule 'Report on infrastructure assets as at 30 June 2019'.

My opinion on the Schedule does not cover the other information. Accordingly, I do not express any form of assurance conclusion on the other information. However, as required by the *Local Government Act 1993*, I have separately expressed an opinion on the general purpose financial statements and the special purpose financial statements.

In connection with my audit of the Schedule, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the Schedule or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude there is a material misstatement of the other information, I must report that fact.

I have nothing to report in this regard.

The Councillors' Responsibilities for the Schedule

The Councillors are responsible for the preparation of the Schedule in accordance with the LG Code. The Councillors' responsibility also includes such internal control as the Councillors determine is necessary to enable the preparation of the Schedule that is free from material misstatement, whether due to fraud or error.

In preparing the Schedule, the Councillors are responsible for assessing the Council's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting, unless it is not appropriate to do so.

Auditor's Responsibilities for the Audit of the Schedule

My objectives are to:

- obtain reasonable assurance whether the Schedule as a whole is free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the Schedule.

A description of my responsibilities for the audit of the Schedule is located at the Auditing and Assurance Standards Board website at: www.auasb.gov.au/auditors_responsibilities/ar8.pdf. The description forms part of my auditor's report.

My opinion does not provide assurance:

- that the Council carried out its activities effectively, efficiently and economically
- about the security and controls over the electronic publication of the audited Schedule on any website where it may be presented
- about any other information which may have been hyperlinked to/from the Schedule.



Furqan Yousuf
Delegate of the Auditor-General for New South Wales

22 October 2019
SYDNEY

Corporate and Community

Report No. CC95/2019

Corporate and Community Services



SUBJECT: *WARD BOUNDARIES*

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

SUMMARY

The purpose of this report is to provide information to Council in regards to Ward Boundaries and electoral numbers in each ward.

RECOMMENDATION

1. That Council acknowledges that an elector enrolment variation of greater than 10% currently exists with the variation as at 26 September 2019 being 11.15%.
2. That Council keeps the elector enrolment variation under review and if the variation still exists at the end of the first year of the next term (September 2021) Council then resolve to alter the ward boundaries prior to the next general election.

BACKGROUND

Section 211 of the *Local Government Act 1993* requires council's to keep ward boundaries under review and if, during a term of office, the Council becomes aware that an elector enrolment variation of greater than 10% exists, and the difference remains at the end of the first year of the following term of office, the Council must alter the ward boundaries so that each ward contains a number of electors that does not vary by more than 10% from the number of electors in each other ward.

In accordance with Section 210 of the *Local Government Act 1993*, Council is required to consult with the Electoral Commission NSW in regards to proposed ward boundaries adjustments. Council has received correspondence from the Electoral Commission NSW advising that variations greater than 10% were recorded in May, August and September 2019.

The last Ward Boundary alterations were effected in 2012.

REPORT/PROPOSAL

Cessnock Local Government Area (LGA) is currently divided for election purposes into four Wards, with each Ward represented by three Councillors. The LGA has a popularly elected Mayor, elected for a four year term. The next election is due in September 2020.

Officers periodically review the ward enrolment figures and at the last 2 documented reviews in October 2018 and March 2019, the variations were under 10%. Advice received from the NSWEC on 17 October 2019 was that variations existed in May, August and September 2019 of 10.25%, 10.84% and 11.15% respectively.

Corporate and Community

Report No. CC95/2019

Corporate and Community Services



Details of Ward these enrolments and the variations are shown below.

Ward	2 Oct 2018	19 Mar 2019	23 May 2019	26 Aug 2019	26 Sep 2019
A	10,969	11,048	11,217	11,237	11,241
B	10,002	10,036	10,067	10,019	9,988
C	10,838	11,015	11,138	11,198	11,231
D	9,985	10,111	10,268	10,303	10,326
Total	41,794	42,210	42,690	42,757	42,786
Highest	10,969	11,048	11,217	11,237	11,241
Lowest	9,985	10,036	10,067	10,019	9,988
Vary	984	1,012	1,150	1,218	1,253
%	8.97%	9.16%	10.25%	10.84%	11.15%

Note percentage is calculated as variation / highest enrolment as per OLG guidance

NSW Electoral Commission (NSWEC) requirements in regards to ward boundary adjustments require a Council resolution of the proposed adjustments, legislated public submissions period of 42 days and submission of the proposed adjustment to the NSWEC for finalisation consideration and authorisation. For the 2020 Council election a submission deadline of 9 December 2019 of any proposed changes to the NSWEC is required to allow for those changes to be effective for the 2020 election.

With the need for development of boundary adjustment proposals, Councillor workshops and public exhibition requirements, there is insufficient time to enact changes for the 2020 election. The legislation allows Council to note the variation and only if the variation still exists 12 months after the next election, Council must then make any necessary adjustments to the ward boundaries.

For those reasons it is proposed that the boundaries continue to be under review and if necessary commence the boundary adjustment process after the 2020 election, which would allow consideration of the growth areas of the LGA so that any boundary adjustments would not only bring any variations under 10 per cent, but would also future proof the wards from electoral increases being driven by development.

OPTIONS

N/A

CONSULTATION

NSW Electoral Commission
General Manager

STRATEGIC LINKS

a. Delivery Program

This report is linked to the Community's desired outcome under the Community Strategic Plan of *Civic Leadership and Effective Governance*.

Corporate and Community

Report No. CC95/2019

Corporate and Community Services



b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Nil

c. Legislative Implications

Section 211 of the *Local Government Act 1993* requires Council's to keep the ward boundaries under review and Section 210 requires Council to consult with the Electoral Commission NSW in regards to proposed ward boundary adjustments.

Section 210 of the *Local Government Act 1993*, Council is required to consult with the Electoral Commission NSW in regards to proposed ward boundaries adjustments.

d. Risk Implications

Nil

e. Environmental Implications

Nil

f. Other Implications

Nil

CONCLUSION

This report recommends Council acknowledge that there is currently a variation of more than 10% in ward enrolments and keep the variation under review, and if that variation still exists at the end of the first year of the next term (September 2021) Council must then resolve to alter the ward boundaries prior to the next general election. Council can undertake the ward boundary adjustments and consultation process before September 2021, however any alterations needs to be in accordance with NSWEC requirements, and would not be able to be undertaken and be effective for the 2020 local government elections.

ENCLOSURES

There are no enclosures for this report

Works and Infrastructure
Report No. WI78/2019
Works and Infrastructure



SUBJECT: *T1920-05 - BRIDGES HILL PLAYGROUND - STAGE 3
CUSTOM MADE "SKY WALK TOWER"*

RESPONSIBLE OFFICER: *Open Space and Community Facilities Manager - Nicole Benson*

SUMMARY

The purpose of this report is to present to Council the evaluation and proposed selection of tender for Tender No. T1920-05 – Bridges Hill Playground Stage 3 custom made “Sky Walk Tower”.

RECOMMENDATION

That Council accepts the tender (T1920-05) from Studio 2 Pty Ltd in the lump sum of \$298,100 (including GST) for the Bridges Hill Playground Stage 3 custom made “Sky Walk Tower”.

BACKGROUND

A Masterplan was developed for Bridges Hill Park in 2016 identifying the need to upgrade the existing playground into a regional themed playground comprising natural landscape features and adventure elements.

The project is underway, with stages 1 and 2 complete and stage 3 now under construction. The installation of a “Sky Walk Tower” will mark the completion of the playground construction at Bridges Hill Park.

REPORT

Request for Tender

The Request for Tender (RFT) documents were prepared by Council officers, and reviewed by the Tender Audit Panel (TAP) before tenders were called. The form of contract selected was Hunter Joint Organisation General Conditions of Contract (Edition 5a; January 2012). The RFT called for a lump sum tender for a custom made “Sky Walk Tower”.

Invitation

Tenders were invited on Tuesday 3 September 2019 on Council's VendorPanel Portal and advertised in the following publications:

Publication	Day	Date
Newcastle Herald	Saturday	14 September 2019
Sydney Morning Herald	Tuesday	17 September 2019

Works and Infrastructure

Report No. WI78/2019

Works and Infrastructure**Closure**

Tenders closed 2pm Wednesday 16 October 2019.

Evaluation of Tenders

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

- Project Officer
- Business Partner Planning & Services Accountant
- Building Projects Coordinator

Evaluation Process: The evaluation was conducted according to the following process:

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

The evaluation criteria and their weightings were documented in the Tender Evaluation Plan, reviewed by the Senior Contracts & Tendering Officer prior to tenders being invited.

1. Assessment of Receipt

Tenders were received and assessed against the first threshold criteria:

Threshold Criteria	
Criterion 1	Submission on time

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

Tender	Tenderer	Business Address	Criterion 1
1	Austek Play	16 Yoogali Terrance Blaxlands East NSW 2774	On time
2	Studio 2 Pty Ltd	Unit 2, 88 Fern Street, Islington NSW 2296	On time

Each of the two tenders were received on time and met threshold Criterion 1.

2. Assessment of Conformance

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

Threshold Criteria	
Criterion 2	Conformance with the RFT documents
Criterion 3	Satisfactory financial capacity
Criterion 4	Compliance with Australian Standards AS 4685.1:2014 Part 1-6
Criterion 5	Engineering Certification

Each of the two tenders included a number of qualifications that were subsequently clarified.

Works and Infrastructure

Report No. WI78/2019

Works and Infrastructure

Each of the two tenders were considered conforming in threshold Criteria 2, 3 and 4. Both tenders were progressed to the next stage of evaluation, subject to the financial capacity of those tenderers, found to be in contention, to be confirmed at the Due Diligence stage of evaluation.

3. Shortlisting

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

4. Weighted Evaluation

Tenders were evaluated using the following weighted evaluation criteria:

Criterion 5	Tendered Price
Criterion 6	Contract Program
Criterion 7	Work Health & Safety Qualifications
Criterion 8	Quality Assurance

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

Tender two scored highest for the tendered amount, as well as scoring competitively on all other weighted criteria. With the highest score, Tender two from Studio 2 Pty Ltd was identified as the preferred tender.

5. Due Diligence

Referee checks were not carried out on the preferred supplier as the evaluation team considered this to be unnecessary, given the specialist product requirements.

6. Evaluation Result

Following steps 1 to 5 of the evaluation process, the TET found that Tender two from Studio 2 Pty Ltd met the requirements of the RFT and recommended acceptance of Tender two.

7. Independent Review

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

- Cessnock City Council Procurement Policy,
- Cessnock City Council Procurement Procedure,
- Local Government Act 1993, and
- Local Government (General) Regulation 2005.

TIME FRAME

The contract start date will commence as soon as the tender is awarded. The proposed completion date for construction is April 2020.

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LOCAL CONTENT

Weighted scoring for local content was not applied to this tender, due to the specialist product requirements.

OPTIONS

Option 1: Accept the tender from Studio 2 Pty Ltd in the amount of \$298,100 (including GST).

This is the preferred option.

Option 2: Decline to accept any offers and negotiate with other service providers.

This option is not recommended as it will negatively impact on the project program.

CONSULTATION

The following officers were consulted during the tender process:

- Project Manager
- Vegetation & Civic Spaces Coordinator
- Senior Contract & Tendering Officer
- TAP
- Manager Open Space & Community Facilities

Communication about progress of the works will be ongoing. For residents and businesses generally, Council's website will provide information and access to a *Community Newsletter*, and Council's Facebook Page offers opportunity for feedback.

STRATEGIC LINKS

a. Delivery Program

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

2017-21 Delivery Program:

- Objective 3.2 Better utilisation of existing open space
 - Objective 3.2.3 Continue to implement the adopted masterplans for Council's recreation & community facilities and spaces
 - Objective 3.2.4 Provide and maintain recreation facilities, streetscapes and public open space

b. Other Plans

- Recreation and Open Space Strategic Plan
- Bridges Hill/Convent Hill and East End Oval Masterplan

IMPLICATIONS

a. Policy and Procedural Implications

The tender process has been carried out in accordance with:

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

b. Financial Implications

The tender from Studio 2 Pty Ltd with a cost of \$298,100 is within the anticipated budget and the project will be fully funded by a number of successful grant applications, including the National Stronger Regions Fund, Stronger Country Communities Fund and Restart NSW Fund.

c. Legislative Implications

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

- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*

In particular, reference is made to Part 7, Division 4, Clause 178 of the *Local Government (General) Regulation 2005 (Acceptance of tenders)*:

1. After considering the tenders submitted for a proposed contract, the Council must either:
 - (a) accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or
 - (b) decline to accept any of the tenders.
2. A Council must ensure that every contract it enters into as a result of a tender accepted by the Council is with the successful tenderer and in accordance with the tender (modified by any variation under clause 176). However, if the successful tender was made by the Council (as provided for in section 55 (2A) of the Act), the Council is not required to enter into any contract in order to carry out the requirements of the proposed contract.
3. A Council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:
 - (a) postpone or cancel the proposal for the contract,
 - (b) invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,
 - (c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,

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- (d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,
 - (e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,
 - (f) carry out the requirements of the proposed contract itself.
4. If a Council resolves to enter into negotiations as referred to in sub clause (3) (e), the resolution must state the following:
- (a) the Council's reasons for declining to invite fresh tenders or applications as referred to in sub clause (3) (b)–(d),
 - (b) the Council's reasons for determining to enter into negotiations with the person or persons referred to in sub clause (3) (e).

d. Risk Implications

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

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

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

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

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

- *AS/NZS 4801:2001 - Occupational Health and Safety Management Systems*
- *AS/NZS ISO 14001:2004 - Environment Management Systems*
- *AS/NZS ISO 9001:2000 - Quality Management Systems*

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

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

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e. Other Implications

By providing opportunities for social interaction, recreational settings such as parks and sportsgrounds can help enhance community identity and promote community integration. Individuals can learn and share community values and gain a better understanding of the associated history of the sportsground and its surrounding area.

CONCLUSION

The tender from Studio 2 Pty Ltd in the lump sum amount of \$298,100 (including GST) offers the best value for money for the custom made "Sky Walk Tower". The contract sum and contingency are fully funded from the available project budget identified in this report.

ENCLOSURES

- 1** Weighted Evaluation Matrix T1920-05 - *This matter is considered to be confidential under Section 10A(2) (di) (dii) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; AND commercial information of a confidential nature that would, if disclosed (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*

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SUBJECT: *MINUTES OF THE DOLLAR FOR DOLLAR GRANTS COMMITTEE MEETING OF CESSNOCK CITY COUNCIL HELD 23 OCTOBER 2019*

RESPONSIBLE OFFICER: *Open Space and Community Facilities Manager - Nicole Benson
Environmental & Waste Services Manager - Michael Alexander
Community & Cultural Engagement Manager - Natalie Drage*

RECOMMENDATION

1. That Council adopt the Minutes of the Dollar for Dollar Committee held on 23 October 2019.
2. That Council write to all applicants advising them of the outcome of their applications and thank them for their ongoing support and commitment to the enhancement of either Council's sporting and community facilities, the local environment, community and the arts.
3. That Council reaffirms the provision of funding for the projects listed in the Table below, noting that these projects were funded in the 2018/19 Community and Cultural Dollar for Dollar Grants Scheme and are scheduled to be delivered in October and November 2019.

APPLICANT	PROJECT DESCRIPTION	TOTAL COST	FUNDING SOUGHT	FUNDING PAYABLE
Kurri Kurri Community Services	Greta, Branxton, Huntlee Family Disco 2020 Promotions, decorations, entertainment, catering	\$4,500	\$2,250	\$2,250
Sculpture in the Vineyards Inc	Wollombi Sculpture in the Vineyards Marketing, venue hire, transportation, printing	\$26,000	\$3,000	\$3,000
Towns with Heart	2020 Town of Murals Show Major Award (\$2,200) Acquisitive art prize	\$13,750	\$2,200	\$2,200
TOTAL			\$7,450	\$7,450

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4. That Council provides Community and Cultural Development Dollar Grants funding in 2019/20 for the projects listed in the Table below:

APPLICANT	PROJECT DESCRIPTION	TOTAL COST	FUNDING SOUGHT	FUNDING PAYABLE
Abermain Eisteddfod	Purchase of a portable PA system	\$1,858	\$929	\$929
Cessnock Chamber of Commerce	Mt View Laneway - 5 ways to wellbeing Costs of production and installation of artwork into the Laneway.	\$8,800	\$3,000	\$3,000
Cessnock Chamber of Commerce	The Coalface Mining Laneway Costs of printing and installation of artwork into the Laneway.	\$11,000	\$3,000	\$3,000
Cessnock Seniors Citizens Association Inc	24 Music stands for Cessnock Seniors Choir Costs of purchase of stands.	\$648	\$324	\$324
Early links Inclusion Support service	Music therapy Costs of consultant/therapist and resources.	\$6,600	\$3,000	\$3,000
* Freemasons Cessnock (Lodge Cessnock No.252)	Cessnock Masonic Centre Transformation Project Purchase of 55 chairs for hall.	\$5999.25	\$2,999	\$1,487
Korreil Wonnai Aboriginal Education Consultative Group	Kullaburra Awards Promotion, printing, catering	\$5,000	\$2,500	\$2,500
Richmond Vale Railway Museum	Upgrade of administration and presentation equipment at RVRM Purchase of laptop, digital voice recorder, display panels and cash registers.	\$4847.95	\$2,423	\$2,423
Wine Country Music Association Inc	Stage Gear Upgrade Purchase of microphones, music stands and microphone.	\$1,773.20	\$887	\$887
TOTAL			\$19,062	\$17,550

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5. That Council provides Sustainable Communities Dollar for Dollar Grant funding for the projects listed in the Table below.

TIDY TOWN GROUP	PROJECT	TOTAL COST (exc. GST)	GRANT FUNDS REQUESTED
Weston Heritage & Tidy Town	<ul style="list-style-type: none"> • Watering system for Jock Stewart Park • New whipper snippers/ brushcutters • Sander 	\$1,723.41	\$861.71
North Rothbury Tidy Towns	Purchase water cart trailer for ride on mower.	\$3,345.50	\$1,672.73
	TOTAL	\$5,068.91	\$2,534.44

6. That Council offers a second round of grants for the remaining Sustainable Communities Dollar for Dollar Grant budget (\$7,465.56) to be run in February 2020.

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7. That Council provides Schools Environment Grant funding for the projects listed in the Table below.

School	Project Description	Total Cost	Grant Requested	Grant Proposed
Honey Tree Preschool	Native stingless beehive	\$750	\$200	\$200
Cessnock Multipurpose Childrens Centre	Herb and vegetable garden	\$471	\$200	\$200
Cessnock Kids Preschool and Early Learning Centre	Yarning circle with bush rock and bush tucker plants	\$400	\$200	\$200
Branxton Preschool	Espalier fruit trees to add to edible garden	\$389	\$200	\$200
*Bees Nees Early Learning	Seed germination 'grow table' and supporting education resources	\$318	\$200	\$200
Abermain Public School	Plastic bottle recycling program	\$2,822	\$500	\$500
Ellalong Public School	Enhance school grounds with native plants to support local fauna including endangered Regent Honeyeater.	\$1,200	\$500	\$500
Holy Spirit Primary Kurri Kurri	Mindfulness plaques for school gardens to encourage students to respect and protect their environment.	\$572	\$500	\$500
Nulkaba Public School	Bins to collect Return and Earn containers to fund vegetable garden	\$404	\$202	\$202
Bellbird Public School	TerraCycle recycling boxes for pens and markers	\$416	\$416	\$416
*Cessnock High School ¹	Sustainable garden (bed, water tank & seedlings) for middle school (year 7) area.	\$2,000	\$500	\$500
*Cessnock High School ¹	Bush-tucker garden for SEEK Learning Centre	\$1,000	\$500	\$500
*Cessnock High School ³	Stephanie Alexander garden	\$1,600	\$500	\$500
	TOTAL	\$12,342	\$4,618	\$4,618

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8. That Council provides Community Facilities Dollar for Dollar Grant funding for the projects listed in the Table below.

FACILITY/ORGANISATION	DESCRIPTION	TOTAL COST (ex. GST)	FUNDING SOUGHT (ex. GST)	FUNDING PAYABLE (ex. GST)
Branxton Community Hall Committee	Installation of solar panels at Branxton Community Hall	\$12,300	\$5,455	\$5,455
Cessnock Multipurpose Children's Centre	Construction of fairy house and gardens	\$12,000	\$4,500	\$4,500
Greta Community Preschool	Refurbishment of existing storeroom	\$7,200	\$2,727	\$2,727
Kurri Retired Mineworkers Association	Purchase of 1st Aid Kit and AED unit for Kurri Senior Citizens Hall	\$3,217	\$1,608	\$1,608
Wollombi Valley Progress Association Inc.	Upgrade and installation of sound system at Laguna Community Hall	\$2,504	\$1,252	\$1,252
	Various maintenance at Laguna Community Hall	\$1,800	\$900	\$0*
TOTAL		\$39,021	\$16,442	\$15,542

9. That Council transfers \$4,458 from the Community Facilities Dollar for Dollar Grant Scheme to the Sporting Facilities Dollar for Dollar Grant Scheme to offset the additional funding requested due to the excess number of applications lodged.

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10. That Council provides Sporting Facilities Dollar for Dollar Grant funding for the projects listed in the Table below.

FACILITY/ORGANISATION	DESCRIPTION	TOTAL COST (\$) (ex. GST)	FUNDING SOUGHT (\$) (ex. GST)	FUNDING PAYABLE (\$) (ex GST)
Abermain Weston Hawks Rugby League Club	Purchase and installation of aluminum bench seating with concrete pads	\$10,517	\$5,259	\$5,259
Cessnock District Hockey Association	Repairs to existing synthetic hockey playing field at Baddeley Park Cessnock	\$11,650	\$2,727	\$2,727
Cessnock Dog Club	Installation of pathway, purchase of lawnmower and weed control	\$8,108	\$4,054	\$4,054
Kearsley Community Sporting Association	Manufacturing costs and installation of electronic scoreboard at Jeffery Park Kearsley	\$7,750	\$2,727	\$0*
Kurri Weston District Cricket Club	Upgrade wicket square at Kurri Central Oval	\$12,825	\$6,415	\$5,488**
Weston Workers Bears Football Club	Replace goalposts on main field at Weston Park	\$5,565	\$2,782	\$2,782
Wollombi Valley Pony Club Inc	Repairs to existing post and rail horse holding yards	\$2,673	\$1,350	\$1,350
Wollombi Valley Tennis & Sports Association	Purchase of new fridge, oven, cooktop, kitchen benches and stackable furniture. And painting of kitchen in Wollombi Tennis Clubhouse	\$5,596	\$2,798	\$2,798
TOTAL		\$64,684	\$28,112	\$24,458

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11. That Council undertakes a review of the Sporting Facilities Dollar for Dollar Grant Scheme with a view to increasing the budget allocation for this scheme in the 2020/21 Operational Plan.

***MINUTES OF DOLLAR FOR DOLLAR GRANTS COMMITTEE MEETING OF THE
CESSNOCK CITY COUNCIL HELD IN COMMUNITY MEETING ROOM ON WEDNESDAY,
23 OCTOBER 2019, COMMENCING AT 4.00PM***

PRESENT: The Mayor, Councillor Pynsent
Councillor Sander
Councillor Fitzgibbon
General Manager
Director Works & Infrastructure

IN ATTENDANCE: Councillor Lyons
Councillor Stapleford
Tricia Donnelly – Sustainability Officer
Nathan Eveleigh – Recreation and Community Facilities Coordinator
Kate Hicks – Recreation and Community Liaison Officer
Jo Miller – Community and Cultural Engagement Officer
Jo Dennis – Principal Community Planner
Natalie Drage - Community and Cultural Engagement Manager

INVITEES: Nil

APOLOGIES

NIL

CONFIRMATION OF MINUTES

MINUTES: ***RECOMMENDED*** that the Minutes of the \$ for \$ Grants Committee held on 13 March 2019, as circulated, be taken as read and confirmed as a correct record. (Adopted by Council 3 April 2019 Report No. WI20/2019)

LISTED MATTERS

LISTED MATTERS - COMMITTEE NO. DOLCLM4/2019

SUBJECT: COMMUNITY AND CULTURAL DEVELOPMENT DOLLAR FOR
DOLLAR GRANT SCHEME 2019/20

MOTION Moved: Councillor Sander **Seconded:** Councillor Fitzgibbon

RECOMMENDATION

The Dollar for Dollar Grants Committee recommends:

1. That Council funds the projects as per the 'Funding Payable' column in Table 1 and 3.
2. That Council writes to all applicants advising them of the outcome of their application and thanks them for their contribution to the development of community, arts and culture in the Cessnock local government area.

Table 1 – Applications for Committee Consideration

APPLICANT	PROJECT DESCRIPTION	TOTAL COST	FUNDING SOUGHT	FUNDING PAYABLE
Kurri Kurri Community Services	Greta, Branxton, Huntlee Family Disco 2020 Promotions, decorations, entertainment, catering	\$4,500	\$2,250	\$2,250
Sculpture in the Vineyards Inc	Wollombi Sculpture in the Vineyards Marketing, venue hire, transportation, printing	\$26,000	\$3,000	\$3,000
Towns with Heart	2020 Town of Murals Show Major Award (\$2,200) Acquisitive art prize	\$13,750	\$2,200	\$2,200
TOTAL			\$7,450	\$7,450

The applicants listed in Table 1 were funded in the 2018/19 round of the Community and Cultural Dollar for Dollar Grants Scheme. The projects funded have been scheduled to be delivered in October and November 2019.

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Table 3 - Recommendations for Funding 2019/20

APPLICANT	PROJECT DESCRIPTION	TOTAL COST	FUNDING SOUGHT	FUNDING PAYABLE
Abermain Eisteddfod	Purchase of a portable PA system	\$1,858	\$929	\$929
Cessnock Chamber of Commerce	Mt View Laneway - 5 ways to wellbeing Costs of production and installation of artwork into the Laneway.	\$8,800	\$3,000	\$3,000
Cessnock Chamber of Commerce	The Coalface Mining Laneway Costs of printing and installation of artwork into the Laneway.	\$11,000	\$3,000	\$3,000
Cessnock Seniors Citizens Association Inc	24 Music stands for Cessnock Seniors Choir Costs of purchase of stands.	\$648	\$324	\$324
Early links Inclusion Support service	Music therapy Costs of consultant/therapist and resources.	\$6,600	\$3,000	\$3,000
* Freemasons Cessnock (Lodge Cessnock No.252)	Cessnock Masonic Centre Transformation Project Purchase of 55 chairs for hall.	\$5999.25	\$2,999	\$1,487
Korreil Wonnai Aboriginal Education Consultative Group	Kullaburra Awards Promotion, printing, catering	\$5,000	\$2,500	\$2,500
Richmond Vale Railway Museum	Upgrade of administration and presentation equipment at RVRM Purchase of laptop, digital voice recorder, display panels and cash registers.	\$4847.95	\$2,423	\$2,423
Wine Country Music Association Inc	Stage Gear Upgrade Purchase of microphones, music stands and microphone.	\$1,773.20	\$887	\$887
TOTAL			\$19,062	\$17,550

* As the total request for funding exceeds the available budget the following applicant is recommended for partial funding.

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- Freemasons Cessnock (Lodge Cessnock No.252)
The application is to purchase chairs as part of the Cessnock Masonic Centre Transformation Project. The building is located at 8 Cumberland Street, Cessnock. Lodge Cessnock No.252 (Cessnock Masonic Lodge) applied for and received \$3,000 in the 2018/19 Dollar for Dollar round for a similar project that saw the purchase of tables, chairs and trollies. This application meets fewer priorities for funding than other projects.

CARRIED UNANIMOUSLY

LISTED MATTERS - COMMITTEE NO. DOLCLM5/2019

SUBJECT: 2019-20 SUSTAINABLE COMMUNITIES - TIDY TOWNS DOLLAR FOR DOLLAR GRANT APPLICATIONS

MOTION **Moved:** Councillor Sander **Seconded:** Councillor Fitzgibbon

RECOMMENDATION

The Dollar for Dollar Committee recommends:

1. That Council provides the following funding through the Tidy Towns Dollar for Dollar program:
 - Weston Heritage & Tidy Town - \$861.71
 - North Rothbury Tidy Towns - \$1,672.73
2. That Council offers a second round of grants for the remaining budget (\$7,465.56) to be run in February 2019.
3. That Council writes to all applicants thanking them for their contribution towards the enhancement of the local environment.

Table 1 : Eligible projects

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TIDY TOWN GROUP	PROJECT	TOTAL COST (exc. GST)	GRANT FUNDS REQUESTED
Weston Heritage & Tidy Town	<ul style="list-style-type: none"> • Watering system for Jock Stewart Park • New whipper snippers/ brushcutters • Sander 	\$1,723.41	\$861.71
North Rothbury Tidy Towns	Purchase water cart trailer for ride on mower.	\$3,345.50	\$1,672.73
	TOTAL	\$5,068.91	\$2,534.44

It should be noted that the budget allocated for Tidy Towns Dollar for Dollar funding is \$10,000.

CARRIED UNANIMOUSLY

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LISTED MATTERS - COMMITTEE NO. DOLCLM6/2019

SUBJECT: 2019-20 SCHOOLS ENVIRONMENT GRANT APPLICATIONS

MOTION **Moved:** Councillor Fitzgibbon **Seconded:** Councillor Sander

RECOMMENDATION

The Dollar for Dollar Committee recommend that Council:

1. That Council funds the applications as detailed in the amended Table 2 of the report; with the amendments being made to provide funding for all of the Cessnock High School submissions.
2. That Council writes to all applicants thanking them for their contribution towards the enhancement of the local environment.

Table 2 - :Eligible Applications – Recommended for funding:

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School	Project Description	Total Cost	Grant Requested	Grant Proposed
Honey Tree Preschool	Native stingless beehive	\$750	\$200	\$200
Cessnock Multipurpose Childrens Centre	Herb and vegetable garden	\$471	\$200	\$200
Cessnock Kids Preschool and Early Learning Centre	Yarning circle with bush rock and bush tucker plants	\$400	\$200	\$200
Branxton Preschool	Espalier fruit trees to add to edible garden	\$389	\$200	\$200
*Bees Nees Early Learning	Seed germination 'grow table' and supporting education resources	\$318	\$200	\$200
Abermain Public School	Plastic bottle recycling program	\$2,822	\$500	\$500
Ellalong Public School	Enhance school grounds with native plants to support local fauna including endangered Regent Honeyeater.	\$1,200	\$500	\$500
Holy Spirit Primary Kurri Kurri	Mindfulness plaques for school gardens to encourage students to respect and protect their environment.	\$572	\$500	\$500
Nulkaba Public School	Bins to collect Return and Earn containers to fund vegetable garden	\$404	\$202	\$202
Bellbird Public School	TerraCycle recycling boxes for pens and markers	\$416	\$416	\$416
*Cessnock High School ¹	Sustainable garden (bed, water tank & seedlings) for middle school (year 7) area.	\$2,000	\$500	\$500
*Cessnock High School ¹	Bush-tucker garden for SEEK Learning Centre	\$1,000	\$500	\$500
*Cessnock High School ³	Stephanie Alexander garden	\$1,600	\$500	\$500
TOTAL		\$12,342	\$4,618	\$4,618

Note: Cessnock High School has submitted 3 separate grant applications. While there is no specific rule about multiple applications the school was asked to rank these projects in order of most preferred to receive. Cessnock High School received a grant for \$1,000 (effectively 2 grants) in 2018-19. Given that Cessnock High has completed their last project and there are sufficient funds in the budget the full amount requested is supported.

* School received funding in 2018-19.

** Table 2 – Amended to show an allocation for each of the Cessnock High School projects.

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CARRIED UNANIMOUSLY

LISTED MATTERS - COMMITTEE NO. DOLCLM7/2019

SUBJECT: 2019/2020 COMMUNITY FACILITIES DOLLAR FOR DOLLAR GRANT SCHEME

MOTION **Moved:** Councillor Sander **Seconded:** Councillor Fitzgibbon

RECOMMENDATION

The Dollar for Dollar Committee recommends:

1. That Council funds all eligible projects, as per the 'Funding Payable' column in Table 1 of the report
2. That Council transfers \$4,458 from the Community Facilities Dollar for Dollar Grant Scheme to the Sporting Facilities Dollar for Dollar Grant Scheme to offset the additional funding requested due to the excess number of applications lodged;
3. That Council writes to all applicants advising them of the outcome of their application and thank them for their ongoing support and commitment to the enhancement of Council's community facilities.

Table 1 – Eligible Projects

FACILITY/ORGANISATION	DESCRIPTION	TOTAL COST (ex. GST)	FUNDING SOUGHT (ex. GST)	FUNDING PAYABLE (ex. GST)
Branxton Community Hall Committee	Installation of solar panels at Branxton Community Hall	\$12,300	\$5,455	\$5,455
Cessnock Multipurpose Children's Centre	Construction of fairy house and gardens	\$12,000	\$4,500	\$4,500
Greta Community Preschool	Refurbishment of existing storeroom	\$7,200	\$2,727	\$2,727
Kurri Retired Mineworkers Association	Purchase of 1st Aid Kit and AED unit for Kurri Senior Citizens Hall	\$3,217	\$1,608	\$1,608
Wollombi Valley Progress Association Inc.	Upgrade and installation of sound system at Laguna Community Hall	\$2,504	\$1,252	\$1,252
	Various maintenance at	\$1,800	\$900	\$0*

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	Laguna Community Hall			
TOTAL		\$39,021	\$16,442	\$15,542

CARRIED UNANIMOUSLY**LISTED MATTERS - COMMITTEE NO. DOLCLM8/2019**

SUBJECT: 2019/2020 SPORTING FACILITIES DOLLAR FOR DOLLAR GRANT SCHEME

MOTION **Moved:** Councillor Fitzgibbon **Seconded:** Councillor Sander

RECOMMENDATION

The Dollar for Dollar Committee recommends:

1. That Council transfers \$4,458 from the Community Facilities Dollar for Dollar Grant Scheme to the Sporting Facilities Dollar for Dollar Grant Scheme to offset additional funding requests;
2. That Council funds all eligible projects, as per the 'Funding Payable' column in Table 1 of the report;
3. That Council writes to all applicants advising them of the outcome of their application and thanks them for their ongoing support and commitment to the enhancement of Council's sporting facilities.
4. That Council undertakes a review of the Sporting Facilities Dollar for Dollar Grant Scheme with a view to increasing the budget allocation for this scheme in the 2020/21 Operational Budget.

Table 1 – Eligible Projects

FACILITY/ORGANISATION	DESCRIPTION	TOTAL COST (\$) (ex. GST)	FUNDING SOUGHT (\$) (ex. GST)	FUNDING PAYABLE (\$) (ex GST)
Abermain Weston Hawks Rugby League Club	Purchase and installation of aluminum bench seating with concrete pads	\$10,517	\$5,259	\$5,259
Cessnock District Hockey Association	Repairs to existing synthetic hockey	\$11,650	\$2,727	\$2,727

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	playing field at Baddeley Park Cessnock			
Cessnock Dog Club	Installation of pathway, purchase of lawnmower and weed control	\$8,108	\$4,054	\$4,054
Kearsley Community Sporting Association	Manufacturing costs and installation of electronic scoreboard at Jeffery Park Kearsley	\$7,750	\$2,727	\$0*
Kurri Weston District Cricket Club	Upgrade wicket square at Kurri Central Oval	\$12,825	\$6,415	\$5,488**
Weston Workers Bears Football Club	Replace goalposts on main field at Weston Park	\$5,565	\$2,782	\$2,782
Wollombi Valley Pony Club Inc	Repairs to existing post and rail horse holding yards	\$2,673	\$1,350	\$1,350
Wollombi Valley Tennis & Sports Association	Purchase of new fridge, oven, cooktop, kitchen benches and stackable furniture. And painting of kitchen in Wollombi Tennis Clubhouse	\$5,596	\$2,798	\$2,798
TOTAL		\$64,684	\$28,112	\$24,458

* The application from Kearsley Community Sporting Association has not been recommended for funding because the Association has not provided sufficient information on the type of scoreboard to be installed.

** Due to the number and amount of applications Council received in this round of the Sporting Facilities Dollar for Dollar Grant Scheme it is recommended that the Kurri Weston Cricket Club receives partial funding on the basis that the works have already been completed by the Club and the project is assessed as a retrospective project. This is ranked number five in Councils assessment ranking.

CARRIED UNANIMOUSLY

Works and Infrastructure

Report No. WI79/2019

Works and Infrastructure



CORRESPONDENCE

NIL

GENERAL BUSINESS

NIL

The Meeting Was Declared Closed at 4.23pm

ENCLOSURES

There are no enclosures for this report

Notices Of Motion

Report No. BN28/2019

General Manager's Unit



NOTICES OF MOTION No. BN28/2019

SUBJECT: *FENCED OFF LEASH DOG AREA*

COUNCILLOR: *Ian Olsen*

MOTION

That Council considers, as part of the current development of an Off Leash Dog Exercise Strategy, the installation of 2 Off Leash Fenced Dog Areas, one in Cessnock and one in Kurri Kurri with consideration being given to installing these in the next financial year as part of the 2020-21 Operational Plan.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 6 November 2019.

RATIONALE

We currently have off-leash dog areas but none of these are fenced and not all dogs can be controlled when let off their leads. Huntlee has one such area and if we could have the same in Cessnock and Kurri it would be consistent for all residents and allow a safe area for dogs to be allowed to run.

SOURCE OF FUNDING:

Consider as part of the 2020-21 Capital Works Program.

DELIVERY PROGRAM:

Delivery Program 2017-21 -: Objective 3.2 -Better Utilisation of Existing Open Space
Operational Plan 2019-20 -: Objective 3.2.1b Develop an Off Leash Dog Exercise Area Strategy

Sgd: Ian Olsen

Date: 23 October 2019

ENCLOSURES

There are no enclosures for this report

Notices Of Motion

Report No. BN29/2019

General Manager's Unit



NOTICES OF MOTION No. BN29/2019

SUBJECT: *WOLLOMBI COMMUNITY BUS SERVICE*

COUNCILLOR: *Allan Stapleford*

MOTION

That the General Manager write a letter of support to Rover Motors, the Minister for Transport and the Local Member to give support to the Wollombi Community for a bus service for Wollombi.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 6 November 2019.

RATIONALE

The people of Wollombi have spoken to Rover Motors about the service. Rover Motors needs proof of community support.

SOURCE OF FUNDING:

DELIVERY PROGRAM:

Sgd: Allan Stapleford

Date: 29 October 2019

ENCLOSURES

There are no enclosures for this report

Notices Of Motion

Report No. BN30/2019

General Manager's Unit



NOTICES OF MOTION No. BN30/2019

SUBJECT: *WATER TANK ON COUNCIL LAND - WOLLOMBI*

COUNCILLOR: *Allan Stapleford*

MOTION

That the General Manager investigate the possibility of granting permission for the Wollombi Community to place a water tank on Cessnock City Council land (parcel number 24965) – title PT85Ec, 6 DP759103. The old Wollombi bushfire shed. The slimline tanks will be used as a water supply for fighting water in the village.

The community will fundraise and provide the money. However, will need plans and specifications because of tight fit and the heritage of the village.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 6 November 2019.

RATIONALE

There are several historic buildings in the Wollombi village. With very limited water supply for fighting fires. This will add benefit to the local fire brigade in an emergency.

SOURCE OF FUNDING:

DELIVERY PROGRAM:

Sgd: Allan Stapleford

Date: 29 October 2019

ENCLOSURES

There are no enclosures for this report

Correspondence

Report No. CO26/2019

Corporate and Community Services



SUBJECT: *INTERGOVERNMENTAL AGREEMENT*

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

RECOMMENDATION

That Council notes the correspondence on the Intergovernmental Agreement to Guide NSW State-Local Government Relations on Strategic Partnerships.

Advice has been received from The Hon. Shelley Hancock MP on 14 October 2019 regarding a new Intergovernmental Agreement to guide relations on strategic partnerships between the NSW Government and the Local Government sector. This agreement was signed at the LGNSW Annual Conference on 14 October 2019.

Attached is a copy of this email advice (Enclosure 1) and a copy of the "*Intergovernmental Agreement to Guide NSW State-Local Government Relations on Strategic Partnerships*" (Enclosure 2) for information.

ENCLOSURES

- [1](#) ↓ Notification from The Hon Shelley Hancock MP
- [2](#) ↓ Intergovernmental Agreement

Robyn Keegan

From: NSW Gov No Reply <noreply@minister.nsw.gov.au>
Sent: Monday, 14 October 2019 5:13 PM
To: council
Subject: New Intergovernmental Agreement



The Honourable Shelley Hancock MP
Minister for Local Government

Dear Cllr Pynsent

Today I joined the Premier Gladys Berejiklian and Deputy Premier John Barilaro to sign a new Intergovernmental Agreement to guide relations on strategic partnerships between the NSW Government and the Local Government sector.

The signing of this agreement will lead to a new era of co-operation and support between the two levels of government that will benefit local communities right across the State.

Local Government is a vital partner for the State Government in delivering the services and infrastructure that our communities need, and this agreement reaffirms the Government's commitment to continuing to strengthen and grow this important relationship.

A copy of the new agreement is available on the [Office of Local Government website](#).

The new agreement, among other features:

- reaffirms the NSW Government's commitment to providing funding to assist local councils to deliver infrastructure and services to their communities;
- supports delivery of the Premier's priorities;
- ensures any potential impacts upon local government of State Government decisions are identified and appropriately considered; and
- reiterates the Government's policy of no more forced council mergers.

The signing of this new agreement affirms the NSW Government's commitment to strengthening collaboration and engagement with local councils and their communities.

Yours sincerely

The Hon. Shelley Hancock MP
Minister for Local Government

CC: Mr Stephen Glen, General Manager

Intergovernmental Agreement to Guide NSW State-Local Government Relations on Strategic Partnerships

NSW Government and Local Government NSW



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1 PARTIES

This Agreement is made between:

The New South Wales Government, represented by the Premier, the Deputy Premier and the Minister for Local Government;

and

Local Government NSW (LGNSW), represented by the President.

2 PRELIMINARIES

- 2.1 This Agreement is between the NSW Government and the peak local government representative body, Local Government NSW (LGNSW), on behalf of NSW councils and county councils and associated entities (collectively referred to as Local Government).
- 2.2 The Parties to this Agreement recognise the importance of Local Government and State Government to the NSW community.
- 2.3 This Agreement formally acknowledges that Local Government and the NSW Government are equal partners.
- 2.4 This Agreement reflects a commitment by these two spheres of government to achieve strong communities through partnerships.
- 2.5 The Parties to this Agreement share a commitment to continuous improvement and will work together to achieve positive social, economic, environmental and civic leadership outcomes.
- 2.6 The NSW Government and Local Government acknowledge that the effective implementation of their policy agendas relies on an effective and strong partnership to best achieve policy outcomes.
- 2.7 It is intended that this Agreement will serve as a framework under which more specific areas of cooperation and further mechanisms for such cooperation can be agreed.
- 2.8 This Agreement sets out the agreed understanding of the roles of the Parties and the basis upon which the Agreement is entered into.

3 STRATEGIC PARTNERSHIPS

- 3.1 The Parties acknowledge that throughout the term of this Agreement, Local Government in NSW is underpinned by the following strategic policy priorities and plans:
 - a) The Premier's priorities;
 - b) The NSW State Infrastructure Strategy 2018-2038, which sets out the NSW Government's long-term infrastructure vision and is underpinned by the Future Transport Strategy 2056, the Greater Sydney Region Plan, and the Regional Development Framework;
 - c) Regional Plans and District Plans, which are being developed to plan for our future population's needs for housing, jobs, infrastructure and a healthy environment; and
 - d) Community Strategic Plans, developed by Local Government in consultation with their communities, identifying the community's main priorities and aspirations for the future, and the planned strategies for achieving these goals, over a minimum ten-year period.

4 PRINCIPLES

4.1 The Parties to this Agreement commit to the following Principles:

- a) State and Local Government will work together as drivers of change and improvement to achieve strong communities through partnership;
- b) Consultation and communication will be open on the basis of mutual trust and respect;
- c) State and Local Government will engage with each other collaboratively and with a shared commitment to joint problem solving;
- e) Issues in Local Government will be addressed with a focus on continuous improvement, innovation and the interests of the community;
- w) The impact of the actions of the parties on each other will be recognised, considered and managed appropriately; and
- f) In working together on the strategic partnerships other stakeholders will be meaningfully engaged.

5 ROLES AND RESPONSIBILITIES

5.1 The NSW Government is responsible for:

- a) Setting a clear policy and legislative framework for Local Government;
- b) Working with Local Government in accordance with the agreed principles;
- c) Ensuring that the interests of Local Government are considered in government policy, services and projects;
- d) Promoting Local Government and the importance of meaningful engagement with Local Government to State Government agencies,
- e) Building capacity in Local Government; and
- f) Continuing to provide funding opportunities and mechanisms to enable Local Government to deliver infrastructure and services to the community.

5.2 LGNSW is responsible for:

- a) Providing leadership to Local Government across a wide variety of functions including advocacy to the NSW Government on behalf of Local Government, industrial relations and human resource management as well as working with State Government in accordance with the agreed Principles;
- b) Keeping the NSW Government informed of views, significant issues and initiatives of Local Government; and
- c) Driving the shared vision for Local Government in partnership with the NSW State Government.

6 HOW THE PARTIES WILL WORK TOGETHER

- 6.1** In working together on the strategic direction for Local Government to achieve strong communities through partnerships, the Parties agree the following:

MEETINGS AND COOPERATION

- 6.2** The NSW Government commits to an annual meeting each year during the term of this Agreement between the Premier of NSW, the Deputy Premier, the Minister for Local Government and LGNSW to discuss strategic initiatives that impact on all parties, with a particular emphasis on the following 12 months.
- 6.3** A minimum of triannual meetings with the Minister for Local Government and LGNSW and elected representatives of LGNSW members will be held to discuss the strategic issues facing Local Government, with a particular emphasis on the following 12 months.
- 6.4** As required, more specific areas of cooperation and further mechanisms for cooperation may be agreed between LGNSW and the Agency Heads of key NSW State agencies, with a strong direct relationship to Local Government. Such arrangements should be formalised where possible, through mechanisms such as a Memorandum of Understanding. The Office of Local Government can assist in enabling and facilitating this process.
- 6.5** The Parties may agree to meet additionally, as required.
- 6.6** As required, the NSW Government and LGNSW will jointly advocate to the Federal Government on common policy issues to benefit the NSW community.
- 6.7** As required, the NSW Government will invite input from LGNSW on behalf of Local Government in advance of Council of Australian Governments (COAG) meetings.
- 6.8** Subject to any requirements of applicable law or Convention, the NSW State Government will use its best endeavours to consult with and seek the views of LGNSW in advance of introducing any laws or significant policy initiatives that will impact on the local government sector.
- 6.9** Without breaching confidence, LGNSW will keep the NSW Government informed of any significant issues and initiatives of Local Government that will impact on the NSW Government.

COST SHIFTING

- 6.10** Where the NSW Government requires Local Government to provide a new or expanded function or service, the NSW Government will consider the budget cycles and financial capability of Local Government, and where possible alleviate budgetary impacts.

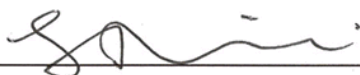
COMMITMENT TO DEMOCRATIC LOCAL GOVERNMENT

- 6.11** The NSW Government will not progress any local council mergers, which have not been requested by the relevant councils, throughout the term of this Agreement.
- 6.12** The NSW Government commits to ensuring that the term of any Administrator appointed under the *Local Government Act 1993* is as brief as possible, with a view to quickly returning the council to democratically elected representatives.

7 TERMS OF THIS AGREEMENT

- 7.1** This Agreement will commence on the date it is signed by the Parties and will expire on 25 March 2023.
- 7.2** The Parties do not intend any of the provisions of this Agreement to be legally enforceable. However, that does not lessen the Parties' commitment to this Agreement.
- 7.3** The Agreement may be terminated earlier or extended as agreed in writing by the Parties.
- 7.4** The Parties agree to review the operation of this Agreement in a timely manner, prior to its expiration.
- 7.5** Any variation to this agreement must be agreed to in writing by all of the parties. Any such variation will take effect from a date that the parties have mutually agreed in writing.

SIGNATORIES



THE HON. GLADYS BEREJIKLIAN MP

PREMIER

on behalf of the State Government of New South Wales



THE HON. JOHN BARILARO MP

DEPUTY PREMIER

on behalf of the State Government of New South Wales



THE HON. SHELLEY HANCOCK MP

MINISTER FOR LOCAL GOVERNMENT

on behalf of the State Government of New South Wales



CLR LINDA SCOTT

PRESIDENT

LOCAL GOVERNMENT NSW

on behalf of New South Wales Local Government

on this day of

14 October 2019

Correspondence

Report No. CO27/2019

Corporate and Community Services



SUBJECT: *PLANNING PANELS CODE OF CONDUCT*

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

RECOMMENDATION

That the correspondence from the Minister of Planning and Public Spaces, The Hon. Rob Stokes, in regards to Regional Planning Panels, be noted.

At its Ordinary Meeting of 3 April 2019 Council considered report PE39/2019 – Hunter and Central Coast Regional Planning Panel (RPP) and resolved (inter alia):

3. That Council write to the Minister for Planning, Secretary of NSW Planning and Environment, the Director Regions – Hunter, NSW Planning and Environment and Local Government NSW, requesting a review of the current code of conduct for the Regional Planning Panels with a view to seeking:
 - (a) consistency with the revised model code of conduct for councils in NSW which already effectively manages conflict of interest provisions for elected councillors and staff in all their official capacities;
 - (b) Removing and/or amending provisions Section 3.19(b) which effectively prevent local councillor members of the Regional Planning Panel from voting on development applications on land in their local government areas if those Councillors also voted on the rezoning of the same land, amongst other matters.

Council wrote to the Minister for Planning and Public Spaces, The Hon. Rob Stokes, MP on 22 May 2019 raising concerns about the changes that have been made to the RPP code of conduct and the impacts on Council.

Following a meeting with the Minister for Local Government in September 2019, a further letter was forwarded to the Minister for Planning and Public Spaces on 2 October 2019 requesting a response prior to the 2019 LGNSW Conference, as Council had submitted a Motion for the conference regarding the restrictions imposed by the code of conduct for RPP.

A response was received from The Hon. Rob Stokes, MP on 21 October 2019 which also included a copy of a response from the Department of Planning, Industry and Environment (the Department) on his behalf dated 2 July 2019. A search of Councils records has not located this letter. The Department advises that the information contained in the letter remains current and advises that the Department does not plan to amend the code in line with Council's suggestions.

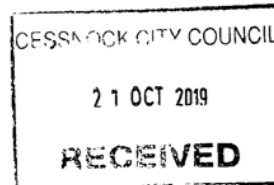
The letters from the Minister and the Departments are provided at Enclosure 1.

ENCLOSURES

- [1](#) Letter - Minister for Planning and Public Places
Letter - Department of Planning, Industry and Environment

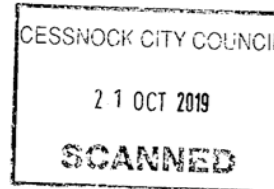


The Hon. Rob Stokes MP
Minister for Planning and Public Spaces



Your ref: DOC2019/102998
Our ref: MDPE19/3295

Councillor Bob Pynsent and Ms Lotta Jackson
Mayor and General Manager
Cessnock City Council
PO BOX 152
CESSNOCK NSW 2325



Dear Mayor and Ms Jackson

Thank you for your joint correspondence regarding the Planning Panels Code of Conduct.

I note Cessnock City Council's concerns about the Code and its reasons for submitting these for consideration during the Local Government NSW Annual Conference 2019.

I note that the Department of Planning, Industry and Environment (the Department) responded on my behalf. For your reference I enclose a copy of the Department's letter signed by Marcus Ray, Group Deputy Secretary, Planning and Assessment dated 2 July 2019. The Department advises that the information contained in the letter remains current.

If you have any more questions about the Code of Conduct, you are welcome to contact Mr Stuart Withington, Manager, Planning Panels Secretariat, at the Department of Planning, Industry and Environment.

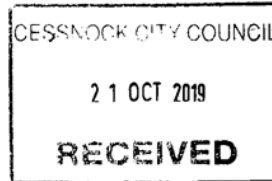
Yours sincerely

The Hon. Rob Stokes MP
Minister for Planning and Public Spaces

Enc: Departmental letter to Mr Stephen Glen, General Manager, Cessnock City Council dated 2 July 2019



**Planning,
Industry &
Environment**



Ref: MDPE19/1751

Mr Stephen Glen
General Manager
Cessnock City Council
PO Box 152
CESSNOCK NSW 2325

Dear Mr Glen

Thank you for your correspondence to the Hon Rob Stokes MP, Minister for Planning and Public Spaces, on behalf of Cessnock City Council about the Planning Panels Code of Conduct. The Minister asked me to respond on his behalf.

I note your concerns about the requirements for councillors and Council staff to declare conflicts of interest and thank you for taking the time to write.

The code has been developed to ensure the integrity of panel decisions and to reduce the possibility of actual or perceived conflicts of interest arising. Exercising functions as a planning panel member is separate to a member's ordinary functions as a councillor or member of council staff or other occupation.

The code requires that a member's other roles or occupations do not conflict with their duties on the panel. Councillors are not able to take part in panel matters where they have previously had involvement, such as a site-specific rezoning, to avoid any perceptions of bias or pre-judgement.

Councils can nominate any number of alternate members to ensure representation on the panel at all meetings and these nominees are not restricted to councillors or staff.

The Department of Planning, Industry and Environment does not plan to amend the code in line with Council's suggestions. All councils must follow the code and manage processes for conflicts of duties efficiently.

If Council has any more questions about the code of conduct, please contact Mr Stuart Withington, Manager, Planning Panels Secretariat, at the Department of Planning, Industry and Environment on 8217 2061.

Yours sincerely

Marcus Ray
Group Deputy Secretary
Planning and Assessment

02/07/2019

320 Pitt Street Sydney NSW 2000 | GPO Box 39 Sydney NSW 2001 | planning.nsw.gov.au