



5 December 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, 11 December 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	
(4) CONFIRMATION OF MINUTES OF PREVIOUS MEETING	
Minutes of the Ordinary Meeting of Council held on 20 November 2019	6
(5) DISCLOSURES OF INTEREST	
DI23/2019 Disclosures of Interest	65
(6) PETITIONS	
(7) PUBLIC ADDRESS	
(8) CONSIDERATION AND ADOPTION OF ALL REPORTS BY ENGLOBO OR INDIVIDUALLY WITH NOMINATED EXCEPTIONS	
(9) MAYORAL MINUTES	
MM18/2019 Minutes of the Review of the General Manager's Employment Arrangements Committee Meeting - 20 November 2019	66
MM19/2019 Cessnock Correctional Centre Access.....	68
MM20/2019 Donation to NSW Rural Fire Service in lieu of fireworks at Carols in the Park 2019	70
(10) MOTIONS OF URGENCY	
MOU21/2019 Motions of Urgency.....	71
(11) GENERAL MANAGER'S UNIT	
‡ GMU24/2019 Business Capability Study Report.....	72
GMU25/2019 Acting General Manager.....	78
GMU26/2019 Minutes of the Audit and Risk Committee meeting held 12 November 2019	80

(12) PLANNING AND ENVIRONMENT

PE77/2019	Draft Cessnock Flying-Fox Camp Management Plan	88
PE78/2019	Fees and Charges Amendment - Building, Regulatory and Library Services.....	93
‡ PE79/2019	Development Application Performance Monitoring Report - September 2019 Quarter	100

(13) CORPORATE AND COMMUNITY

CC118/2019	Complaint Handling Policy and Complaint Handling Procedures.....	109
CC119/2019	Minutes of the Aboriginal and Torres Strait Islander Committee Held on 15 November 2019.....	137
‡ CC120/2019	Disclosures of Interests in Written Returns	141
‡ CC121/2019	Investment Report - November 2019.....	144

(14) WORKS AND INFRASTRUCTURE

WI88/2019	Traffic & Transport Strategy - Resourcing for Implementation Program	151
WI89/2019	Eleventh Avenue, Millfield - Local Area Traffic Management Scheme	166
WI90/2019	Metcalf Lane, Sawyers Gully - Traffic Management.....	195
WI91/2019	Roadside Drainage Strategy 2019 - Outcome of Exhibition and Adoption	203
WI92/2019	Review of Unsealed Rural Roads Maintenance	210
WI93/2019	Exhibition of Draft Trails Strategy	219
WI94/2019	Review of Recreation & Open Space Strategic Plan 2018....	225
WI95/2019	Funding for Sporting Facility Infrastructure	230
WI96/2019	Fees and Charges - Open Space and Recreation	234
WI97/2019	Adoption of the revised Naming of Council Assets Policy	239
WI98/2019	Infrastructure Grants Program November 2019 Round.....	247
WI99/2019	Waste Levy Exemption - Areas Effected by Fire.....	252
WI100/2019	Building Better Regions Fund - Round Four	256

(15) BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BN31/2019	Maitland Road Roundabout.....	266
BN32/2019	Nulkaba School Safety	267

(16) CORRESPONDENCE

‡ CO30/2019	Weston Fire and Rescue Station	268
-------------	--------------------------------------	-----

(17) COUNCILLORS' REPORTS

(18) REPORT OF THE CONFIDENTIAL SESSION OF THE ORDINARY COUNCIL MEETING ON 11 DEC 2019

‡ - Denotes that Report is for notation only.



Principles for Local Government

Exercise of functions generally

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

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

Council's Values

- Integrity
- Accountability
- Respect
- Excellence
- Teamwork

Our Community's Vision

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

Cessnock – thriving, attractive and welcoming.

Our Community's Desired Outcomes

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



Council 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



Notice of Copyright and Disclaimer

In accordance with Council's Code of Meeting Practice, Council Meetings are recorded and the audio later webcast.

The entire chamber including the public gallery is included in the audio recordings and visitors in the gallery who attend Council meetings may have their voice captured and webcast.

By attending a Council meeting you consent to your speech or other personal information being captured, recorded and webcast.

For this reason all those in attendance are advised that any opinions expressed or statements made by individual persons during the course of this meeting are the opinions or statements of those individual persons and are not opinions or statements of Council. Council accepts no liability for any defamatory remarks made during the course of the Council meeting.

The audio recordings of Council Meetings and the official minutes are protected by copyright owned by Council and no part thereof may be copied or recorded or made available to others without the prior written consent of Council.

These recordings are not, and shall not, be taken to be an official record of Council or of any meeting or discussion depicted therein. Only the official minutes constitute an official record of the meeting.

Confidential Meetings will not be webcast. Audio recordings will be archived by Council for no less than 12 months.

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 20 NOVEMBER 2019,
COMMENCING AT 6.30 PM**

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

IN ATTENDANCE: General Manager
Director Planning and Environment
Director Corporate and Community Services
Director Works and Infrastructure
Development Services Manager
Strategic Planning Manager
Management Accountant
Operations Accountant
Media & Communication Officer
Corporate Governance Officer

**APOLOGY & LEAVE
OF ABSENCE:**

MOTION

Moved: Councillor Dagg

Seconded: Councillor Gray

1061

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

That the leave of Absence granted for Councillor Olsen be noted.

FOR

AGAINST

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

Total (11)

Total (0)

CARRIED UNANIMOUSLY

MINUTES:

MOTION

Moved: Councillor Burke
Seconded: Councillor Sander

1062

RESOLVED that the Minutes of the Ordinary Meeting of Council held on 6 November 2019, as circulated, be taken as read and confirmed as a correct record.

FOR

AGAINST

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

Total (11)

Total (0)

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI22/2019

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.

GMU23/2019 - Minutes of the Town Coordinators Review Committee - 7 November 2019 - Councillor Burke declared a Pecuniary Interest for the reason that he is currently contracted by Cessnock Chamber of Commerce. Councillor Burke advised that he would leave the Chamber and take no part in discussion and voting.

PE76/2019 - Exhibition of the draft Cessnock Local Strategic Planning Statement - Councillor Fitzgibbon declared a Non Pecuniary Less than Significant Conflict for the reason that she is a part owner of land mentioned in the Cessnock Local Strategic Plan. Councillor Fitzgibbon advised that she would remain in the Chamber and participate in discussion and voting as the conflict has not influenced her in carrying out her public duty because it is only a draft.

PE76/2019 - Exhibition of the draft Cessnock Local Strategic Planning Statement - Councillor Lyons declared a Non Pecuniary Less than Significant Conflict for the reason that a client of his appears to be in an investigation area. Councillor Lyons advised that he would remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because it is in a draft phase.

PE75/2019 - Development Application No. 8/2018/917/1 proposing the erection of 60 tourist and visitor accommodation units; and associated carparking, landscaping and infrastructure, to be constructed in two phases - 409 and 421 Palmers Lane, Pokolbin - Councillor Dunn declared a Pecuniary Interest for the reason that an objector to the Development Application is a donor to his Electoral Campaign. Councillor Dunn advised that he would leave the Chamber and take no part in discussion and voting.

PE75/2019 - Development Application No. 8/2018/917/1 proposing the erection of 60 tourist and visitor accommodation units; and associated carparking, landscaping and infrastructure, to be constructed in two phases - 409 and 421 Palmers Lane, Pokolbin - Councillor Doherty declared a Pecuniary Interest for the reason that one of the objectors was a donor to his Electoral Campaign. Councillor Doherty advised that he would leave the Chamber and take no part in discussion and voting.

PE75/2019 - Development Application No. 8/2018/917/1 proposing the erection of 60 tourist and visitor accommodation units; and associated carparking, landscaping and infrastructure, to be constructed in two phases - 409 and 421 Palmers Lane, Pokolbin - Councillor Fagg declared a Pecuniary Interest for the reason that an objector to the Development Application is a donor to his Electoral Campaign. Councillor Fagg advised that he would leave the Chamber and take no part in discussion and voting.

PE76/2019 - Exhibition of the draft Cessnock Local Strategic Planning Statement –

The Mayor declared a Non Pecuniary Interest Less than Significant Conflict for the reason that he lives at Elrington a village in the investigation status. The Mayor advised that he would remain in the Chamber and take part in discussion and voting as the conflict has not influenced him in carrying out his public duty because it doesn't affect his decision making ability.

PETITIONS

NIL

ADDRESS BY INVITED SPEAKERS

Councillor Dunn declared a Pecuniary Interest for the reason that an objector to the Development Application is a donor to his Electoral Campaign. Councillor Dunn left the Chamber and took no part in discussion and voting.

Councillor Doherty declared a Pecuniary Interest for the reason that one of the objectors was a donor to his Electoral Campaign. Councillor Doherty left the Chamber and took no part in discussion and voting.

Councillor Fagg declared a Pecuniary Interest for the reason that an objector to the Development Application is a donor to his Electoral Campaign. Councillor Fagg left the Chamber and took no part in discussion and voting.

Councillors Doherty, Dunn and Fagg left the meeting, the time being 6.36pm

The following people addressed the meeting of Council:

Speakers	For / Against	Report	Page No.	Duration
Mr Aaron Lewis	Against	PE75/2019 - Development Application No. 8/2018/917/1 proposing the erection of 60 tourist and visitor accommodation units; and associated carparking, landscaping and infrastructure, to be constructed in two phases - 409 and 421 Palmers Lane, Pokolbin	50	3 mins

EXTENSION OF TIME

Moved:

Councillor Dagg

Seconded:

Councillor Burke

1063

RESOLVED that an extension of 1 minute be given to Mr Lewis to complete his presentation.

FOR

Councillor Stapleford
Councillor Fitzgibbon
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent
Total (8)

AGAINST

Total (0)

CARRIED UNANIMOUSLY

Mr Michael Watt	For	PE75/2019 - Development Application No. 8/2018/917/1 proposing the erection of 60 tourist and visitor accommodation units; and associated carparking, landscaping and infrastructure, to be constructed in two phases - 409 and 421 Palmers Lane, Pokolbin	50	3 mins
-----------------------	-----	--	----	--------

EXTENSION OF TIME

Moved:

Councillor Fitzgibbon

Seconded:

Councillor Dagg

1064

RESOLVED that an extension of 1 minute be given to Mr Watt to complete his presentation.

FOR

AGAINST

Councillor Stapleford
Councillor Fitzgibbon
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent
Total (8)

Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE75/2019

SUBJECT: DEVELOPMENT APPLICATION NO. 8/2018/917/1 PROPOSING THE ERECTION OF 60 TOURIST AND VISITOR ACCOMMODATION UNITS; AND ASSOCIATED CARPARKING, LANDSCAPING AND INFRASTRUCTURE, TO BE CONSTRUCTED IN TWO PHASES

409 AND 421 PALMERS LANE, POKOLBIN

MOTION
1065
RESOLVED

Moved: Councillor Gray

Seconded: Councillor Dagg

1. That:

- (i) Development Application No. 8/2018/917/1 proposing the erection of 60 tourist and visitor accommodation units; and associated carparking, landscaping and infrastructure, to be constructed in two phases at 409 and 421 Palmers Lane (Lot 1 DP 239452 and Lot 81 DP 718789) Pokolbin, be approved pursuant to Sections 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979* subject to the conditions contained in this report.
- (ii) The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:

 - There are no planning matters that preclude the granting of development consent.
 - The proposed development is consistent with the provisions of *Cessnock Local Environmental Plan, 2011*. In particular, the proposal is a permitted form of development and is consistent with the objectives of the zone.
 - The proposal complies with the relevant requirements of the *Cessnock Development Control Plan 2010*.
 - Objections received in response to the public exhibition period have been considered pursuant to Section 4.15(1)(d) of the *Environmental Planning and Assessment Act 1979*, and it is considered that the matters raised do not warrant refusal of the application.
- (iii) In considering community views, the following is relevant:

 - The impact of the proposed development on the local road network can be appropriately mitigated through the imposition of conditions of consent requiring the upgrade of Palmers Lane, and construction of a compliant intersection at Palmers Lane and McDonalds Road.

- The Acoustic Report submitted in conjunction with the application demonstrates that the proposed development will not adversely impact on the amenity of the locality with respect to noise, and a review of such Acoustic Report by Council officers has concurred with the findings and recommendations contained within the report.
 - The proposed development incorporates high quality architectural design elements, and it is considered that the proposal will not adversely impact on the visual character of the locality.
- (iv) The details contained above be publicly notified pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*
2. That Council notify in writing the persons who made a submission with regard to the proposed development, of Council's decision.

CONDITIONS OF CONSENT

SCHEDULE 1

TERMS OF CONSENT

The development subject of this development consent is to be undertaken in two (2) phases. Each phase comprises the following:

- Phase 1:** The erection of 39 tourist accommodation units contained within 12 tourist accommodation buildings, including all site infrastructure, roadworks and landscaping.
- Phase 2:** The erection of 21 tourist accommodation units contained within 6 tourist accommodation buildings.

ALL PHASES

1. Approved Plans and Documents

Development must be carried out strictly in accordance with DA No. 8/2018/917/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Statement of Environmental Effects – Bimbadgen Vineyard Cabins, Revision 1	Insite Planning Services Pty Ltd	June 2019
Site Masterplan (amended 12 June 2019),	prepared by Site Image	June 2019

Architectural Plans (amended May 2019), prepared by PTI Architecture	PTI Architecture	May 2019
Waste Management Plan, prepared by Insite Planning Services	Insite Planning Services Pty Ltd	May 2019
Wastewater/Recycled Water Management (amended 10 May 2019),	prepared by DWC	May 2019
Traffic Assessment (amended June 2019),	prepared by Intersect Traffic Consultants	May 2019
Bushfire Threat Assessment (amended May 2019), prepared by Peak Land Management	Peak Land Management	May 2019
Noise Impact Assessment (as amended 8 August,2019),	prepared by Reverb Acoustics	May 2019
Landscape Masterplan, (As amended)	prepared by Site Image	May 2019

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

2. General Terms of Approval

All General Terms of Approval issued by NSW RFS shall be complied with prior, during and at the completion of the development, as required.

A copy of the General Terms of Approval is attached to this determination notice.

3. CC, PCA & Notice Required

In accordance with the provisions of Section 6.6 (cf previous s 81A) of the *EP&A Act 1979* construction works approved by this consent must not commence until:

- a) A CC has been issued by the consent authority, Council or an accredited certifier; and
- b) A PCA has been appointed by the person having benefit of the development consent in accordance with Section 6.5 (cf previous s 109E) of the *EP&A Act 1979*; and
- c) If Council is not the PCA, notify Council no later than two (2) days before building work commences as to who is the appointed PCA; and

- d) At least two (2) days before commencement of building work, the person having benefit of the development consent is to notify Council as to the intention to commence building work.

4. BCA Compliance

Pursuant to Section 4.17(11) (cf previous s 80A) of the *EP&A Act 1979* all building work must be carried out in accordance with the requirements of the *BCA*.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions are to be complied with, to the satisfaction of the Principal Certifying Authority, prior to issue of a Construction Certificate.

5. Long Service Levy

In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more. The Long Service Levy is payable prior to the issue of a CC.

6. Accessibility Management Plan

An Accessibility Management Plan must be prepared for the approved building demonstrating compliance with BCA Part D3 "Access for People with a Disability" and the BCA adopted version of *AS1428*. The report and any relevant plans and specifications are to be submitted with the application for a CC and approved by the CA as complying with the BCA and AS's prior to the issue of a CC.

7. Outdoor Lighting

Prior to the issue of a CC, the CA must be satisfied that all outdoor lighting is designed and positioned to minimise any detrimental impact upon the amenity of other premises, adjacent dwellings and the road reserve, and that the outdoor lighting complies with the relevant provisions of *AS 1158.3:2005 Pedestrian area (Category P) lighting – Performance and design requirements* and *AS 4282:1997 Control of the obtrusive effects of outdoor lighting*.

8. Smoke Free Premises

The construction and fit out of the premises shall comply with the *Smoke-Free Environment Act 2000* and *Smoke-Free Environment Regulation 2016*. Details demonstrating compliance with this condition are to be provided to the CA prior to the issue of a CC.

9. Section 68 Approval

Application shall be made to Council under Section 68 of the Local Government Act 1993 to Install, Construct or Alter an Onsite System of Sewage Management.

The application shall be accompanied by the required documentation, as specified under Clause 26 of the *Local Government (General) Regulation 2005*. The design of the onsite sewage management system shall be in accordance with the Environmental Health Protection Guidelines and AS/NZS 1547-2012 (The application form and further information is available on Council's website www.cessnock.nsw.gov.au).

The Section 68 application shall be considered and approved by Council prior to the release of a CC for the development.

10. Section 50 Hunter Water Act 1991

Evidence shall be submitted to Council that the registered proprietors of the land on whose behalf the application was made have complied with the requirements of Section 50 of the *Hunter Water Act 1991*. Such evidence shall be submitted to Council prior to the issue of a CC.

If the approved development cannot be connected to a potable water supply then the applicant must demonstrate that the drinking water supplied to the premises will consistently meet the *Australian Drinking Water Guidelines 2011* and any subsequent amendments to the Guidelines.

11. Acoustic Report – Certification Requirement

Prior to the issuing of any CC, Certification is to be submitted to the CA, confirming that the recommendations from the Reverb Revised Noise Impact Assessment (Report No.17-2135-R5 (amended August 2019), have been incorporated into the design of the site and that the design and plant equipment will achieve the project specific noise goals.

PRIOR TO COMMENCEMENT OF WORKS

The following conditions are to be complied with prior to the commencement of works on the subject site/s.

12. Construction and Traffic Management Plan

The applicant must prepare a Construction Management and Traffic Management Plan incorporating the following matters. The plan must be submitted to and approved by the CA as satisfying these matters prior to the commencement of works.

- a) A plan view of the entire site and frontage roadways indicating:
 - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
 - ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
 - iii) The locations of proposed work zones in the frontage roadways.
 - iv) Location of any proposed crane, concrete pump, truck standing areas on and off the site.
 - v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
 - vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
 - vii) An onsite parking area for employees, tradespersons and construction vehicles as far as possible.

- viii) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
 - ix) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
 - x) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a Chartered Civil Engineer.
- b) During excavation, demolition and construction phases, noise generated from the site must be controlled.
 - c) All site works must comply with the work health and safety requirements of SafeWork NSW.
 - d) During excavation, demolition and construction phases, toilet facilities are to be provided on site, at the rate of one (1) toilet for every twenty (20) persons or part of twenty (20) persons employed at the site.
 - e) All traffic control plans must be in accordance with the *RMS publication Traffic Control Worksite Manual* and prepared by a suitably qualified person (minimum 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of six (6) weeks prior to the proposed activity being undertaken.

13. Soil and Water Management Plan

The applicant must prepare a Soil and Water Management Plan, being compatible with the Construction Management and Traffic Management Plan referred to in this Development Consent and incorporating the following matters.

- a) Minimise the area of soils exposed at any one time
- b) Conservation of top soil
- c) Identify and protect proposed stockpile locations
- d) Preserve existing vegetation. Identify revegetation technique and materials
- e) Prevent soil, sand, sediments leaving the site in an uncontrolled manner
- f) Control surface water flows through the site in a manner that:
 - i) Diverts clean-runoff around disturbed areas
 - ii) Minimises slope gradient and flow distance within disturbed areas
 - iii) Ensures surface run-off occurs at non erodible velocities
 - iv) Ensures disturbed areas are promptly rehabilitated.

- g) Sediment and erosion control measures in place before work commences
- h) Materials are not tracked onto the road by vehicles entering or leaving the site.
- i) Details of drainage to protect and drain the site during works.

The plan must be submitted to and approved by the CA as satisfying these matters prior to the commencement of works.

The requirements of the Soil and Water Management Plan shall be in place prior to the commencement of demolition works and/or construction works and shall be maintained throughout the demolition and/or construction process.

14. Public Liability Insurance

Any person or contractor undertaking works on public property must take out Public Risk insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within, public property. The Policy is to note, and provide protection for Cessnock City Council as an interested party, and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property. The insurance shall also note the location and the risk.

DURING WORKS

The following conditions are to be complied with during works.

15. Construction Hours

Excavation, building or subdivision work must be restricted to the hours of 7.00am and 5.00pm on Monday to Saturday inclusive. Work is not to be carried out on Sundays and public holidays.

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment and Heritage Noise Guide for Local Government.

16. Virgin Fill To Be Used

All fill used with the proposal shall be virgin excavated material (such as clay, gravel, sand, soil and rock) that is not mixed with any other type of waste, and which has been excavated from areas of land that are not contaminated with human made chemicals as a result of industrial, commercial, mining or agricultural activities, and which do not contain sulphate ores or soils.

17. Removal of Contaminated Soil

Any soil proposed to be disposed of off-site must be classified, removed and disposed of in accordance with the New South Wales Environment and Heritage *Environmental Guidelines; Assessment, Classification and Management of Liquid and Non-liquid Wastes 1999* and the *Protection of the Environment Operations Act 1997*.

Any soil which fails to meet the criteria is not to be disposed of off-site unless agreed to in writing by the Environment Protection Authority. Results of testing are to be forwarded to Cessnock Council for acknowledgement before any off-site disposal, and before proceeding with any construction works.

18. Stormwater Runoff

Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions are to be complied with, to the satisfaction of the Principal Certifying Authority, prior to issue of either an Interim or Final Occupation Certificate (as specified within the condition):

19. All Services Provided

Certification that all services as required (eg water supply, gas, electricity, telephone, sewer), are available to the site, shall be submitted to the *PCA* prior to issue of an *OC*.

20. Completion of Landscape Works

All landscape works, including the removal of all noxious weed species, are to be undertaken in accordance with the approved landscape plan and the conditions of this consent prior to the issue of an *OC*.

21. Completion of Parking/Loading Bay

All car parking, disabled access parking and loading facilities shall be marked out and clearly indicated by signs. The parking requirements secured in this consent shall be completed prior to the issue of an *OC*.

22. Trade Waste Disposal

Prior to the issue of an *OC* and/or commencement of the use of the building, whichever is earlier, the owner must ensure that there is a contract with a licensed contractor for the removal of all trade waste. No garbage is to be placed on the public way e.g. footpaths, roadways, plazas, and reserves at any time.

23. Completion of Access Road and Internal Roadworks

Construction of all access roads, road works (including the removal and restoration of redundant vehicular crossings, etc), driveways, access corridors, car parking areas and loading bays, including the provision of appropriate line marking and other traffic management devices, are to be completed prior to issue of an *OC*.

24. Completions of Stormwater Management System

Prior to the issue of an *OC*, the *PCA* must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant *AS*.

A plan showing pipe locations and diameters of the stormwater drainage system, together with certification by a licensed plumber or qualified practising civil engineer, that the drainage system has been constructed in accordance with the approved design and relevant *AS*, must be provided to the *PCA* prior to the issue of an *OC*.

25. Compliance with Acoustic Report

A certificate must be submitted to and approved by Council's Environmental Health Section prior to the issue of an OC or before the commencement of the use (whichever is earlier). The certificate must be prepared by an accredited Acoustic consultant, and must certify that the recommendations in the approved acoustic report have been complied with and the desired acoustic performance achieved.

26. Bushfire Emergency Management Plan

The applicant shall prepare a Bushfire Emergency Management Plan for the approved development. The plan should advise occupants of evacuation procedures and emergency contact telephone numbers. The management plan should avoid the letting of the premises during periods of bushfire emergency or when warnings are issued. The applicant should contact NSW RFS for advice in the preparation of the management plan.

The evacuation procedures should be permanently fixed to the building in a prominent location, and kept up to date at all times.

The management plan shall be submitted to, and approved by, Council prior to the issue of an OC.

Note; The requirement for a Bushfire Emergency Management Plan forms part of the requirements of the NSW RFS General Terms of Approval – Ref D18/8594 DA 18121716665 GB.

At the completion of works, and prior to the issue of an OC, the proprietor must provide certification that all conditions of consent have been satisfactorily completed and that the resultant development is consistent with the development consent as approved

ONGOING USE

The following conditions are to be complied with as part of the ongoing use of the premises

27. Tourist Accommodation

A register shall be kept of all lettings of sites/units giving the name of the occupier, their home address, the date of the commencement of occupation, and the date of departure. This shall be made available to Council officers at all times.

28. Drinking Water Management System

An appropriate drinking water management system, in compliance with NSW Health requirements and the *Public Health Act 2010* and *Public Health Regulation 2012* is to be provided

29. Parking Areas to be Kept Clear

At all times, the loading area, car parking spaces, driveways and footpaths must be kept clear of goods and must not be used for storage purposes.

30. Discharge into Waterways

No waste water, chemicals or other substances harmful to the environment shall be permitted to discharge to the waterway that runs through the site, or to Council's stormwater system. Only clean, unpolluted water is permitted to discharge. Waste oil shall be stored in a covered and suitably bunded area, pending regular removal to a waste oil recycler.

31. Maintenance of Landscaping

Landscaping shall be maintained in accordance with the approved plan in a healthy state, and in perpetuity, by the existing or future owners and occupiers of the development.

If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species and similar maturity as the vegetation which has died or was removed.

PHASE 1 – 39 TOURIST ACCOMMODATION UNITS WITHIN 12 TOURIST ACCOMMODATION BUILDINGS, INCLUDING ALL SITE INFRASTRUCTURE AND LANDSCAPING

32. Tourism S94 Contributions Plan

A contribution pursuant to the provisions of Section 7.11 (cf previous s 94) of the *EP&A Act 1979* for the services detailed and for the amount detailed must be made to Council prior to the issue of a CC:

Contribution Type	Amount Payable
Vineyards Roads and Bridges	\$ 37,862.37
Tourist Information and Signage	\$ 28149.03
Plan Preparation and Administration	\$ 2,297.88
TOTAL	\$ 68309.28

A copy of the Tourism Section 94 Contributions Plan may be inspected at Council's Customer Services Section, Administration Building, Vincent Street, Cessnock or can be accessed on Council's website at www.cessnock.nsw.gov.au.

The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at the time of actual payment in accordance with the Consumer Price Index. Indexation of contributions for payment occurs quarterly.

33. Parking Design

The design of the vehicular access and off street parking facilities must comply with *AS 2890.1:2004 Parking Facilities – Off-Street Car Parking*. Details demonstrating compliance with this Standard are to be included on the plans submitted in association with a CC application.

A total of Two (2) car parking spaces for use by persons with a disability must be provided as part of the total car parking requirements.

Plans demonstrating compliance with this requirement and the following Australian Standards are to be submitted to, and approved by, the CA prior to the issue of a CC.

* *AS/NZS 2890.1:2004 Parking Facilities – Off street car parking*

* *AS/NZS 1428.1:2009 Design for access and mobility – General requirements for access – New building work*

* *AS/NZS 1428.4.1:2009 Design for access and mobility – Means to assist the orientation of people with vision impairment – Tactile ground surface indicators.*

A design certificate satisfying these requirements is to be issued by a suitably qualified professional engineer and submitted to the CA prior to the issue of a CC

34. On-Site Parking – Phase 1 Minimum Requirements

On-site car parking shall be provided for a minimum of Thirty – Nine (39) in Phase 1 from a total car parking requirement of Sixty (60) spaces including (2) disabled vehicles and as such being set out generally in accordance with Council's Development Control Plan.

The plans submitted in association with the CC application are to demonstrate compliance with this requirement. The plans are to be approved by the CA as satisfying this requirement prior to the issue of a CC.

35. Roadworks Bond - External

The applicant shall lodge payment of fees and contributions as follows:-

Based on a road length of approximately 1400 metres. Final bond amounts will be levied on accurate dimensions contained within the engineering plans.

- a) Road fees - engineering plan checking and supervision of \$9,800.00.
- b) A performance bond of a minimum of \$1000 or 5% of the contract construction costs, whichever is greater (transferable).
- c) A road maintenance bond of a minimum of \$1000 or 5% of the contract construction costs, whichever is greater (refundable).

It will be necessary for the applicant to submit evidence of the contract price of all construction works in order for Council to assess accurate bond amounts. If no contract price is submitted, Council will estimate the value of construction works.

The fees and bonds shall be payable prior to the issue of a CC for the Civil Works and shall be in accordance with Council's adopted fees and charges current at the time of payment.

The bond may be used to meet any costs referred to above, and on application being made to the Council by the person who provided the bond, any balance remaining is to be refunded to, or at the direction of, that person. If no application is made to the Council for a refund of any balance remaining of the bond within 6 years of the date of issue of the Construction Certificate for the development, the Council may pay the balance to the Chief Commissioner of State Revenue under the *Unclaimed Money Act 1995*.

36. Formation of Palmers Lane

The registered proprietor of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to issue of a CC for the civil works & Section 138 approval.

- a) Construct a 7 metre wide pavement for 1400metres of Palmers Lane, from the end of the existing formation to the extent of the gravel road past the access point to the site. The truncated road is to be finished with a turning circle.
- b) Place two (2) coat hot bitumen seal on new works.
- c) Construct drainage works as necessary.

Under the *Roads Act 1993*, a S138 Roads Act Approval will need to be obtained from Council for the above works. In this regard, the applicant is to make a formal application to Council and the S138 application is to be submitted to, and approved by, Council prior to works commencing.

37. Formation of Intersection of Palmers Lane and McDonalds Road

The registered proprietor of the land shall construct the following in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to issue of a CC for the civil works & Section 138 approval.

- a) Construct a BAR/BAL turn treatment at the intersection of Palmers Lane and McDonalds Road.
- b) Place two (2) coat hot bitumen seal on new works.
- c) Construct drainage works as necessary

Under the *Roads Act 1993*, a S138 Roads Act Approval will need to be obtained from Council for the above works. In this regard, the applicant is to make a formal application to Council and the S138 application is to be submitted to, and approved by, Council prior to works commencing.

38. Local Traffic Committee Approval

Any application involving the installation of, or amendment to, regulatory signage, line marking and/or traffic control devices, will require approval of the Council Local Traffic Committee. Full details shall be submitted to, and approved by the Council Local Traffic Committee, prior to the issue of any CC, and subsequent Section 138 Roads Act Approval.

39. Formation of Internal Access Roads

The registered proprietors shall provide details of an all-weather access road from the property boundary to the approved serviced apartments. The access road shall be constructed to 4m wide, 100mm thick pavement with 1m wide clear verges either side and ensure appropriate space for the movement of 22-seater buses as a minimum. All works are to be in accordance with Council's 'Engineering Requirements for

Development' and NSW Rural Fire Service 'Planning for Bushfire Protection' to serve the proposed development.

The plans submitted in association with the CC application are to demonstrate compliance with this requirement. The plans are to be approved by the CA as satisfying this requirement prior to the issue of a CC.

PRIOR TO COMMENCEMENT OF WORKS

The following conditions are to be complied with prior to the commencement of works on the subject site/s.

40. S.138 Roads Act 1993 Approvals

Under Section 138 of the *Roads Act 1993*, should any work on the verge, footpath, or public road reserve be required, a S138 Roads Act Approval will need to be obtained from Council. In this regard, the applicant is to make a formal application to Council. The S138 application is to be submitted to, and approved by, Council prior to works commencing.

41. Relocation of Services

The registered proprietor of the land shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

42. Detailed Stormwater Design Requirements

The registered proprietor of the land is to provide a stormwater detention facility within the boundaries of the site to reduce the peak stormwater discharge from the developed lot to that of the peak stormwater discharged from the undeveloped lot for all storm events from the 1 in 1 year to the 1 in 100 year Average Recurrence Interval (ARI) storm event. A detailed drainage design shall be prepared for the disposal of roof and surface water from the site, including any natural runoff currently entering the property. Details shall include on-site storage, the method of controlled release from the site, and connection to an approved drainage system in accordance with Council's 'Engineering Requirements for Development'.

Detailed plans, specifications and copies of the calculations, including existing and proposed surface levels, sub-catchments and conduit sizing appropriate for the development, shall be prepared by an engineer suitably qualified and experienced in the field of hydrology and hydraulics. The plans submitted in association with the CC application are to demonstrate compliance with this requirement. The plans are to be approved by the CA as satisfying this requirement prior to the issue of a CC.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions are to be complied with, to the satisfaction of the Principal Certifying Authority, prior to issue of either an Interim or Final Occupation Certificate (as specified within the condition):

All relevant conditions are to be complied with, to the satisfaction of the Principal Certifying Authority.

43 Completion of Works in Palmers Lane and the Intersection of Palmers Lane and McDonalds Road

Prior to the issue of an OC, the PCA must ensure that all approved road works, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with Council's S138 Roads Act Approval.

Works-as-Executed plans of the extent of roadworks, including any component of the stormwater drainage system that is to revert to Council, certified by a registered surveyor, together with certification by a qualified practising Civil Engineer, to verify that the works have been constructed in accordance with the approved design and relevant AS, must be provided to Council prior to the issue of an OC.

The Works-as-Executed plan(s) must show the as-built details in comparison to those shown on the plans approved with the road works permit. All relevant levels and details indicated must be marked in red on a copy of the Council stamped plans.

44. Road Reciprocal Easement – Serving Lots

Reciprocal rights of carriageway, easements for access, and easements for services shall be created over the access corridors serving Lots 1 and 81 in favour of the lots served thereby. The appropriate notation shall be placed on title, and an 88B instrument setting out the terms of easements as required by this consent shall be submitted to Council. In addition to the owner of the land benefited by the easement, Council is to be a party whose consent is needed to release or vary easements.

PHASE 2 – 21 TOURIST ACCOMMODATION UNITS WITHIN 6 TOURIST ACCOMMODATION BUILDINGS

45. Tourism S94 Contributions Plan

A contribution pursuant to the provisions of Section 7.11 (cf previous s 94) of the *EP&A Act 1979* for the services detailed and for the amount detailed must be made to Council prior to the issue of a CC:

Contribution Type	Amount Payable
Vineyards Roads and Bridges	\$ 20,387.43
Tourist Information and Signage	\$ 15,157.17
Plan Preparation and Administration	\$ 1,237.32
TOTAL	\$ 36781.92

A copy of the Tourism Section 94 Contributions Plan may be inspected at Council's Customer Services Section, Administration Building, Vincent Street, Cessnock or can be accessed on Council's website at www.cessnock.nsw.gov.au.

The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at the time of actual payment in accordance with the Consumer Price Index. Indexation of contributions for payment occurs quarterly.

46. On-Site Parking – Phase 2 Minimum Requirements

On-site car parking shall be provided for a minimum of Twenty-One (21) in Phase 2 from a total car parking requirement of Sixty (60) spaces including (2) disabled vehicles and as such being set out generally in accordance with Council's Development Control Plan.

The plans submitted in association with the CC application are to demonstrate compliance with this requirement. The plans are to be approved by the CA as satisfying this requirement prior to the issue of a CC.

47. Parking Design

The design of the vehicular access and off street parking facilities must comply with *AS 2890.1:2004 Parking Facilities – Off-Street Car Parking*. Details demonstrating compliance with this Standard are to be included on the plans submitted in association with a CC application.

Plans demonstrating compliance with this requirement and the following Australian Standards are to be submitted to, and approved by, the CA prior to the issue of a CC.

* *AS/NZS 2890.1:2004 Parking Facilities – Off street car parking*

* *AS/NZS 1428.1:2009 Design for access and mobility – General requirements for access – New building work*

* *AS/NZS 1428.4.1:2009 Design for access and mobility – Means to assist the orientation of people with vision impairment – Tactile ground surface indicators.*

A design certificate satisfying these requirements is to be issued by a suitably qualified professional engineer and submitted to the CA prior to the issue of a CC.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions are to be complied with, to the satisfaction of the Principal Certifying Authority, prior to issue of either an Interim or Final Occupation Certificate (as specified within the condition):

All relevant conditions are to be complied with, to the satisfaction of the Principal Certifying Authority

- 48.** At the completion of works, and prior to the issue of an OC, the proprietor must provide certification that all conditions of consent have been satisfactorily completed and that the resultant development is consistent with the development consent as approved.

ADVISORY NOTES

A. Road Advice

The applicant is advised that Council will not accept responsibility for the road access from Palmers Lane to the approved development. In this respect, the care, control and maintenance thereof, is the sole responsibility of the user/s, in perpetuity.

B. Disability Inclusion Act

This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Inclusion Act 2014*. The applicant/owner is responsible for ensuring compliance with this, and other, anti-discrimination legislation. The *Disability Inclusion Act 2014* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references *AS 1428.1 - Design for Access and Mobility*. *AS1428 Parts 2, 3 & 4* provide the most comprehensive technical guidance under the *Disability Inclusion Act 2014* currently available in Australia.

C. “Dial Before You Dig” Dig 1100

Before any excavation work starts, contractors and others should phone the “Dial Before You Dig” service to access plans/information for underground pipes and cables.
www.dialbeforeyoudig.com.au

D. Other Approvals and Permits

The applicant shall apply to Council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits, and/or any other approvals under *Section 68 (Approvals)* of the *Local Government Act, 1993* or *Section 138 of the Roads Act, 1993*.

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

E. Site Contamination Issues during Construction

Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination, Council must be immediately notified by the applicant, and works must cease. Works must not recommence on site until approval is granted by Council.

F. Aboriginal Heritage

As required by the *National Parks and Wildlife Act 1974* and the *Heritage Act 1977*, in the event that Aboriginal cultural heritage or historical cultural fabric or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and the Heritage Division of the Office of Environment and Heritage (OEH) must be notified of the discovery.

In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the *Heritage Act 1977* to obtain the necessary approvals/permits from the Heritage Division of the OEH.

Note: The *National Parks and Wildlife Act 1974* and the *Heritage Act 1977* impose substantial penalty infringements and/or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.

G. Signage and Fencing Advice

The application has been determined on the basis of the information submitted by the applicant and therefore no signage or fencing has been approved under this consent. The holder of this consent is to be aware that should any fencing or signage be proposed that does not comply with the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, it will be subject to a future Development Application.

SCHEDULE 2

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the 'Environmental Planning and Assessment Act 1979', and a Bush Fire Safety Authority, under Section 100B of the 'Rural Fires Act 1997', are now issued subject to the following conditions:

Asset Protection Zones

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

1. Grasslands surrounding the cabins for a minimum distance of 50 metres shall be managed in a minimal fuel condition so there is insufficient fuel available to significantly increase the severity of the bush fire attack. Grass shall be kept cropped short to a nominal height of 100 mm.
2. Cabins shall be setback a minimum 40 metres from the "buffer and canopy tree planting area" located to the south.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

3. Suitable tanker access, with capacity to carry fully-loaded fire fighting vehicles (15 tonnes), shall be provided to the large dam located adjacent to the cabins to enable the water to be used for fire fighting purposes.

Access

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

4. The proposed internal access road shall comply with the following requirements of section 4.1.3 (2) of Planning for Bush Fire Protection 2006 including as follows:
 - Road surface shall be all weather;
 - A minimum carriageway width of 4 metres, with a 1 metre shoulder;
 - A minimum vertical clearance of 4 metres to any overhanging obstruction, including tree branches;
 - Curves have a minimum inner radius of 6 metres;
 - The minimum distance between the inner and outer curves is 6 metres;
 - The crossfall shall not to exceed 10 degrees.
5. The cabin access road shall be linked to form a loop road around the group of cabins.
6. Grasslands surrounding the existing and proposed access road for a minimum distance of 20 metres shall be managed in a minimal fuel condition so there is insufficient fuel available to significantly increase the severity of the bush fire attack. Grass shall be kept cropped short to a nominal height of 100 mm.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

7. A Bush Fire Emergency Management and Evacuation Plan shall be prepared for the facility, consistent with 'Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014'.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

8. Cabins that are positioned within 100 metres from the edge of woodland located to the east (as indicated in Figure 5 in the Bushfire Assessment Report prepared by Peak Land Management September 2018) shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated)

'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

9. Cabins that are positioned within 100 metres of the "buffer and canopy tree planting area" located to the south, shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

Landscaping.

10. Landscaping around the cabins shall comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

FOR	AGAINST
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (8)	Total (0)

CARRIED UNANIMOUSLY

Councillors Doherty, Dunn and Fagg returned to the meeting, the time being 6.54pm

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

MOTION

1066

Moved: Councillor Doherty

Seconded: Councillor Gray

RESOLVED

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

NI12/2019	Notice of Intention to Deal with matters in Confidential Session. WI80/2019 - Minutes of the Confidential Session of the Floodplain Management Committee meeting of 9 October 2019	38
‡ PE74/2019	Annual Code of Conduct Complaints Report.....	45
PE76/2019	Exhibition of the draft Cessnock Local Strategic Planning Statement	127
CC106/2019	Quarterly Budget Review Statements - September 2019	144
CC107/2019	September 2019 Quarterly Review of 2017-21 Delivery Program.....	164
CC108/2019	T741920HUN Supply and Delivery of Bulk Cationic Bitumen CRS.....	249
CC109/2019	Crown Land - Cessnock Clay Target Club	259
CC110/2019	Schedule of Ordinary Meetings of Council Dates 2020	266
CC111/2019	Council Recess Period.....	269
CC112/2019	Local Government Remuneration Tribunal - 2020 Annual Review.....	271
‡ CC113/2019	Annual Report 2018-19.....	281
‡ CC114/2019	Audit and Risk Committee Independent Chair	284
‡ CC115/2019	Investment Report - October 2019.....	287
‡ CC116/2019	Resolutions Tracking Report.....	294
WI81/2019	Minutes of Floodplain Management Committee Meeting of 9 October 2019.....	345
WI82/2019	Minutes of Roads Review Committee Meeting held 11 October 2019	351
WI83/2019	Minutes of Local Traffic Committee Meeting held 21 October 2019	354
WI84/2019	Abermain School of Arts	374
‡ CO28/2019	Seeking Support for Funding to Implement the Cessnock LGA Traffic & Transport Strategy 2018 High Priority Projects	443
‡ CO29/2019	North Rothbury - Priority Sewerage Scheme	448

Council adopt the recommendations as printed for those items.

FOR**AGAINST**

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

Total (0)

CARRIED UNANIMOUSLY

NOTICE OF INTENTION TO DEAL WITH MATTERS IN CONFIDENTIAL SESSION

NOTICE OF INTENTION NO. NI12/2019

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

**WI80/2019 - MINUTES OF THE CONFIDENTIAL SESSION OF THE
FLOODPLAIN MANAGEMENT COMMITTEE MEETING OF 9
OCTOBER 2019**

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Gray
1067

RESOLVED

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

Report No. WI80/2019 – Minutes of the Confidential Session of the Floodplain Management Committee Meeting of 9 October 2019 as it deals with Council Policy (3rd party report not authorised for general release).

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 Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

MAYORAL MINUTES

MAYORAL MINUTES NO. MM16/2019

SUBJECT: INVITATION TO CITY OF NEWCASTLE VIP EVENT

MOTION **Moved:** Councillor Pynsent

1068

RESOLVED

That the Mayor and General Manager accept the invitation on behalf of Newcastle City Council from the Lord Mayor of Newcastle and Chief Executive Officer to attend the Coates Hire Newcastle 500 VIP Event on Saturday 23 November 2019.

FOR	AGAINST
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

MAYORAL MINUTES NO. MM17/2019

**SUBJECT: ACKNOWLEDGMENT OF EMERGENCY SERVICES IN RECENT
 BUSHFIRES**

MOTION Moved: Councillor Pynsent
1069

RESOLVED

That Council acknowledges the magnificent effort of the Emergency Services in last week's North Rothbury and Greta fires. Council thanks all involved for keeping our community safe, with minimal property loss.

FOR	AGAINST
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU20/2019

SUBJECT: MOTIONS OF URGENCY

NIL

RESCISSION MOTIONS

RESCISSION MOTIONS NO. RM1/2019

SUBJECT: COMMUNITY PARTICIPATION PLAN

MOTION **Moved:** Councillor Gray **Seconded:** Councillor Burke
1070
RESOLVED

The undersigned lodge the following motion of rescission:

That Resolution 1049 (1) relating to Report No. PE73/2019 – Post Exhibition Report of the Draft Community Participation Plan:-

1. **That Council adopts the revised Community Participation Plan with Point 3.3.2 (1) being amended to read “Development is for new dwelling houses, additions to a dwelling house provided that the development ...”.**

be rescinded

FOR	AGAINST
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

and that

MOTION **Moved:** Councillor Gray **Seconded:** Councillor Sander
1071
RESOLVED

2. **That Council adopts the revised Community Participation Plan with Point 3.3.2(1) being amended to read “Development is for a new *dwelling houses*, additions to a dwelling house, and/or ancillary development to a dwelling house, excluding sheds exceeding the height of the complying development standard, 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”*

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

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

Total (11)	
-------------------	--

	Total (0)
--	------------------

CARRIED UNANIMOUSLY

GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU23/2019

SUBJECT: MINUTES OF THE TOWN COORDINATORS REVIEW COMMITTEE - 7 NOVEMBER 2019

Councillor Burke declared a Pecuniary Interest for the reason that he is currently contracted by Cessnock Chamber of Commerce. Councillor Burke left the chamber and took no part in discussion and voting.

Councillor Burke left the meeting, the time being 7.02pm

MOTION **Moved:** Councillor Gray **Seconded:** Councillor Fitzgibbon
1072

RESOLVED

1. **That the Minutes of the Town Coordinators Review Committee of 7 November 2019 be adopted as a resolution of the Ordinary Council.**
2. **That funding for applications under Economic Development and Sponsorship Guidelines for 2019/20 be made as follows:**
 - **Cessnock Chamber Of Commerce, Cessnock Town Coordinator \$40,700**
 - **Cessnock Chamber Of Commerce, Cessnock STOMP Festival \$5,000**
 - **Kurri Kurri Towns With Heart, Kurri Kurri Town Coordinator \$40,700**
 - **Kurri Kurri Towns With Heart, Kurri Kurri Nostalgia Festival \$5,000**
 - **Kurri Kurri Towns With Heart, Kurri Kurri Visitor Information Centre \$7,500**
 - **Hunter Region Business Hub, Business Workshops \$6,500**
 - **Wollombi Valley Chamber of Commerce, Digital Business Solutions Training \$4,500**

FOR

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

Total (10)

AGAINST

Total (0)

CARRIED UNANIMOUSLY

Councillor Burke returned to the meeting, the time being 7.03pm

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE74/2019

SUBJECT: ANNUAL CODE OF CONDUCT COMPLAINTS REPORT

MOTION

1073

Moved: Councillor Doherty

Seconded: Councillor Gray

RESOLVED

That Council notes the Annual Code of Conduct Complaints Report for the period 1 September 2018 to 31 August 2019.

FOR	AGAINST
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE76/2019

SUBJECT: EXHIBITION OF THE DRAFT CESSNOCK LOCAL STRATEGIC PLANNING STATEMENT

Councillor Fitzgibbon declared a Non Pecuniary Less than Significant Conflict for the reason that she is a part owner of land mentioned in the Cessnock Local Strategic Plan. Councillor Fitzgibbon remained in the Chamber and participated in discussion and voting.

Councillor Lyons declared a Non Pecuniary Less than Significant Conflict for the reason that a client of his appears to be in an investigation area. Councillor Lyons remained in the Chamber and participated in discussion and voting.

The Mayor declared a Non Pecuniary Interest Less than Significant Conflict for the reason that he lives at Elrington a village in the investigation status. The Mayor remained in the Chamber and participated in discussion and voting.

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Gray
1074

RESOLVED

1. That Council places the Draft Cessnock Local Strategic Planning Statement on public exhibition for a minimum period of 10 weeks and in accordance with the Community Engagement Plan.
2. That Council receives a further report following public exhibition of the Draft Cessnock Local Strategic Planning Statement.

FOR	AGAINST
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC106/2019

SUBJECT: QUARTERLY BUDGET REVIEW STATEMENTS - SEPTEMBER 2019

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Gray
1075
RESOLVED

1. That Council notes that the September 2019 Quarterly Budget Review Statements were endorsed for presentation to Council by the Audit and Risk Committee on 12 November 2019.
2. That Council approves the variations to the income, expenditure and capital budgets as detailed in the September 2019 Quarterly Budget Review Statements.
3. That Council notes that the Quarterly Budget Review Statements reflects a cash surplus of \$5,821 and that due primarily to the receipt of the first tranche of the Financial Assistance Grant for FY20 in June 2019 that the Budget Operating Position will be revised to reflect a deficit of \$2,998,277, and that there is no material cash impact to Council's funds arising from the early payment of the Financial Assistance Grant.

FOR	AGAINST
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC107/2019

SUBJECT: SEPTEMBER 2019 QUARTERLY REVIEW OF 2017-21 DELIVERY PROGRAM

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Gray
1076
RESOLVED

1. That Council note the progress in implementing the 2017-21 Delivery Program as at 30 September 2019:
2. That Council endorse the following change to the Cemeteries Facilities Construction Program:

Project description for CFC-2018-001 Wollombi Cemetery:

Remove: Fence Renewal
Add: Masterplan Implementation – Stage 1
3. That Council endorse the following change to the Cultural & Community Buildings Renewal Program:

Add: RBC-2020-010 Kurri Kurri Ambulance Hall – Renewal
Add: RBC-2020-009 Kurri Kurri Community Centre Renewal
Add: RBC-2020-008 Richmond Main – Ablution Block Repairs
4. That Council endorse the following change to the Recreation Facilities Renewal Program:

Add: RFR-2020-005 Howe Park Amenities Replacement
Add: RFR-2020-004 Cessnock Sportsground Concourse Remediation
5. That Council endorse the following change to the Local Road Renewal Program as per Council Resolution No.975:

Add: RRL-2019-007 Heddon Street, Kurri Kurri
6. That Council note the following change to the Airport Construction Program as per Council Resolution No.897:

Add: ACP-2020-005 Extend deHavilland Drive, Cessnock Airport

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

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

	Total (0)
--	------------------

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC108/2019

SUBJECT: T741920HUN SUPPLY AND DELIVERY OF BULK CATIONIC BITUMEN CRS

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Gray
1077
RESOLVED

1. That Council accepts the Regional Procurement Tender for the Supply and Delivery of Bulk Cationic Bitumen (T741920HUN).
2. That Council accept the tenderer Fulton Hogan Industries Pty Ltd as the preferred supplier for Council under the Regional Procurement Tender for Supply and Delivery of Bulk Cationic Bitumen.
3. That Council note the contract term for Tender Supply and Delivery of Bulk Cationic Bitumen (T741920HUN) is from 1 January 2020 to 31 December 2021 with an option for two 12-month contract extension based on satisfactory supplier performance.

FOR	AGAINST
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC109/2019

SUBJECT: CROWN LAND - CESSNOCK CLAY TARGET CLUB

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Gray
1078
RESOLVED

1. That Council notes the steps required to have the land at 563 Maitland Road, Cessnock to be transferred to Council and the implications identified for both Council and the Cessnock Clay Target Club if the transfer of land was successful.
2. That Council notes that the Crown Land located at 563 Maitland Road, Cessnock has not been identified in any of Council's Strategic Plans as a parcel of land that is of any benefit to Council.
3. That Council notes the transferring of land and associated work required in acquitting the transfer, plans of management and licence agreements is not currently listed as an action in the 2017-21 Delivery Plan and as result is unfunded.
4. That Council does not proceed with the process of becoming the Land Trust Manager due to the risks and cost implications detailed in the report and that the action is not part of the 2017-21 Delivery Plan.

FOR

AGAINST

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

Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC110/2019

SUBJECT: SCHEDULE OF ORDINARY MEETINGS OF COUNCIL DATES 2020

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Gray
1079
RESOLVED

That Council adopts the following schedule of Ordinary Meetings of Council for 2020:

5 February	19 February
4 March	18 March
1 April	15 April
6 May	20 May
3 June	17 June
1 July	15 July
5 August	19 August
2 September	7 October

FOR

AGAINST

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

Total (11)

Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC111/2019

SUBJECT: COUNCIL RECESS PERIOD

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Gray
1080
RESOLVED

1. That Council be in recess from 13 December 2019 to 6 February 2020.
2. That Council pursuant to Section 377 of the *Local Government Act 1993*, delegate authority to the Mayor and/or Deputy Mayor, and the General Manager jointly to exercise any function of Council during the recess period.
3. That a list of any matters considered under such delegated authority be submitted for Council's information to the first 2020 Ordinary Meeting of Council scheduled to be held on 6 February 2020.

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

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

Total (11)

Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC112/2019

SUBJECT: LOCAL GOVERNMENT REMUNERATION TRIBUNAL - 2020 ANNUAL REVIEW

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Gray
1081
RESOLVED

1. That Council notes the Local Government Remuneration Tribunal amended the classifications used for the purposes of determining fees payable to mayors and councillors to take effect from 1 July 2020.
2. That Council notes that Cessnock has been provisionally classified under the new category of Regional Centre.
3. That Council notes the proposed four submission points outlined in this report by the Local Government Remuneration Tribunal for feedback, being:
 - Proposed classification model and criteria
 - Allocation in the proposed classification model
 - Range of fees payable on the proposed classification
 - Other Council Matters within the Tribunal's jurisdiction
4. That Council does not make a submission to the Local Government Remuneration Tribunal review regarding the fees payable to elected officials noting the restrictions under section 242A of the *Local Government Act 1993* which limits the ability of the Local Government Remuneration Tribunal to consider submission seeking increases in excess of 2.5%.

FOR

AGAINST

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

Total (11)

Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC113/2019

SUBJECT: ANNUAL REPORT 2018-19

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Gray
1082
RESOLVED

That the Annual Report for 2018/19 be received and noted.

FOR	AGAINST
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC114/2019

SUBJECT: AUDIT AND RISK COMMITTEE INDEPENDENT CHAIR

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Gray
1083
RESOLVED

That Council notes the appointment of the independent Chair to the Audit and Risk Committee as per 5.4.3 of the Audit and Risk Committee Charter.

FOR	AGAINST
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC115/2019

SUBJECT: INVESTMENT REPORT - OCTOBER 2019

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Gray
1084
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 \$38,055,735, year to date interest earned to 31 October was \$266,146 and the interest earned for October was \$60,845.**

FOR	AGAINST
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC116/2019

SUBJECT: RESOLUTIONS TRACKING REPORT

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Gray
1085
RESOLVED

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

FOR	AGAINST
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI81/2019

**SUBJECT: MINUTES OF FLOODPLAIN MANAGEMENT COMMITTEE MEETING
OF 9 OCTOBER 2019**

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Gray
1086
RESOLVED

That the Minutes of the Floodplain Management Committee of 9 October 2019 be adopted as a resolution of the Ordinary Council, including the following recommendation.

1. **FLOCLM13/2019 - That Council endorses a modified Option 3 as the preferred option and proceed with completion of the concept design.**

FOR	AGAINST
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI82/2019

SUBJECT: MINUTES OF ROADS REVIEW COMMITTEE MEETING HELD 11 OCTOBER 2019

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Gray
1087
RESOLVED

That the Minutes of the Roads Review Committee of 11 October 2019 be adopted as a resolution of the Ordinary Council.

1. RRCOR9/2019 –

- 1. That Council advises the petition organiser that the prioritisation of sealing unsealed urban roads is currently being overseen by Council's Roads Review Committee.**

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

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

Total (11)

Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI83/2019

SUBJECT: MINUTES OF LOCAL TRAFFIC COMMITTEE MEETING HELD 21 OCTOBER 2019

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Gray
1088
RESOLVED

That the Minutes of the Local Traffic Committee Meeting of 21 October 2019 be adopted as a resolution of the Ordinary Council.

1. TC42/2019 – That Council authorises the temporary regulation of traffic on Paynes Crossing Road, Wollombi for the Wollombi Public Holiday Markets events in accordance with the Paynes Crossing Road Wollombi _ Wollombi Public Holiday Markets Traffic Control Plan.
2. TC43/2019 – That Council authorises the temporary regulation of traffic for the Kurri Kurri Nostalgia Festival event in accordance with the Various Roads Kurri Kurri _ Nostalgia Festival Traffic Control Plans.
3. TC44/2019 – That Council authorises the installation of regulatory parking signage on Mulbring Street, Aberdare in accordance with the Mulbring Street Aberdare _ Signage & Line Marking Diagram.
4. TC45/2019 – That Council authorises the installation of regulatory signage and line marking on Vernon and Allan Streets, Cessnock in accordance with the Vernon Street Cessnock _ Signage & Line Marking Diagram.
5. TC46/2019 - That Council authorises the temporary regulation of traffic on Broke Road and McDonalds Road, Pokolbin for the Grapevine Gathering event in accordance with the Broke Road & McDonalds Road Pokolbin _ Grapevine Gathering Traffic Management Plan as provided to Committee.

FOR

AGAINST

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

Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI84/2019

SUBJECT: ABERMAIN SCHOOL OF ARTS

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Gray

1089

RESOLVED

1. That Council notes the estimated cost to prepare an interim short term licence for the Sir Edgeworth David Memorial Museum to occupy spaces within the Abermain School of Arts is in the order of \$1,850, if a market rental appraisal is undertaken.
2. That Council notes the costs associated with the preparation of the licence can be covered from within existing Operational budgets.
3. That the General Manager arranges for the preparation of an interim short term licence for a period of 12 months for the Sir Edgeworth David Memorial Museum to occupy spaces within the Abermain School of Arts.

FOR

AGAINST

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

Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI85/2019

SUBJECT: CESSNOCK POOL MASTERPLAN

MOTION **Moved:** Councillor Gray **Seconded:** Councillor Sander
1090

RESOLVED

1. That Council adopts the Cessnock Pool Masterplan.
2. That Council notifies those who made submissions, along with the key stakeholders, of Council's decision and the reasons why.
3. That Council makes provisions for the implementation of the Masterplan in consideration of future Operational Plans and available resources, including grant funding and development contributions.

FOR

AGAINST

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

Total (11)

Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI86/2019

**SUBJECT: MILSONS ARM ROAD AND YANGO CREEK ROAD - PETITIONS
REGARDING WASTE SERVICE**

MOTION **Moved:** Councillor Stapleford **Seconded:** Councillor Fitzgibbon
1091

RESOLVED

1. That Council continues to provide the current waste collection route with remote collection services available to residents of Milsons Arm Road and Yango Creek Road, noting the interest shown in extending the collection service area and advise residents in the area that further investigation will be undertaken as part of the Waste Strategy 2020-25.
2. That Council writes to the residents of the petition advising them of its decision.
3. That the 2 submissions be considered in the development of the Waste Strategy 2020-25.

FOR

AGAINST

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

Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI87/2019

SUBJECT: NSW GOVERNMENT FIXING LOCAL ROADS - APPLICATION FOR FUNDING

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Gray
1092
RESOLVED

1. That Council endorses the submission of five applications under the NSW Government Fixing Local Roads Round 1 2019 Program for the following:
 - Mitchell Avenue, Kurri Kurri – Pavement Rehabilitation
 - Cessnock Road, Weston – Pavement Rehabilitation
 - Old Maitland Road, Sawyers Gully – Pavement Rehabilitation
 - Old Maitland Road, Sawyers Gully – Sealing Unsealed Road
 - Northcote Street, Kurri Kurri – Pavement Rehabilitation
2. That Council endorses reallocation of up to \$1.25M within the Local Road Renewal Program 2019-20 and 2020-21 of the current Delivery Program 2017-21 as a minimum co-contribution in accordance with the outcome of the grant application.
3. That Council send a copy of the report to Clayton Barr MP, Member for Cessnock seeking his support.

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

Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

CORRESPONDENCE

CORRESPONDENCE NO. CO28/2019

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

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Gray
1093

RESOLVED

That the correspondence from Clayton Barr MP regarding funding to implement the high priority projects in the Cessnock LGA Traffic and Transport Strategy 2018 be noted.

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

Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

CORRESPONDENCE NO. CO29/2019

SUBJECT: NORTH ROTHBURY - PRIORITY SEWERAGE SCHEME

MOTION **Moved:** Councillor Doherty **Seconded:** Councillor Gray
1094
RESOLVED

That the correspondence from the Minister for Water, Property and Housing, The Hon. Melinda Pavey MP, in regards to the provision of backlog sewer services to the North Rothbury community, be noted.

FOR	AGAINST
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

COUNCILLORS REPORTS

NIL

7.11PM

Confidential reports (closed session)

MOTION **Moved:** Councillor Dagg **Seconded:** Councillor Gray
1095

RESOLVED

That the meeting move into closed session in order to consider confidential items.

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

Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

7.18PM

Open Session

The meeting moved back into open session and the General Manager reported on the outcomes.

WORKS AND INFRASTRUCTURE NO. WI80/2019

SUBJECT: MINUTES OF THE CONFIDENTIAL SESSION OF THE FLOODPLAIN MANAGEMENT COMMITTEE MEETING OF 9 OCTOBER 2019

This matter is considered to be confidential under Section 10A(2) (di) (j) 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 Council Policy.

MOTION **Moved:** Councillor Burke **Seconded:** Councillor Gray
1096
RESOLVED

1. That Council notes the Committee's endorsement of the actions as discussed.
2. That Council facilitates a joint community meeting with SA NSW to seek community feedback on the preferred options.

FOR	AGAINST
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

The Meeting Was Declared Closed at 7.18pm

CONFIRMED AND SIGNED at the meeting held on 11 December 2019

.....CHAIRPERSON

.....GENERAL MANAGER

Disclosures Of Interest

Report No. DI23/2019

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.

Mayoral Minute

Report No. MM18/2019

General Manager's Unit



MAYORAL MINUTE No. MM18/2019

SUBJECT: ***MINUTES OF THE REVIEW OF THE GENERAL MANAGER'S
EMPLOYMENT ARRANGEMENTS COMMITTEE MEETING - 20
NOVEMBER 2019***

RECOMMENDATION

1. That Council adopt the minutes of the Review of the General Manager's Employment Arrangement Committee meeting – 20 November 2019.
2. That the General Managers draft Performance Agreement for the period of November 2019 – November 2020 be adopted by Council.
3. That the Council delegate authority to the Mayor to make changes to the Performance Agreement in relation to items 2b) and 5b) of the Agreement following receipt of further information from the General Manager and that the changes be reported back to Council.

***MINUTES OF THE REVIEW OF GENERAL MANAGER'S EMPLOYMENT
ARRANGEMENTS COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL
HELD ON 20 NOVEMBER 2019, COMMENCING AT 4.00PM***

PRESENT: The Mayor, Councillor Bob Pynsent
Councillors Stapleford, Burke and Suvaal

IN ATTENDANCE: Councillors Sander, Gray, Fitzgibbon, Lyons and Dunn
Darrylen Allan, Human Resource Manager

APOLOGIES: NIL

LISTED MATTERS

- a. To develop the General Manager's Performance Agreement.

RESOLUTIONS

1. The Committee recommend that the General Managers draft Performance Agreement for the period of November 2019 – November 2020 be adopted by Council.

Mayoral Minute

Report No. MM18/2019

General Manager's Unit



2. That the Committee delegate to the Mayor authority to make changes to the Performance Agreement in relation to items 2b) and 5b) of the Agreement following receipt of further information from the General Manager and that the changes be reported back to Council.

Moved: Councillor Burke

Seconded: Councillor Stapleford

GENERAL BUSINESS

NIL

ENCLOSURES

- 1 Performance Agreement - Distributed Under Separate Cover - *This matter is considered to be confidential under Section 10A(2) (a) of the Local Government Act, as it deals with personnel matters concerning particular individuals.*

Mayoral Minute

Report No. MM19/2019

General Manager's Unit



MAYORAL MINUTE No. MM19/2019

SUBJECT: CESSNOCK CORRECTIONAL CENTRE ACCESS

RECOMMENDATION

That the General Manager engage with the Department of Corrections to confirm the suggested solution to establish an access to the Cessnock Correctional Centre via Wine Country Drive to reduce the impact on local roads.

RATIONALE

At the Council meeting on 6 February 2019 Council adopted the following resolution (745):

1. *That the correspondence be noted.*
2. *That Council reinforce its position in regards to access to the Cessnock Correctional Centre in that the access to the Cessnock Correctional Centre at Lindsay Street/Mavis Street be closed and that a new access is created via direct route from Wine Country Drive onto land owned by Hunter New England Health through the land owned by Corrective Services NSW and the Cessnock Correctional Centre, to reduce the impact on local roads.*
3. *That Council note that the General Manager is seeking a meeting with the State Member, Clayton Barr MP to clarify Councils position in regards to protocols for moving a grave and headstone, Wine Country Drive works and estimates for Kerlew Street if it was to be the access to the Cessnock Correctional facility as requested in his correspondence letter dated 4 December 2018.*
4. *That a report come back to the next meeting in February summarising the outcomes of the meeting of Clayton Barr MP and the community members of the Consultative Committee for the Cessnock Correctional Centre.*

The General Manager and Mayor met with the Minister for Corrections, Minister Robert on two occasions. The initial meeting on 20 May 2019 outlined Councils adopted position as per the 6 February 2019 resolution above (2).

A follow-up meeting took place on 12 November 2019 involving the State Member, General Manager and the Mayor with Minister Roberts. At this meeting Minister Roberts outlined difficulties regarding current tenancy agreements with several of the options that were explored across the Health Land. These difficulties predominantly related to legal issues and therefore the Department of Corrections cannot support Council's preferred option in resolution 745 (2).

Mayoral Minute

Report No. MM19/2019

General Manager's Unit



On 6 December 2019, Clayton Barr MP, State Member for Cessnock addressed the Cessnock Correctional Centre Consultative Committee outlining the reasons the Health Land Access Proposal will not progress.

ENCLOSURES

There are no enclosures for this report

Mayoral Minute

Report No. MM20/2019

General Manager's Unit



MAYORAL MINUTE No. MM20/2019

***SUBJECT: DONATION TO NSW RURAL FIRE SERVICE IN LIEU OF
FIREWORKS AT CAROLS IN THE PARK 2019***

RECOMMENDATION

That Council make a donation of \$4,500 to the NSW Rural Fire Service being in lieu of the fireworks exhibition originally planned for the Cessnock City 2019 Carols in the Park event, noting that the fireworks component of that event was cancelled due to the current bush fire conditions and in respect to fire fighters and people directly impacted by the fires.

REPORT/PROPOSAL

The Cessnock City 2019 Carols in the Park event held 6 December 2019 was to include a fireworks exhibition.

With the Cessnock Local Government Area and the state of New South Wales at the time of the Carols in the Park event experiencing adverse and ongoing fire conditions, the decision was made for the fireworks component to be cancelled. This decision was made in respect to fire fighters and people directly impacted by the fires.

The budget provided for the intended fireworks display was \$4,500, and with a number of appeals having been established supporting the recovery efforts and the NSW Rural Fire Service it is appropriate that these funds be diverted to the NSW Rural Fire Service.

This Mayoral Minute seeks Council's support of making a donation to the NSW Rural Fire Service of the available funds as a result of the cancellation of the Carols in the Park fireworks exhibition.

ENCLOSURES

There are no enclosures for this report

Motions of Urgency

Report No. MOU21/2019

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. GMU24/2019
General Manager's Unit



SUBJECT: *BUSINESS CAPABILITY STUDY REPORT*
RESPONSIBLE OFFICER: *Acting Economic Development Manager - Rhiannon Stevens*

SUMMARY

As economic development is a long term strategy, it is critical that there is a comprehensive understanding of industries, businesses, their capacity and needs. By taking a leadership role, Council can strategically stimulate enterprise and investment as well as create an environment conducive to conduct business.

As part of the adopted Operational Plan responding to this need a Business Capability Study was undertaken in 2019 and the draft report is presented to Council for endorsement to enable the finalisation of the grant funding acquittal.

RECOMMENDATION

That Council endorses the completed Cessnock City Business Capability Study (2019) report for publication and grant acquittal for the funding from the Australian Government's Building Better Regions Fund Community Investment Stream.

BACKGROUND

Understanding business capability within the local government area (LGA) and the collective needs of businesses is essential to developing a responsive economic development strategy and better planning for workforce development, business environment and investment in infrastructure and promoting regional livability. In 2018-19 funding of \$15,000 (excluding GST) was secured for the Cessnock City Business Capability Study under the Australian Government's Building Better Regions Fund Community Investment Stream.

The Business Capability Study identified how many businesses operate within the region, their size, employment capacity, export and import status, and also determines prime opportunities to encourage investment and jobs within the region. The results will drive future economic development programming, and inform what can be done to support and nurture existing businesses.

REPORT/PROPOSAL

Project Overview:

The Business Capability Survey was conducted over an 8 week period commencing 3 July 2019 to 30 August 2019. The survey investigated the following economic directions:

- Market performance, optimism and direction - how well individual businesses perceive performance, market challenges, optimism for their future, and how to improve performance.
- Products and services - opportunities in the market for renewal or growth and understanding of their markets, importing and exporting.

General Manager's Unit

Report No. GMU24/2019

General Manager's Unit



- Operational matters – business lifecycle, innovation, premises, methods, processes, IT adoption and capability.
- Business environment: support for business, business planning and networks.
- Advantages, disadvantages supporting the Cessnock City business environment.
- Organisation and people – productivity, staffing structures, workforce planning issues, training and development gaps.
- Underpinning any barriers to growth and identifying immediate needs of businesses to facilitate economic development outcomes.
- Determining regional livability markers and business owners who live and work in the city.

The project involved:

1. Development of a survey instrument;
2. Form a data collection team;
3. Identification of businesses using all available avenues online, catalogues, Australian Business Register and via fieldwork;
4. Surveying of businesses regarding size of business, number of employees, sector, export/import status, skills shortages and training needs, opportunities, performance and optimism, and perceived barriers, etc. (by email, phone calls, visitation);
5. Data capture, analysis and report writing (and toolkit).

The survey instrument included multiple choice and open ended questions which were formulated to gain insight into business opinions. It supports understanding our business community's strengths and weaknesses and how they believe the Council may provide assistance or lobby support to respond appropriately.

All local business owners/operators were invited to participate in the survey which was promoted widely through Advance Cessnock City and via the business chambers.

The Business Capability Study is the driver of future programming, and informs what can be done to plan for economic growth, encourage increased productivity, support and nurture existing businesses, enhance local employment and; attract meaningful jobs into the region for our young people and unemployed.

Results:

Of all known and identified businesses captured (N=3017), 899 businesses responded. This represents a total response rate of 29.80% of all businesses identified. A total of 713 businesses completed the survey and 186 responded but were unwilling to. Overall, 23.63% of all known businesses completed the survey.

The ideal sample size for the study to be deemed statistically significant, has been calculated at 314 completed surveys. With 713 businesses completing the survey, the large sample size strengthens the accuracy and reliability of the data captured.

General Manager's Unit

Report No. GMU24/2019

General Manager's Unit



The draft Business Capability Study Report (2019) provides detailed information on the responses provided by businesses to the comprehensive survey. The data is presented in a robust report benchmarked to official Australian and New Zealand Standard Industrial Classification (ANZSIC) business classifications and sub-regions within our LGA. The research provides detailed business and sector analysis, and build on the comprehensive system for contacting and informing businesses of opportunities within the region.

The data provided in the study will enable the economic development team to contact businesses with ongoing opportunities, and provide more impactful training and development under the Advance Cessnock City partnership, e.g. targeted exporting assistance to potential and identified exporters. The data is also used to demonstrate demand for improved infrastructure, training needs and attracting government investment in incentives and resources for businesses to grow.

This valuable research will be instrumental pursuant to Council embarking on renewing the Economic Development Strategy in 2019-20.

The scale and detailed segmented data captured on the business community gives Cessnock LGA a distinct competitive advantage in economic development through a comprehensive understanding of industry and businesses, along with their capacity and needs. The results will drive smarter and more responsive economic development programs.

The draft report is presented to Council for endorsement for publication and grant acquittal (provided under Separate Cover). Upon acceptance of the endorsed report, the *Building Better Regions Fund* can accept Council's acquittal, and release the co-contribution back to Council (\$15,000 Ex GST) towards the grant funded project.

OPTIONS

Council endorsement of the Business Capability Study Report (2019) is required for the acceptance of the acquittal and release of the funding.

CONSULTATION

Chambers of Commerce and Industry Associations and business community
Director Corporate & Community Services
General Manager

STRATEGIC LINKS

a. Delivery Program

2.1.1 Undertake a follow-up Business Capability Study (to include trend analysis) and a Liveability Study.

- 2.1.1.a Deliver the Business Capability Study and develop a toolkit to support the project.
- 2.1.2.a Undertake research for economic analysis and reporting, prepare publications, submissions and discussion papers and collate economic development information pertaining to major funding attraction.

General Manager's Unit

Report No. GMU24/2019

General Manager's Unit



2.1.4.b Support and nurture existing economic activity in the city through Advance Cessnock City, collaborate with Advance Cessnock partners and fosters sustained business productivity, growth and employment through business engagement opportunities and projects.

2.2.2.a Collaborate with governments, training and employment agencies and maintain online resources for businesses, and promote employment and training outcomes.

b. Other Plans

Economic Development Strategy

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Council secured matching funding for the study under the Australian Government's Building Better Regions Fund Community Investment Stream. Council endorsement is required as part of the acquittal process for the *Building Better Regions Fund* grant secured for the Business Capability Study report, in order to release the \$15,000 of funding.

c. Legislative Implications

Nil

d. Risk Implications

If the report is not endorsed by Council, the *Building Better Regions Fund* grant cannot be successfully acquitted.

e. Environmental Implications

N/A

f. Other Implications

The data provided in the study will enable the Economic Development Unit to contact businesses with ongoing opportunities, and provide more impactful training and development under the Advance Cessnock City partnership. The results will drive future economic development programming, and inform what can be done to support and nurture existing businesses.

General Manager's Unit

Report No. GMU24/2019

General Manager's Unit



CONCLUSION

The survey and comprehensive report has been a significant project for Council's Economic Development Unit and provides substantial advantages for economic development planning in our region. The report provides intelligence on how to better foster growth of our self-employed and small businesses, and foster a stronger regional economy. The Business Capability Study also supports identification of opportunities to encourage investment and jobs within the region. The study is focused on finding solutions and stimulating enterprise.

ENCLOSURES

- 1 [!\[\]\(0f48f43ebd21f231a458c96216dbf4d1_img.jpg\)](#) Business Capability Study Report (2019) Draft (Provided under Separate Cover)

Placeholder for Enclosure 1

General Manager's Unit No.

Business Capability Study Report (2019) Draft
(Provided under Separate Cover)

General Manager's Unit
Report No. GMU25/2019
General Manager's Unit



SUBJECT: *ACTING GENERAL MANAGER*

RESPONSIBLE OFFICER: *General Manager - Lotta Jackson*

SUMMARY

The purpose of this report is for Council to formally approve for the Directors to act in the role of General Manager when the General Manager is on leave.

RECOMMENDATION

That Council formally approves for the General Manager to appoint any of the Directors, as designated senior staff under the *Local Government Act 1993*, to act in the role of General Manager, with the associated delegations, when the General Manager is on leave.

BACKGROUND

Council's previous General Manager developed a protocol for the provision of Acting General Manager for Directors on a rotating basis. This schedule was prepared at the end of each calendar year.

REPORT/PROPOSAL

With a new General Manager appointed by the Council recently, it is advised that a Council resolution be provided for any of the Directors to act in the General Manager's position when she is on leave. This will ensure business continuity in line with the Act.

OPTIONS

Nil

CONSULTATION

Consultation has taken place with the Directors and the Mayor.

STRATEGIC LINKS

a. Delivery Program

Civic Leadership and Effective Governance

b. Other Plans

Nil

General Manager's Unit
Report No. GMU25/2019
General Manager's Unit



IMPLICATIONS

a. Policy and Procedural Implications

There is no policy implication however internal protocol/procedure will need to be amended.

b. Financial Implications

Nil

c. Legislative Implications

Council's Directors are appointed under the *Local Government Act 1993* as designated senior staff.

d. Risk Implications

It is best practice and essential for business continuity to have one of the Directors act in the General Manager's role when the General Manager is on leave.

e. Environmental Implications

Nil

f. Other Implications

Nil

CONCLUSION

This report is for Council to formally approve for the Directors to act in the role of General Manager when the General Manager is on leave.

ENCLOSURES

There are no enclosures for this report

General Manager's Unit
Report No. GMU26/2019
Corporate and Community Services



SUBJECT: *MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING
HELD 12 NOVEMBER 2019*

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

RECOMMENDATION

That the Minutes of the Audit and Risk Committee Meeting held 12 November be adopted as a resolution of the Ordinary Council.

***MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING OF CESSNOCK CITY
COUNCIL HELD IN ANTE ROOM ON TUESDAY, 12 NOVEMBER 2019, COMMENCING
AT 9.30AM***

PRESENT: Mrs Jennifer Hayes – Independent Chair
Mayor Pynsent
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 Gareth Curtis – Director Planning & Environment
Mr Geoff Bent – Acting Director Works & Infrastructure
Ms Darrylen Allan – Human Resources Manager
Mr Andrew Glauser – Finance and Administration Manager
Mr Wayne Russell – External Auditor – Pitcher Partners
Mr Furqan Yousuf – External Auditor – NSW Audit Officer (via teleconference to 9.52am)
Mrs Robyn Keegan – Minute Taker

INVITEES: Mr Paul Grosbernd – Management Accountant
Ms Catherine Bradley – Infrastructure Accountant
Mr Wayne Reid – Business Partner and Service Accountant
Mr Manav Sharma – Financial Accountant
Mr Steve Hepple – Information Technology Manager
Ms Janine Maher – Development Services Manager

APOLOGIES

APOLOGIES: **MOTION** **Moved:** Mayor Pynsent
Seconded: Jennifer Hayes

RESOLVED that the apologies tendered on behalf of Councillor Dunn and Justin Fitzpatrick-Barr, for unavoidable absence, be accepted and leave of absence granted.

CARRIED UNANIMOUSLY

The Chair acknowledged the absence of the Independent Members and the Director of Works and Infrastructure due to the extreme weather conditions.

ACKNOWLEDGEMENT OF COUNTRY

The elected Chair delivered an Acknowledgement of Country.

CONFIRMATION OF MINUTES

MINUTES:

MOTION

Moved:

Jennifer Hayes

Seconded:

Sheridan Dudley

RESOLVED that the Minutes of the Extraordinary Audit & Risk Committee held on 17 October 2019, as circulated, be taken as read and confirmed as a correct record.

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

COMMITTEE DISCLOSURE OF INTEREST NO. ACCDI5/2019

SUBJECT: DISCLOSURES OF INTEREST

Nil

BUSINESS ARISING FROM THE MINUTES

Nil

General Manager's Unit
Report No. GMU26/2019
Corporate and Community Services



GENERAL BUSINESS

SUBJECT: DRAFT AUDIT MANAGEMENT LETTER

MOTION **Moved:** Mayor Pynsent **Seconded:** Jennifer Hayes

RESOLVED

1. That the Audit and Risk Committee receives and endorses the Draft Audit Management Letter.
2. That the Audit and Risk Committee request Management distribute the draft Management responses to the Audit and Risk Committee members out of session prior to the responses being forwarded to the Audit Office.

CARRIED UNANIMOUSLY

LISTED MATTERS

LISTED MATTERS - COMMITTEE NO. ACCLM36/2019

SUBJECT: QUARTERLY BUDGET REVIEW STATEMENTS - SEPTEMBER 2019

MOTION **Moved:** Stephen Coates **Seconded:** Sheridan Dudley

RESOLVED

1. That the Audit and Risk Committee receives and endorses the September 2019 Quarterly Budget Review Statements for presentation to Council in accordance with Clause 203 of the Local Government (General) Regulation 2005.
2. That the Audit and Risk Committee notes that the Quarterly Budget Review Statements reflects a cash surplus of \$5,821 and that due primarily to the receipt of the first tranche of the Financial Assistance Grant for FY20 in June 2019 that the Budget Operating Position will be revised to reflect a deficit of \$2,998,277. There is no material cash impact to Council's funds arising from the early payment of the Financial Assistance Grant.

CARRIED UNANIMOUSLY

General Manager's Unit
Report No. GMU26/2019
Corporate and Community Services



LISTED MATTERS - COMMITTEE NO. ACCLM37/2019

SUBJECT: INFORMATION TECHNOLOGY - UPDATE ON RISK REDUCTION ACTIVITIES

MOTION Moved: Jennifer Hayes **Seconded:** Stephen Coates

RESOLVED

That the Audit and Risk Committee notes the information regarding the Information Technology risk reduction activities undertaken since the last update provided in May 2019.

CARRIED UNANIMOUSLY

LISTED MATTERS - COMMITTEE NO. ACCLM38/2019

SUBJECT: DRIVES24 INTERNAL AUDIT

MOTION Moved: Mayor Pynsent **Seconded:** Jennifer Hayes

RESOLVED

1. That the Audit and Risk Committee receives the report on the audit of DRIVES24 and notes that the Audit completed, in accordance with the Annual Audit Plan, met its obligations under the DRIVES Terms of Access Agreement during 2018/19.
2. That the Management Action Plan for the DRIVES24 Audit be received and the seven management action items be added to the Action Plan Register.

CARRIED UNANIMOUSLY

General Manager's Unit
Report No. GMU26/2019
Corporate and Community Services



LISTED MATTERS - COMMITTEE NO. ACCLM39/2019

SUBJECT: PLANNING REFORM FUND AUDIT

MOTION Moved: Jennifer Hayes **Seconded:** Mayor Pynsent

RESOLVED

That the Audit and Risk Committee receives the internal audit report on the audit of the Planning Reform Fund, and notes that the Audit found that Council met its obligations in relation to the collection of, and accounting for, Planning Reform Funds fees during 2018/19.

CARRIED UNANIMOUSLY

LISTED MATTERS - COMMITTEE NO. ACCLM40/2019

SUBJECT: INTERNAL AUDIT REPORT NOVEMBER 2019

MOTION Moved: Jennifer Hayes **Seconded:** Sheridan Dudley

RESOLVED

1. That the Audit and Risk Committee notes the Internal Audit Report for November 2019.
2. That the Audit and Risk Committee notes the completed internal audits for Planning Reform Fund and Drives24.
3. That the Audit and Risk Committee notes the status of outstanding management action plans with 37 of 43 actions complete, 4 actions overdue and 2 actions not yet due for completion.
4. That the Audit and Risk Committee notes the management actions proposed to address the Internal Audit Program and Roads Audit, and that a further report be provided to the February meeting on the progress of those plans.

CARRIED UNANIMOUSLY

General Manager's Unit
Report No. GMU26/2019
Corporate and Community Services



LISTED MATTERS - COMMITTEE NO. ACCLM41/2019

**SUBJECT: AUDIT AND RISK COMMITTEE CALENDAR OF MEETING DATES -
 UPDATE**

MOTION Moved: Jennifer Hayes **Seconded:** Stephen Coates

RESOLVED

That the Audit and Risk Committee adopts the 2020 schedule of meetings:

- 11 February 2020
- 12 May 2020
- 28 August 2020
- 13 October 2020
- 10 November 2020

CARRIED UNANIMOUSLY

LISTED MATTERS - COMMITTEE NO. ACCLM42/2019

**SUBJECT: NSW AUDITOR OFFICE PERFORMANCE REPORT - DEVELOPMENT
 ASSESSMENT: PRE-LODGEEMENT AND LODGEEMENT IN CAMDEN
 COUNCIL AND RANDWICK CITY COUNCIL**

MOTION Moved: Mayor Pynsent **Seconded:** Jennifer Hayes

RESOLVED

That the Audit and Risk Committee notes:

- The NSW Auditor-General Performance Audit on Development assessment: pre-lodgement and lodgement in Camden Council and Randwick City Council dated 20 June 2019 and
- That Council staff, assisted by the Internal Auditor, carried out a self-assessment against the recommendations of the performance audit and alignment with the guidance, which has indicated that Council achieved 39 of the 44 recommended actions; and
- That the remaining 5 recommended actions not implemented according to the performance audit are due to operational and resourcing differences, professional opinion and non-prescriptive legislation.

CARRIED UNANIMOUSLY

General Manager's Unit
Report No. GMU26/2019
Corporate and Community Services



LISTED MATTERS - COMMITTEE NO. ACCLM43/2019

**SUBJECT: AUDIT AND RISK COMMITTEE RESOLUTION TRACKING REPORT -
 COMPLETED & OUTSTANDING ACTIONS**

MOTION Moved: Jennifer Hayes **Seconded:** Stephen Coates

RESOLVED

That the Audit and Risk Committee notes the completed actions since the 30 August 2019 committee meeting and that there are 2 outstanding actions from previous Audit and Risk Committee meetings as at 30 October 2019.

CARRIED UNANIMOUSLY

GENERAL BUSINESS

- Council staff are in the process of reviewing and developing a submission to a discussion paper that has been released by the OLG titled "A NEW RISK MANAGEMENT AND INTERNAL AUDIT FRAMEWORK for Local Councils in NSW". The proposed submission will be tabled at the December Council meeting. The Chair of the Audit and Risk Committee noted this was a Council matter and that the Audit and Risk Committee did not need to view the proposed submission before going to Council. It was agreed that the report will be shared with the Audit and Risk Committee after the Council meeting.
- Steven Coates suggested that the report note the value provided by the Audit and Risk Committee and his view was that this outweighs the possible additional costs associated with some of the recommendations.

General Manager's Unit

Report No. GMU26/2019

Corporate and Community Services



PRESENTATION

Development Assessment Update	Development Services Manager – Janine Maher	Presentation only (10 minutes)
-------------------------------	--	-----------------------------------

The Committee thanked Janine Maher for her presentation and commended the excellent work in turning around DA consent times.

The Meeting Was Declared Closed at 10.53am

ENCLOSURES

There are no enclosures for this report.

Planning and Environment

Report No. PE77/2019

Planning and Environment



SUBJECT: ***DRAFT CESSNOCK FLYING-FOX CAMP MANAGEMENT PLAN***

RESPONSIBLE OFFICER: ***Strategic Planning Manager - Martin Johnson***

SUMMARY

The East Cessnock Camp Management Plan was adopted by Council in September 2017. Since the adoption of the Plan there have been a number of legislative changes which have required the Plan to be updated. The purpose of this Report is to update the plan, including additional actions, apply the plan across the Cessnock City LGA and seek Council's endorsement to publicly exhibit the updated version of the Plan.

RECOMMENDATION

1. That Council places the draft Cessnock Flying Fox Camp Management Plan on public exhibition for a minimum period of fifty (50) days.
2. That Council receives a report back on the draft Cessnock Flying Fox Camp Management Plan if unresolved written objections are received during consultation with the community. If no written objections are received during the exhibition period the draft Cessnock Flying Fox Camp Management Plan be adopted upon finalisation of the exhibition period.

BACKGROUND

Extensive consultation was undertaken in 2017 during the development of the East Cessnock Camp Management Plan (CMP), including the following agencies, residents and stakeholders:

- Hunter Council's Environment Division
- NSW Department of Infrastructure – Lands (now the Department of Planning, Industry and Environment).
- NSW Department of Education
- Cessnock East Public School
- NSW Office of Environment and Heritage (now the Department of Planning, Industry and Environment)
- Bat Support Group
- Hallam Street resident

In 2017, Council engaged with the community via the *Flying-fox Engage* decision support tool, which resulted in 227 individual responses from the community, including directly affected residents.

Following the community engagement the CMP was adopted by Council in 2017. Since 2017 Council has completed a number of actions that were identified in the CMP including community education, residential subsidies and buffer zone creation.

Planning and Environment

Report No. PE77/2019

Planning and Environment



In 2019 Council has received a grant of \$15,000 under Planning Stream 2 of the Flying-Fox Grant Program facilitated by Local Government NSW. The purpose of this funding was to allow Council to review and update the existing CMP. Council has now reviewed and updated the CMP and the draft is provided under separate cover.

REPORT/PROPOSAL

The original CMP was developed in accordance with the former NSW Office of Environment and Heritage Flying-fox Camp Management Policy (2015) and the Camp Management template provided by Office of Environment and Heritage. As a result, the Plan provided the basis for any Land Manager to apply for a licence to undertake activities within the plan as well as greater support for Council and land managers to apply for grant funding on actions arising from the Plan.

Since the adoption of the CMP in 2017, there have been a number of changes to legislation and policy, these include:

- The introduction of the *Biodiversity Conservation Act 2016*; and
- The Flying-Fox Camp Management Code of Practice 2018.

The revised CMP has been amended to reflect these changes in legislation and policy since the adoption of the original Plan in 2017. Specifically, Council has amended the Plan to:

- Remove references to repealed legislation, including the NSW *Threatened Species Conservation Act 1995*;
- Added a section on the *Biodiversity Conservation Act 2016* and the Flying-Fox Camp Management Code of Practice 2018;
- Amended the CMP so that it is more consistent with NSW Department of Planning Industry and Environment's (DPIE) '*Updated Flying-fox Camp Management Plan Template 2019*'. Including the provision of additional information on human health risks and a summary of dispersal results; and
- The ordering of some sections has been changed so that the CMP is easier to read.
- Amend the name of the Plan from site specific to LGA specific to ensure we can plan for the potential establishment of further camps in the LGA

The revised Draft CMP has a small number of additional management actions included for which Cessnock City Council is the responsible party. Primarily, these are actions that Council could undertake to provide further assistance to those residents living in close proximity to the East Cessnock Flying Fox Camp for example, the waiving of Council's application fees for works such as tree removal and carport and garage development applications. Those fees are currently listed in the 2019/20 Operational Plan and Budget as \$297.00 for Tree Removal Applications. DA fees for garages and carports are variable depending on the cost of the works however may range from \$110.00 for works valued at less than \$5,000.0 or for works with a value from +\$5,001.00 up to \$50,000, the fees are from \$170.00 plus \$3.00 for each \$1000.00 in value up to \$50,000. Notification fees may also apply and are currently \$182.00.

It is unlikely any garages and carports would be greater in value than those amounts. Fee waiving would not include construction certificates and other contestable services where Council competes against private certifiers.

Planning and Environment

Report No. PE77/2019

Planning and Environment



A large majority of management actions identified in **Section 8.6** of the CMP remain unchanged from the adopted plan.

The adopted Plan only related to the East Cessnock Flying-fox Camp. The Draft CMP is proposing to expand the CMP to include any new Flying-fox camps that may form on Public Lands during the period that the Plan is Operational. This will allow the Land Managers to undertake necessary management actions should a new Flying-fox camp form on Public Lands, close to residents. In those circumstances, while the management actions in the Plan can apply, consultation with affected stakeholders would also be carried out according to the Plan and Council's adopted Community Engagement Strategies and procedures.

OPTIONS

NIL

CONSULTATION

The Draft CMP will be notified for a period of 50 days. Council will notify the following organisations of the exhibition of the Draft CMP:

- Hunter Joint Organisation;
- Hunter Wildlife Rescue;
- NSW Department of Planning Industry and Environment – Biodiversity and Conservation Division;
- NSW Department of Planning Industry and Environment –Crown Lands;
- NSW Department of Education.
- The former camp working group members

The exhibition material will be available for viewing on Councils website and the Cessnock and Kurri Kurri Libraries.

STRATEGIC LINKS

a. Delivery Program

This Report aligns with Objective 3.1 of Council's 2017-2021 Delivery Program – Protecting and Enhancing the Natural Environment and the Rural Character of the area. Specifically, the Draft CMP satisfies action 3.1.7a of the 2017-2021 Delivery Program.

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

N/A

Planning and Environment

Report No. PE77/2019

Planning and Environment



b. Financial Implications

The exhibition of the Draft CMP will be managed from within Councils existing budget.

Additional actions that have been included such as the waiving of application fees will be accounted for within Council's existing operational budget.

c. Legislative Implications

NIL

d. Risk Implications

NIL

e. Environmental Implications

There are no direct environmental implications relating to the exhibition of the Draft CMP.


f. Other Implications

NIL

CONCLUSION

The Draft CMP will provide an update to the 2017 CMP to meet legislative requirements and also allow any new camps that establish on public land to be managed under the CMP. In order to allow Land Managers to continue with the management of the East Cessnock Flying-Fox Camp or any new camps that become established on public land, the draft CMP is recommended for public exhibition.

ENCLOSURES

- 1  Draft Cessnock Flying-Fox Camp Management Plan - Provided under Separate Cover

Placeholder for Enclosure 1

Planning and Environment No.

Draft Cessnock Flying-Fox Camp Management Plan -
Provided under Separate Cover

Planning and Environment

Report No. PE78/2019

Planning and Environment



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

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

SUMMARY

This report is provided to Council to consider adoption of the revised fees following public exhibition as resolved at the Council meeting held on 23 October 2019.

RECOMMENDATION

That Council adopts the amended and new fees and charges for fee types A, D, E, G in accordance with Schedule 1 of this report.

BACKGROUND

A review of Council's adopted fees and charges identified a few omissions that do not accurately reflect the relevant fee or do not align with legislatively prescribed fees.

Council resolved at its meeting on 23 October 2019 to place the proposed amended fees on public exhibition for a period of 28 days:

"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."

The proposed amended fees were publicly exhibited from 28 October until 25 November 2019. No submissions were received during this period and Council may now consider whether to formally adopt the amended fees.

REPORT/PROPOSAL

This report is provided to Council to consider adoption of the revised fees that were publicly exhibited as resolved at the Council meeting held on 23 October 2019.

The proposed amended and new fees for inclusion in the 2019/2020 fees and charges are included within Schedule 1 of this report (enclosed).

CONSULTATION

The proposed amended fees were publicly exhibited from 28 October until 25 November 2019. No submissions were received during this period.

Planning and Environment

Report No. PE78/2019

Planning and Environment



STRATEGIC LINKS

a. Delivery Program

Objective 1.3.2 *“Carry out regulatory and education programs to protect residential amenity and community health and safety”*

Objective 1.3.3 *“Continue to comprehensively and professionally process construction certificates and complying development certificates”*

Objective 3.1.8 *“Carry out regulatory and educational programs to protect and enhance the natural environment and environmental health”*

This report also aligns with the community’s desired outcome of *Civic Leadership and Effective Governance*.

b. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

The clarification to the building, regulatory and library services fees provides a more simplistic calculation and payment of fees (whole dollars) and removes the ambiguity when Council staff are imposing and explaining fees to customers

c. Legislative Implications

The requirements of Sections 705 and 706 of the *Local Government Act 1993* relating to the public exhibition of proposed changes to adopted fees and charges for a period of 28 days and to consider any submission has been satisfied.

d. Risk Implications

Nil

e. Environmental Implications

Nil

f. Other Implications

Nil

Planning and Environment

Report No. PE78/2019

Planning and Environment



CONCLUSION

The legislative requirements relating to the public exhibition of proposed amendments to adopted fees and charges and consideration of any submission has been satisfied. It is recommended for Council to adopt the amended fees as included within Schedule 1 of this report (enclosed).

ENCLOSURES

[1](#) Schedule 1 - Amended and New Fees and Charges

Schedule 1

Health and Building Fees and Charges

Swimming Pools Act 1992

Name	Adopted 19/20 fee (Incl. GST)	Proposed 19/20 fee		GST	Fee Type
		Fee (Incl. GST)	Increase %		
Inspection fee	\$157.00	\$150.00	-4.4%	N	F
Re-inspection fee	\$105.00	\$100.00	-4.7%	N	F
Certificate of Compliance	\$157.00	\$150.00	-4.4%	N	F
Application for Exemption	\$74.00	\$250.00	237%	N	F
Registration of pool by Council on NSW State Swimming Pool Register	New	\$10.00		N	F

Construction Certificates (CC) and Complying Development Certificates (CDC)

Residential (BCA Class 1 only)

Dwellings – including additions/alterations, secondary dwellings, dual occupancy
(BCA Class 1 only, excludes multi-unit and tourist accommodation development)

Name	Adopted 19/20 fee (Incl. GST)	Proposed 19/20 fee		GST	Fee Type
		Fee (Incl. GST)	Increase %		
Up to 60m ²	\$469.19	\$470.00	0.1%	Y	G
Over 60m ² to 200m ²	\$600.00	\$622.00	3.6%	Y	G
Over 200m ² to 400m ²	\$923.90	\$925.00	0.1%	Y	G
Over 400m ²	Quotation	Quotation		Y	G
Complying Development Certificate	Payment of the equivalent construction certificate fee plus 10%			Y	G

Construction Certificates (CC) and Complying Development Certificates (CDC)

Residential (BCA Class 10 only)

Sheds, garages, swimming pools etc

Name	Adopted 19/20 fee (Incl. GST)	Proposed 19/20 fee		GST	Fee Type
		Fee (Incl. GST)	Increase %		
Up to 100m ²	\$413.09	\$415.00	0.4%	Y	G
Over 100m ²	\$459.00	\$460.00	0.2%	Y	G
Swimming Pools – Less than 40 KL	\$357.00	\$360.00	0.8%	Y	G
Swimming Pools – Greater than 40 KL	\$402.90	\$405.00	0.5%	Y	G
Retaining Walls, Fences and Other Minor Structures	Quotation	Quotation		Y	G
Complying Development Certificate	Payment of the equivalent construction certificate fee plus 10%			Y	G

PCA Inspection Fees

Residential (BCA Class 1 only)

Dwellings – including additions/alterations, secondary dwellings, dual occupancy
(BCA Class 1 only, excludes multi-unit and tourist accommodation development)

Name	Adopted 19/20 fee (Incl. GST)	Proposed 19/20 fee		GST	Fee Type
		Fee (Incl. GST)	Increase %		
Up to 60m ²	\$533.00	\$535.00	0.3%	Y	G
Over 60m ² to 200m ²	\$634.44	\$635.00	0.08%	Y	G
Over 200m ² to 400m ²	\$740.00	\$755.00	2%	Y	G
Over 400m ²	Quotation	Quotation		Y	G

PCA Inspection Fees

Residential (BCA Class 10 only)

Sheds, garages, swimming pools etc

Name	Adopted 19/20 fee (Incl. GST)	Proposed 19/20 fee		GST	Fee Type
		Fee (Incl. GST)	Increase %		
Up to 100m ²	\$265.20	\$265.00	-0.07%	Y	G
Over 100m ²	\$372.31	\$375.00	0.7%	Y	G
Swimming Pools – Less than 40 KL	New	\$165.00		Y	G
Swimming Pools – Greater than 40 KL	New	\$205.00		Y	G
Retaining Walls, Fences and Other Minor Structures	Quotation	Quotation		Y	G

Occupation Certificates

Residential (BCA Class 1 only)

Dwellings – including additions/alterations, secondary dwellings, dual occupancy
(BCA Class 1 only, excludes multi-unit and tourist accommodation development)

Name	Adopted 19/20 fee (Incl. GST)	Proposed 19/20 fee		GST	Fee Type
		Fee (Incl. GST)	Increase %		
Up to 200m ²	\$163.20	\$165.00	1.1%	Y	G
Over 200m ² to 400m ²	\$188.69	\$190.00	0.6%	Y	G
Over 400m ²	Quotation	Quotation		Y	G

Occupation Certificates

Residential (BCA Class 10 only)

Sheds, garages, swimming pools etc

Name	Adopted 19/20 fee (Incl. GST)	Proposed 19/20 fee		GST	Fee Type
		Fee (Incl. GST)	Increase %		
Up to 100m ²	\$96.90	\$100.00	3.1%	Y	G
Over 100m ²	\$148.00	\$150.00	1.3%	Y	G
Swimming Pools – Less than 40 KL	New	\$100.00		Y	G
Swimming Pools – Greater than 40 KL	New	\$160.00		Y	G
Retaining Walls, Fences and Other Minor Structures	Quotation	Quotation		Y	G

Associated Wastewater Management Fees

Name	Adopted 19/20 fee (Incl. GST)	Proposed 19/20 fee		GST	Fee Type
		Fee (Incl. GST)	Increase %		
Inspection – Light/General Commercial System	New	\$140.00		N	D
<i>*Where multiple systems on the same property are inspected concurrently, fees are charged for each system inspected up to a maximum equivalent of 4 systems</i>					
Inspection Complex Commercial	New	\$280.00		N	D
<i>*Where multiple systems on the same property are inspected concurrently, fees are charged for each system inspected up to a maximum equivalent of 4 systems</i>					
Inspection Residential System	No charge for periodic routine inspection, re- inspection is applicable			N	A
Re-inspection fee (all)	\$140.00	\$143.00	2.14%	N	D
Inclusive of inspections arising from a failure to act on the requirements of quarterly service report					
Re-use of waste water tank for water storage – inspection fee	\$140.00	\$143.00	2.14%	N	D
Extraordinary investigation costs	Costs + \$41	Costs as incurred by Council		N	D
Where extraordinary investigation is undertaken such as independent sample analysis, dye testing or installation of ongoing monitoring systems undertaken in exercise of Council's regulatory functions the cost incurred will be invoiced.					

Approvals relating to Caravan Parks and Manufactured Home Estates

Name	Adopted 19/20 fee (Incl. GST)	Proposed 19/20 fee		GST	Fee Type
		Fee (Incl. GST)	Increase %		
Application for approval to operate (sec.68 LG Act)	\$14.50 per site (minimum \$250 per caravan park)	\$15.00 per site (minimum \$270 per caravan park *or manufactured home estate)		N	D
Application to install manufactured home and/or associated structure on flood liable land within a manufactured home estate	New	\$420.00 (incl. 1 x site visit/ inspection)		N	D
Re-inspection fee	\$130.00 per inspection	\$133.00 per inspection		N	D
Certificate of Completion for manufactured home or associated structure within a manufactured home estate	New	\$235.00 (per site, incl. 1 x site visit/inspection)		N	D
Applications for objection of regulations (Sec.82 LG Act)	New	\$355.00		N	D

Library Services Fees and Charges

Printing/Photocopying Black & White*

Name	Adopted 19/20 fee (Incl. GST)	Proposed 19/20 fee		GST	Fee Type
		Fee (Incl. GST)	Increase %		
Each copy – A4	\$0.25 per copy	\$0.25 per copy		Y	E
Each copy – A3	\$0.50 per copy	\$0.50 per copy		Y	E

Printing/Photocopying Colour*

Name	Adopted 19/20 fee (Incl. GST)	Proposed 19/20 fee		GST	Fee Type
		Fee (Incl. GST)	Increase %		
Each copy – A4	\$0.55 per copy	\$0.55 per copy		Y	E
Each copy – A3	\$1.10 per copy	\$1.10 per copy		Y	E

Planning and Environment

Report No. PE79/2019

Planning and Environment



SUBJECT: *DEVELOPMENT APPLICATION PERFORMANCE
MONITORING REPORT - SEPTEMBER 2019 QUARTER*

RESPONSIBLE OFFICER: *Business Support & Customer Relations Manager - Roslyn Ashton*

SUMMARY

The purpose of this report is to provide Council with the September 2019 quarterly report in relation to development assessment performance monitoring data and provide an overview of development activity within the Cessnock Local Government Area.

RECOMMENDATION

That Council receives and notes the Development Application Performance Monitoring Report – September 2019 Quarter.

BACKGROUND

Each year, the NSW Department of Planning and Environment analyses data from each Council in NSW to provide comprehensive information on the operation of the local development assessment system for development applications, modification of Consents and complying development.

Over recent years, Council has continued to work with key stakeholders to improve processes and the overall performance in relation to development assessment and processing times.

REPORT/PROPOSAL

Data outlined in this report provides details of Cessnock City Council's local development performance during the 2019 September quarter.

The NSW Planning Portal provides additional ePlanning reporting to view details of applications that have been lodged each quarter through the portal.

<https://www.planningportal.nsw.gov.au/eplanning-report>

DEVELOPMENT ASSESSMENT

Key Highlights 2019/2020

Development Applications

Modifications

204 applications
RECEIVED



43 applications
RECEIVED

221 applications
DETERMINED



40 applications
DETERMINED

36 median
PROCESSING DAYS



27 median
PROCESSING DAYS

65 mean (avg)
PROCESSING DAYS



55 mean (avg)
PROCESSING DAYS



2019/2020



Determination Body
COUNCIL STAFF

98%



Determination
GRANTING CONSENT

100%

Construction Certificates

57 percent

Principal Certifying Authority
Market Share

Occupation Certificates

31 percent

Principal Certifying Authority
Market Share



\$111,296,134

Development Value
(Development Applications only)



\$13,816,675

Complying Development
Value for approvals
(Council & Private Certifiers)

Planning and Environment

Report No. PE79/2019

Planning and Environment



2019/2020

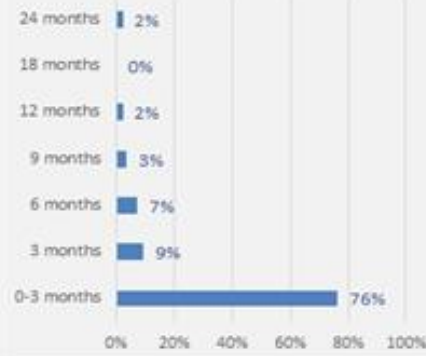
12 Month comparison of applications determined (DAs & Modifications)



Development by location

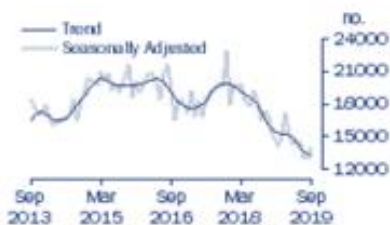


Percentage of undetermined Development Applications



Building approvals

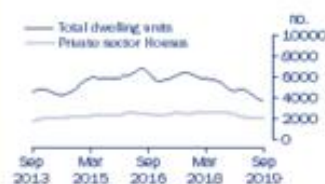
Number of total dwelling units



The trend estimate for Australia fell 0.8% in September.

Dwelling units approved State trends

New South Wales



The trend estimate for total number of dwelling units approved in New South Wales fell 1.2% in September. The trend estimate for the number of private sector houses was flat in September.

Planning and Environment

Report No. PE79/2019

Planning and Environment



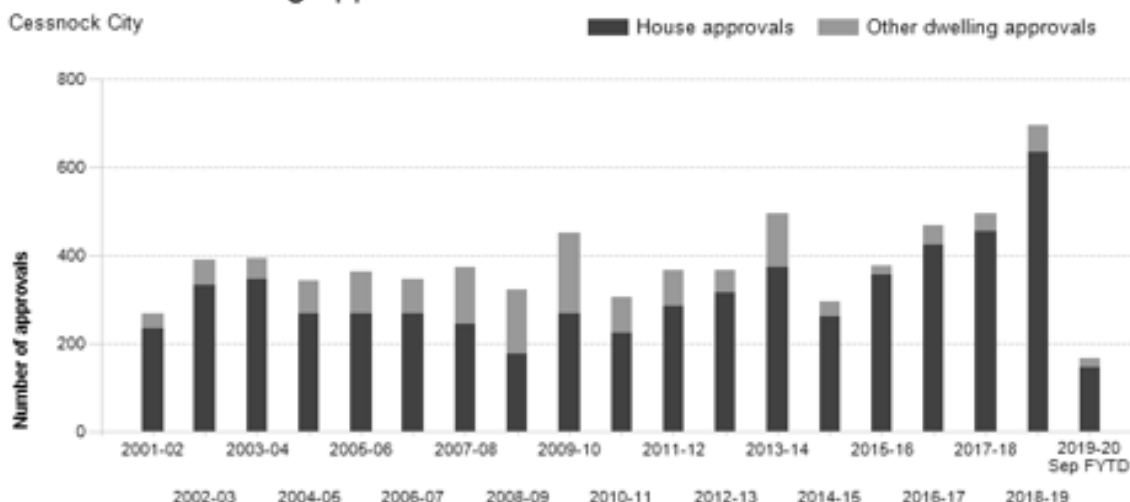
Residential building approvals

Cessnock City	Number			Annual change		
Year (ending June 30)	Houses	Other	Total	Houses	Other	Total
2019-20 Sep FYTD	146	20	166			
2018-19	635	59	694	+180	+18	+198
2017-18	455	41	496	+32	-3	+29
2016-17	423	44	467	+68	+24	+92
2015-16	355	20	375	+93	-13	+80
2014-15	262	33	295	-112	-87	-199
2013-14	374	120	494	+60	+67	+127

Source: Australian Bureau of Statistics, Building Approvals, Australia (8731.0). Compiled and presented in profile.id by .id, the population experts (Usual residence data)

Residential building approvals

Cessnock City



Financial year

Source: Australian Bureau of Statistics, Building Approvals, Australia (8731.0). Compiled and presented by .id, the population experts.

.id
the population experts



166 residential buildings
approved to be built in the financial
year 2019-20 SEP FYTD



The value of building approvals
was **\$71m** in the 2019-20
SEP FYTD financial year

Planning and Environment

Report No. PE79/2019

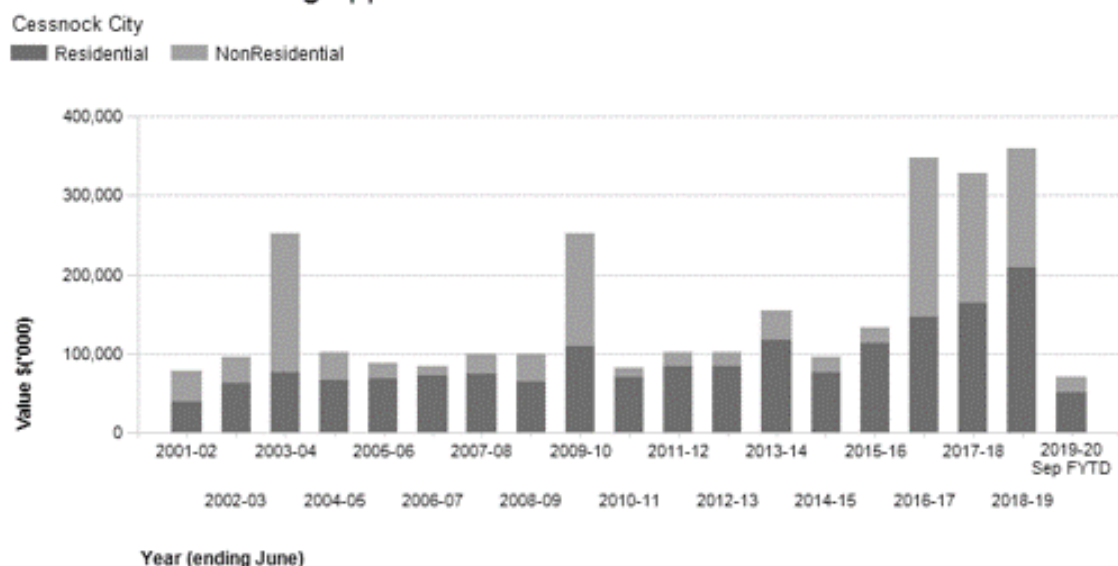
Planning and Environment



Value of total building approvals							
	Cessnock City			New South Wales			
Financial year	Residential \$('000)	Non-residential \$('000)	Total \$('000)	Residential \$('000)	Non-residential \$('000)	Total \$('000)	Cessnock City as a % of New South Wales
2019-20 Sep FYTD	51,318	19,358	70,676	4,605,881	5,691,458	10,297,339	0.69%
2018-19	208,753	149,537	358,290	21,930,042	15,931,037	37,861,079	0.95%
2017-18	163,405	163,611	327,016	26,688,322	14,681,502	41,369,824	0.79%
2016-17	146,563	200,917	347,480	25,294,965	14,322,685	39,617,649	0.88%
2015-16	112,573	20,406	132,979	24,507,071	11,286,909	35,793,980	0.37%
2014-15	76,046	19,245	95,291	15,651,703	12,000,977	27,652,680	0.34%
2013-14	117,126	37,315	154,441	15,651,703	12,000,977	27,652,680	0.56%
2012-13	83,814	17,007	100,821	11,981,013	7,883,815	19,864,829	0.51%

Source: Australian Bureau of Statistics, Building Approvals, Australia, catalogue number 8731.0. Compiled and presented in economy.id by .id the population experts
<https://profile.id.com.au/cessnock/building-approvals>

Value of total building approvals



Source: Australian Bureau of Statistics, Building Approvals, Australia, catalogue number 8731.0. Compiled and presented in economy.id by .id the population experts



<https://economy.id.com.au/cessnock/value-of-building-approval>

Planning and Environment

Report No. PE79/2019

Planning and Environment



Highlights Commentary

- A total of 204 development applications and 43 modifications were submitted with a total of 221 applications and 40 modifications determined during the September quarter.
- As at 30 September 2019 the number of processing days had increased, resulting from applications which had a decision either by Land and Environment Court (1), Joint Regional Planning Panel (1), deferred commencement (6) or were long term applications that were withdrawn (9).
- During the September Quarter the processing days were 36 median days and 65 mean (average) days for development applications.
- 98 percent of applications were determined by council staff.
- Determination of development applications as defined under the Act (*granting consent or refusing consent*) - 100 percent of applications were approved by granting consent. There were no applications refusing consent during the reporting period. *Note: The 100% figure is different to the 92% figure reported in the NSW Department of Planning Industry and Environment reporting which includes approved, refused, cancelled, rejected and withdrawn as 'determinations'.*
- 166 residential dwellings were approved across the Cessnock LGA in the year 2019/20 September FYTD.
- The total value of building approvals in Cessnock LGA was \$71m in the 2019/20 Sep FYTD financial year.
- Council's residential dwelling approvals slightly decreased during the September quarter. The Cessnock LGA figures are now reflecting the downward trend across NSW and Australia. The downward trend experienced in the September quarter is against last years record approvals. The figures are still well above previous years.
- Council's Building Certification market share for construction certificates was at 57% during the September 2019 Quarter.
- As at 30 September 2019 - 144 applications were under assessment (undetermined), with 76% under 3 months, 9% at the key milestone of 3 months, 7% at 6 months, 3% at 9 months and 2% at 12 months.
- The percentage of applications determined in less than 40 days equals 56% for the September 2019/20 period and there were 76% of applications determined less than 60 days.
- 64% of housing approvals by Cessnock City Council were determined within 40 days.
- North Rothbury (Huntlee) had the highest amount of development activity with 45 applications determined, followed by Cessnock 34, Cliftleigh 23, Pokolbin 17 and in Greta 14 applications were determined.

Planning and Environment

Report No. PE79/2019

Planning and Environment



- Benchmarking data for LDPM – Local Development Performance Monitoring Data has not been published in since 2016 being the most recent comparative data available (2015–16).
<https://www.planningportal.nsw.gov.au/reporting/local-development-performance-monitoring-ldpm>

CONSULTATION

NSW Planning – Local Development Performance Monitoring
Australian Bureau of Statistics
.id the population experts
Civica – Authority and MasterView Consultants
Director Planning and Environment
Health and Building Manager
Development Services Manager

STRATEGIC LINKS

a. Delivery Program

The report is linked to Objective 3.1.6 Continue to efficiently and effectively process development applications, and respond to planning related enquiries.

b. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Nil

c. Legislative Implications

Nil

d. Risk Implications

Nil

e. Environmental Implications

N/A

Planning and Environment

Report No. PE79/2019

Planning and Environment



f. Other Implications

Nil

CONCLUSION

The report is provided for Council information and outlines an overview of the quarterly performance of development assessment as at the end of the September 2019 in the 2019/20 Financial year.

ENCLOSURES

There are no enclosures for this report

Corporate and Community

Report No. CC118/2019

Corporate and Community Services



SUBJECT: *COMPLAINT HANDLING POLICY AND COMPLAINT HANDLING PROCEDURES*

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

SUMMARY

The purpose of this report is to present the Draft Complaint Handling Policy to Council for adoption and note the associated Draft Complaint Handling Procedures.

These documents have been created to provide staff and the community with information on how Council will handle complaints, set expectations and Council's commitment and outlines the process Council will follow when dealing with complaints.

These documents have been drafted in line with the NSW Ombudsman's *Complaints Management Framework* and *Effective Complaint Handling Guidelines* as well as the Office of Local Government (OLG)'s *Managing Complaints about Local Councils Policy* and *Procedures for Managing Complaints about Local Councils*.

RECOMMENDATION

That Council adopts the Complaint Handling Policy and notes the Complaint Handling Procedures.

BACKGROUND

The Complaint Handling Policy (Policy) has been drafted to manage complaints previously handled under the recently rescinded Customer Request Response System policy and various other internal practices and procedures. The draft Policy brings these disparate complaint management processes into one centralised document which outlines Council's commitment to effectively and proactively manage complaints, provide clear guidance for those making complaints and timeframes for a response.

REPORT/PROPOSAL

The draft Policy and Procedures have been created in line with the NSW Ombudsman's:

- [*Complaints Management Framework \(June 2015\)*](#) and,
- [*Effective Complaint Handling Guidelines \(February 2017\)*](#),

as well as the OLG's:

- [*Managing Complaints about Local Councils Policy*](#) and,
- [*Procedures for Managing Complaints about Local Councils*](#).

Corporate and Community

Report No. CC118/2019

Corporate and Community Services



The draft Policy outlines the information that the public need to know in order for them to be able to make a complaint to Council or provide feedback, as well as Council's commitment in regard to timeframes and handling of complaints. The draft Procedures outline the information that staff require to handle, and investigate where necessary, the complaints as well as their responsibilities and timeframes.

The draft Policy and Procedures will improve reporting capabilities when it comes to reporting and process improvement as all complaints will be handled through a centralised point which will improve consistency in the way complaints are handled.

The objectives of the draft Policy and Procedures are to:

- ensure Council handles complaints fairly, efficiently and effectively,
- promote a high standard of customer service in all areas of Council's operations by responding effectively and positively to complaints received,
- inform Council's customers and the community of Council's complaint handling process, and
- recognise the importance of complaints in providing Feedback about Council's services and performance, and to utilise that information to improve services and identify appropriate training needs.

OPTIONS

N/A

CONSULTATION

Internal consultation was conducted with the following:

- Director Corporate and Community Services
- Executive Leadership Team
- Finance and Administration Manager
- Governance Team
- Records Management Coordinator
- Business Support and Customer Relations Manager
- Customer Service Team Leader

STRATEGIC LINKS

a. Delivery Program

Council's draft Policy and Procedures are based on the model provided by the NSW Ombudsman and is consistent with the community's desired outcome of *Civic Leadership and Effective Governance* and in particular Objective 5.3 *Making Council more responsive to the community*.

b. Other Plans

N/A

Corporate and Community

Report No. CC118/2019

Corporate and Community Services



IMPLICATIONS

a. Policy and Procedural Implications

The adoption of the draft Policy and notation of the Procedures will result in an amendment to Council's Controlled Documents Register and any relevant forms and other documents.

b. Financial Implications

The adoption of the draft Policy and notation of the Procedures will ensure consistency in the manner Council handles complaints. This in turn will improve efficiency and save costs in terms staff time and resourcing.

c. Legislative Implications

N/A

d. Risk Implications

The risk of not adopting the draft Policy is that Council will continue to handle complaints however, the process would not be centralised, remain disparate and inefficient for reporting and improvement purposes.

Adopting the draft Policy and noting the Procedures will enhance Council's ability to handle complaints in a transparent way and ensure appropriate steps are followed as well as keeping appropriate records. This will reduce any risk of exposure for Council should any decisions or actions be brought into question at any stage in the process.

As noted, the draft Policy and Procedure should reduce risk. Not implementing could result in the following risks:

- Reputational: May result in negative community perception or scrutiny from governing bodies, and loss of confidence in Council's processes.
- Financial Risk: May result in Council being exposed to unreasonable use of Council resources when handling complaints.
- Risk of non-compliance: May mean Council is not meeting its obligations when it comes to handling unreasonable customer conduct.

e. Environmental Implications

N/A

f. Other Implications

N/A

CONCLUSION

This report is presented for Council's endorsement of the draft Policy and notation of the Procedures.

Corporate and Community

Report No. CC118/2019

Corporate and Community Services



The proposed documents have been created to provide staff and the community with information in relation to how Council will handle complaints, set expectations and outline the process Council will follow when dealing with complaints.

The proposed documents have been drafted in line with the NSW Ombudsman's:

- [Complaints Management Framework \(June 2015\)](#) and,
- [Effective Complaint Handling Guidelines \(February 2017\)](#),

as well as the Office of Local Government's

- [Managing Complaints about Local Councils Policy](#) and,
- [Procedures for Managing Complaints about Local Councils](#).

ENCLOSURES

- [1↓](#) Complaint Handling Policy
- [2↓](#) Complaint Handling Procedures



Cessnock City Council DRAFT Complaint Handling Policy

Date Adopted XX/XX/2019 Revision: 1

Contents

1. POLICY OBJECTIVES.....	2
2. POLICY SCOPE	2
PART A - GUIDING PRINCIPLES.....	3
3. FACILITATE COMPLAINTS.....	3
4. RESPONSIVENESS	4
5. MANAGE THE PARTIES TO A COMPLAINT	5
PART B – MAKING A COMPLAINT.....	6
6. TIERS OF COMPLAINTS	6
7. STAGE 1 - RECEIPT OF COMPLAINTS.....	6
8. STAGE 2 - ACKNOWLEDGEMENT RECEIPT OF COMPLAINTS.....	6
9. STAGE 3 - ADDRESSING COMPLAINTS	6
10. STAGE 4 – FINALISATION OF COMPLAINTS	7
11. INTERNAL REVIEW OF COMPLAINTS	7
12. ALTERNATIVE (EXTERNAL) AVENUES FOR DEALING WITH COMPLAINTS.....	7
13. ACCOUNTABILITY AND LEARNING.....	8
14. ROLES AND RESPONSIBILITIES	8
15. POLICY DEFINITIONS	10
16. POLICY ADMINISTRATION	11
17. POLICY HISTORY	12
18. POLICY AUTHORISATIONS	12
19. APPENDICES	12
APPENDIX A – COMPLAINT HANDLING FLOWCHART TIER 1.....	13
APPENDIX B – COMPLAINT HANDLING FLOWCHART TIER 2.....	14
APPENDIX C – COMPLAINT HANDLING FLOWCHART TIER 3.....	15



1. POLICY OBJECTIVES

1.1. The objectives of this policy are to:

- 1.1.1. ensure that Council handles Complaints fairly, efficiently and effectively,
- 1.1.2. promote a high standard of customer service in all areas of Council's operations by responding effectively and positively to Complaints received,
- 1.1.3. inform Council's customers and the community of Council's Complaint handling process, and
- 1.1.4. recognise the importance of Complaints in providing Feedback about Council's services and performance, and to utilise that information to improve services and identify appropriate training needs.

1.2. Council's Complaint Management System is intended to:

- 1.2.1. enable Council to respond to issues raised by people making Complaints in a timely and cost-effective way,
- 1.2.2. boost public confidence in Council's administrative process, and
- 1.2.3. provide information that can be used by Council to deliver quality improvements in Council's services, staff and Complaint handling.

1.3. This policy provides guidance to staff and people who wish to make a Complaint on the key principles and concepts of Council's Complaint Management System.

2. POLICY SCOPE

2.1. This policy applies to all staff, including Contractors, receiving or managing Complaints from the public made to or about Council, regarding Council's services, staff and Complaint handling.

2.2. Staff Grievances, Code of Conduct Complaints and Public Interest Disclosures are dealt with through separate mechanisms.

2.3. This policy covers all Complaints made to Council regarding its operations and personnel, such as:

- 2.3.1. Failure to achieve specified standards of service;
- 2.3.2. Delay in responding;
- 2.3.3. Behaviour or attitude of employees;
- 2.3.4. A Council decision or policy and/ or;
- 2.3.5. Withdrawal or reduction of service.

2.4. The following are **NOT Complaints** (these may be Service Requests):

- 2.4.1. requests for services (unless there was no response to a previous request),
- 2.4.2. a follow up or further request for service that has not been completed by Council but is still within the timeframes advised to the Complainant,



- 2.4.3. enquiries or requests for clarification,
- 2.4.4. reports of hazards, faulty or damaged infrastructure such as potholes or fallen branches of Council trees,
- 2.4.5. comments or submissions received during formal consultation or community engagement,
- 2.4.6. petitions to Council about a certain matter,
- 2.4.7. requests for information/explanation of Council policies, decisions or procedures (unless there was no response to a previous request), and
- 2.4.8. appeals or objections regarding development applications.

PART A - GUIDING PRINCIPLES

3. FACILITATE COMPLAINTS

3.1. People Focus

- 3.1.1. We are committed to seeking and receiving Feedback and Complaints about our services, systems, practices, procedures, products and Complaint handling.
- 3.1.2. People making Complaints will be:
 - provided with information about our Complaint handling process,
 - provided with multiple and accessible ways to make Complaints,
 - listened to, treated with respect by staff and actively involved in the Complaint process where possible and appropriate, and
 - provided with reasons for our decision/s and any options for redress or review.

3.2. No detriment to Complainants

- 3.2.1. We will take all reasonable steps to ensure that Complainants are not adversely affected because a Complaint has been made by them or on their behalf.

3.3. Anonymous Complaints

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

3.4. Accessibility

- 3.4.1. We will ensure that information about how and where Complaints may be made to or about us is well publicised.
- 3.4.2. We will ensure that our systems to manage Complaints are easily understood and accessible to everyone, particularly people who may require assistance.



3.4.3. If a person prefers or needs another person or organisation to assist or represent them in the making and/ or resolution of their Complaint, we will communicate with them through their representative at their request.

3.4.4. Anyone may represent a person wishing to make a Complaint with their consent (e.g. advocate, family member, legal or community representative, member of Parliament, another organisation).

4. RESPONSIVENESS

4.1. We will promptly acknowledge receipt of Complaints, within 5 working days.

4.2. We will assess and prioritise Complaints in accordance with the urgency and/or seriousness of the issues raised. If a matter concerns an immediate risk to safety or security the response will be immediate and will be escalated appropriately.

4.3. We are committed to managing people's expectations, and will inform them as soon as possible, of the following:

4.3.1. the Complaints process,

4.3.2. the expected time frames for our actions,

4.3.3. the progress of the Complaint and reasons for any delay,

4.3.4. their likely involvement in the process, and

4.3.5. the possible or likely outcome of their Complaint.

4.4. We will advise people as soon as possible when we are unable to deal with any part of their Complaint and provide advice about where such issues and/or Complaints may be directed (if known and appropriate).

4.5. We are committed to providing a response/outcome to a Complaint within 20 working days of having received the Complaint. Where the nature of the Complaint involves significant investigation or resources, we will communicate with the Complainant and provide them with an amended timeframe for outcome.

4.6. Objectivity and fairness

4.6.1. We will address each Complaint with integrity and in an equitable, objective and unbiased manner.

4.6.2. We will ensure that the person handling a Complaint is different from any staff member whose conduct or service is being complained about.

4.6.3. Conflicts of interests, whether actual or perceived, will be managed responsibly. In particular, internal reviews of how a Complaint was managed will be conducted by a person other than the original decision maker.

4.7. Responding flexibly

4.7.1. Our staff are empowered to resolve Complaints promptly and with as little formality as possible. We will adopt flexible approaches to service delivery and problem solving to enhance accessibility for people making Complaints and/or their representatives.



- 4.7.2. We will assess each Complaint on its merits and involve people making Complaints and/or their representative in the process as much as possible.

5. MANAGE THE PARTIES TO A COMPLAINT

5.1. Complaints involving multiple agencies

- 5.1.1. Where a Complaint involves multiple organisations, we will work with the other organisation/s where possible, to ensure that communication with the person making a Complaint and/or their representative is clear and coordinated.
- 5.1.2. Subject to privacy and confidentiality considerations, communication and information sharing between the parties will also be organised to facilitate a timely response to the Complaint.
- 5.1.3. Where a Complaint involves multiple areas within our organisation, responsibility for communicating with the person making the Complaint and/or their representative will also be coordinated.
- 5.1.4. Where our services are contracted out, we expect contracted service providers to have an accessible and comprehensive Complaint Management System. We take Complaints not only about the actions of our staff but also the actions of service providers.

5.2. Complaints involving multiple parties

- 5.2.1. When similar Complaints are made by related parties we will try to arrange to communicate with a single representative of the group.

5.3. Managing unreasonable conduct by people making Complaints

- 5.3.1. We are committed to being accessible and responsive to all people who approach us with Feedback or Complaints. At the same time our success depends on:
- our ability to do our work and perform our functions in the most effective and efficient way possible,
 - the health, safety and security of our staff, and
 - our ability to allocate our resources fairly across all the Complaints we receive.
- 5.3.2. When people behave unreasonably in their dealings with us, their conduct can significantly affect the progress and efficiency of our work. As a result, we will take proactive and decisive action to manage any conduct that negatively and unreasonably affects us and will support our staff to do the same in accordance with this policy.
- 5.3.3. For further information on managing unreasonable conduct by people making Complaints please see our Unreasonable Customer Conduct Policy.



PART B – MAKING A COMPLAINT

6. TIERS OF COMPLAINTS

6.1. We use a three-tier complaint-handling model as an approach to address Complaints:

- 6.1.1. **Tier 1 Complaints** – Complaints that have been made for the first time and that can be addressed by our frontline staff.
- 6.1.2. **Tier 2 Complaints** – written requests for internal review by Complainants because they are not satisfied with the outcome of their Tier 1 Complaint.
- 6.1.3. **Tier 3 Complaints** – written requests for consideration of, or addressing, complaints made to external bodies such as NSW Ombudsman, Office of Local Government (OLG) or NSW Independent Commission Against Corruption (ICAC).

7. STAGE 1 - RECEIPT OF COMPLAINTS

7.1. Complaints and requests for review of Complaints can be made in the following ways:

- 7.1.1. **By mail** – PO Box 152 or 62-78 Vincent Street, CESSNOCK 2325 NSW AUSTRALIA.
- 7.1.2. **By email:**
 - publicofficer@cessnock.nsw.gov.au or
 - council@cessnock.nsw.gov.au
- 7.1.3. **In person** – at Administration Building, 62-78 Vincent Street, CESSNOCK NSW AUSTRALIA.
- 7.1.4. **Via our website** – by filling out the relevant online form.

7.2. Complaints should be addressed to the Public Officer.

7.3. Council will acknowledge and treat Complaints as such only if they are lodged in a manner described in clause 7.1. Complaints received via any other means will not be accepted. This includes Councillors forwarding complaints on behalf of their constituents.

8. STAGE 2 - ACKNOWLEDGEMENT RECEIPT OF COMPLAINTS

- 8.1. We will acknowledge Tier 1, 2 and 3 Complaints promptly and within 5 working days.
- 8.2. In the acknowledgment letter, we will advise the Complainant of the process and when we expect to provide the outcome/response. We will also advise the Complainant in a timely manner if any extension of time is required.

9. STAGE 3 - ADDRESSING COMPLAINTS

- 9.1. After assessing the Complaint, we will consider how to manage it. To manage a Complaint we may:



- 9.1.1. give the Complainant information or an explanation,
- 9.1.2. gather information from the service, person or area that the Complaint is about, or
- 9.1.3. investigate the claims made in the Complaint.

10. STAGE 4 – FINALISATION OF COMPLAINTS

- 10.1. Following consideration of the Complaint and investigation, if any, into the issues raised, we will contact the Complainant and advise them:
 - 10.1.1. the outcome of the Complaint and any action we took,
 - 10.1.2. the reason/s for our decision,
 - 10.1.3. the remedy or resolution/s that we have proposed or put in place, and
 - 10.1.4. any options for review that may be available to the Complainant, such as an internal review, external review or appeal.
- 10.2. If in the course of investigation, we make any adverse findings about a particular individual, we will consider any applicable privacy obligations before sharing our findings with the Complainant.
- 10.3. In relation to Tier 1 and 2 Complaints, we will provide an outcome response to Complainants within 20 working days. In relation to Tier 3 Complaints, we will work with the external agency to provide an outcome letter as agreed.

11. INTERNAL REVIEW OF COMPLAINTS

- 11.1. If you are not satisfied with the outcome communicated to you in response to your Complaint, you can ask for it to be reviewed internally by making such a request in writing, in accordance with clause 7.1.
- 11.2. The purpose of an internal review is not to determine a different response, but to check that all involved in determining the original decision have taken all the required steps when assessing and addressing the Complaint.

12. ALTERNATIVE (EXTERNAL) AVENUES FOR DEALING WITH COMPLAINTS

- 12.1. We will do our best to effectively handle all Complaints made to or about us however there are options for review both internally and externally to Council. The external bodies you can contact in regard to your Complaint are:
 - 12.1.1. **The OLG** - 5 O'Keeffe Avenue, NOWRA NSW 2541, tel: 02 4428 4100, email: olg@olg.nsw.gov.au;
 - 12.1.2. **The NSW Ombudsman** - Level 24, 580 George Street, SYDNEY NSW 2000, tel: 02 9286 1000, email: nswombo@ombo.nsw.gov.au; and
 - 12.1.3. **ICAC** - Level 7, 255 Elizabeth Street, SYDNEY, NSW 2000, Australia, tel: 02 8281 5999.



13. ACCOUNTABILITY AND LEARNING

13.1. Analysis and evaluation of Complaints

- 13.1.1. We will ensure that Complaints are recorded in a systematic way so that information can be easily retrieved for reporting and analysis.
- 13.1.2. Regular analysis of these reports will be undertaken to monitor trends, measure the quality of our customer service and make improvements.

13.2. Confidentiality

- 13.2.1. All personal information collected by Council in connection with a Complaint will be handled in accordance with all applicable privacy laws and will only be used for the purpose of investigating the Complaint.

13.3. Continuous improvement

- 13.3.1. We are committed to improving the effectiveness and efficiency of our Complaint Management System. To this end, we will:
 - i. support the making and appropriate resolution of Complaints,
 - ii. implement best practices in Complaint handling,
 - iii. recognise and reward exemplary Complaint handling by staff,
 - iv. regularly review the Complaints Management System and Complaint data, and
 - v. implement appropriate system changes arising out of our analysis of Complaints data and continual monitoring of the system.

14. ROLES AND RESPONSIBILITIES

14.1. Customer Service

- 14.1.1. Provide assistance with the lodgement of Complaints and requests for review of Complaints where necessary.

14.2. Records Management Team

- 14.2.1. Receive and allocate written Complaints (whether electronically submitted or otherwise) in accordance with this policy and the Procedure.

14.3. Front line staff

- 14.3.1. Acknowledge receipt of Tier 1 Complaints in accordance with clause 8.
- 14.3.2. Where possible, resolve Tier 1 Complaints received at the point of contact, within the scope of their role.
- 14.3.3. Seek assistance of their supervisor to investigate and enable the Tier 1 Complaint to be resolved at this point of contact.

14.4. Coordinators/Principals, Managers and Directors



- 14.4.1. Receive, allocate and where possible resolve Tier 1 Complaints in accordance with this policy and the Procedure.
- 14.4.2. Provide outcome or update correspondence to Complainants within 20 working days of receiving a Tier 1 Complaint.
- 14.4.3. Provide training and support to staff they oversee so that they can understand the Complaint handling process and are empowered to manage Tier 1 Complaints within the scope of their role.
- 14.4.4. Where a Tier 1 Complainant requests for an internal review of the decision made, refer the request to the Public Officer.
- 14.4.5. Managers will ensure that all Contractors are made aware of their obligations under this policy.
- 14.4.6. The officer handling the Complaint to update Council's Complaints Register on a regular basis to reflect the accuracy of the handling process.

14.5. Public Officer or their delegate

- 14.5.1. Receive and allocate of Tier 1 Complaints where appropriate.
- 14.5.2. Handle requests for review of Tier 1 Complaints in accordance with this policy and the Procedure.
- 14.5.3. Handle Tier 3 Complaints in accordance with this policy and the Procedure, or as agreed with the external agency.
- 14.5.4. Maintain and review the Complaints Register and report to Executive Leadership Team on a quarterly basis.

14.6. General Manager

- 14.6.1. Ensure that an effective Complaint Management System is in place.
- 14.6.2. Encourage an environment where Complaints are handled diligently and comprehensively.
- 14.6.3. Ensure appropriate resources are available to effectively manage Complaints.
- 14.6.4. Handle any escalated Complaints that cannot be resolved at the Director level.



15. POLICY DEFINITIONS

Complaint	Expression of dissatisfaction made to or about Council, Council services, Council staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required.
Complainant	Person or entity that made a Complaint.
Complaint Management System	All policies, procedures, practices, staff, hardware and software used by us in the management of Complaints.
Contractors	Third parties contracted to perform work on behalf of Council.
Feedback	Opinions, comments and expressions of interest or concern, made directly, explicitly or implicitly, to or about us, about our services or Complaint handling where a response is not explicitly or implicitly expected or legally required. Feedback may be used by Council to influence future service reviews and delivery methods.
Front line staff	Council staff and their teams who have authority in their role to manage simple Complaints. This is typically staff who have direct contact with customers or Complainants.
Grievance	A clear, formal written statement by an individual staff member about another staff member or a work related problem.
Policy	A statement of instruction that sets out how we should fulfil our vision, mission and goals.
Procedure	The Complaint Handling Procedure.
Public Officer	Director of Community and Corporate Services.
Public Interest Disclosure	A report about wrong doing made by a public official in New South Wales that meets the requirements of the <i>Public Interest Disclosures Act 1994</i> (NSW).
Service Request	<p>A Service Request includes:</p> <ul style="list-style-type: none"> • requests for approval • requests for action • routine inquiries about Council's business • requests for the provision of services, works and assistance • reports of failure to comply with laws regulated by the organisation • requests for explanation of policies, procedures and decisions • reports of damaged or faulty infrastructure (e.g. road pothole etc.); • reports of hazards (e.g. fallen tree branch);



	<ul style="list-style-type: none"> reports concerning neighbours or neighbouring property (e.g. noise or unauthorised building works); the lodgement of an appeal or objection in accordance with a standard procedure or policy e.g. <i>objection to a development application, comments on a Policy on Exhibition.</i>
Unreasonable Customers	Customers that have been declared unreasonable or have restrictions placed on their contact with Council in accordance with Council's Unreasonable Customer Conduct Policy.

16. POLICY ADMINISTRATION

Business Group:	Corporate and Community Services
Responsible Officer:	Public Officer
Policy Review Date:	Three years from date of adoption unless legislated otherwise
File Number / Document Number:	DOC2018/048382
Relevant Legislation:	<ul style="list-style-type: none"> Local Government Act 1993 (NSW) Public Interest Disclosures Act 1994 (NSW) Privacy and Personal Information Protection Act 1998 (NSW)
Relevant desired outcome of objectives	<p>5.3. Making Council more responsive to the community.</p> <p>5.3.1.a) Build an organisation which has a focus on the customer by having well trained staff who are committed to providing a quality service.</p>
Related Policies / Protocols / Procedures	<ul style="list-style-type: none"> Complaints Management Framework (June 2015) – NSW Ombudsman Code of Conduct (DOC2018/086716) Effective Complaint Handling Guidelines (February 2017) – NSW Ombudsman Unreasonable Customer Conduct Policy and Guideline (DOC2018/008730 and DOC2018/027652 respectively) Customer Service Strategy (DOC2018/053882) Customer Service Charter (DOC2018/098575) Internal Reporting – Public Interest Disclosures Policy and Guideline (DOC2018/093182 and DOC2019/036684 respectively) Workplace Grievance Notification Form (DOC2013/046519)



17. POLICY HISTORY

Revision	Date Approved / Authority	Description Of Changes
1	TBA	New policy adopted

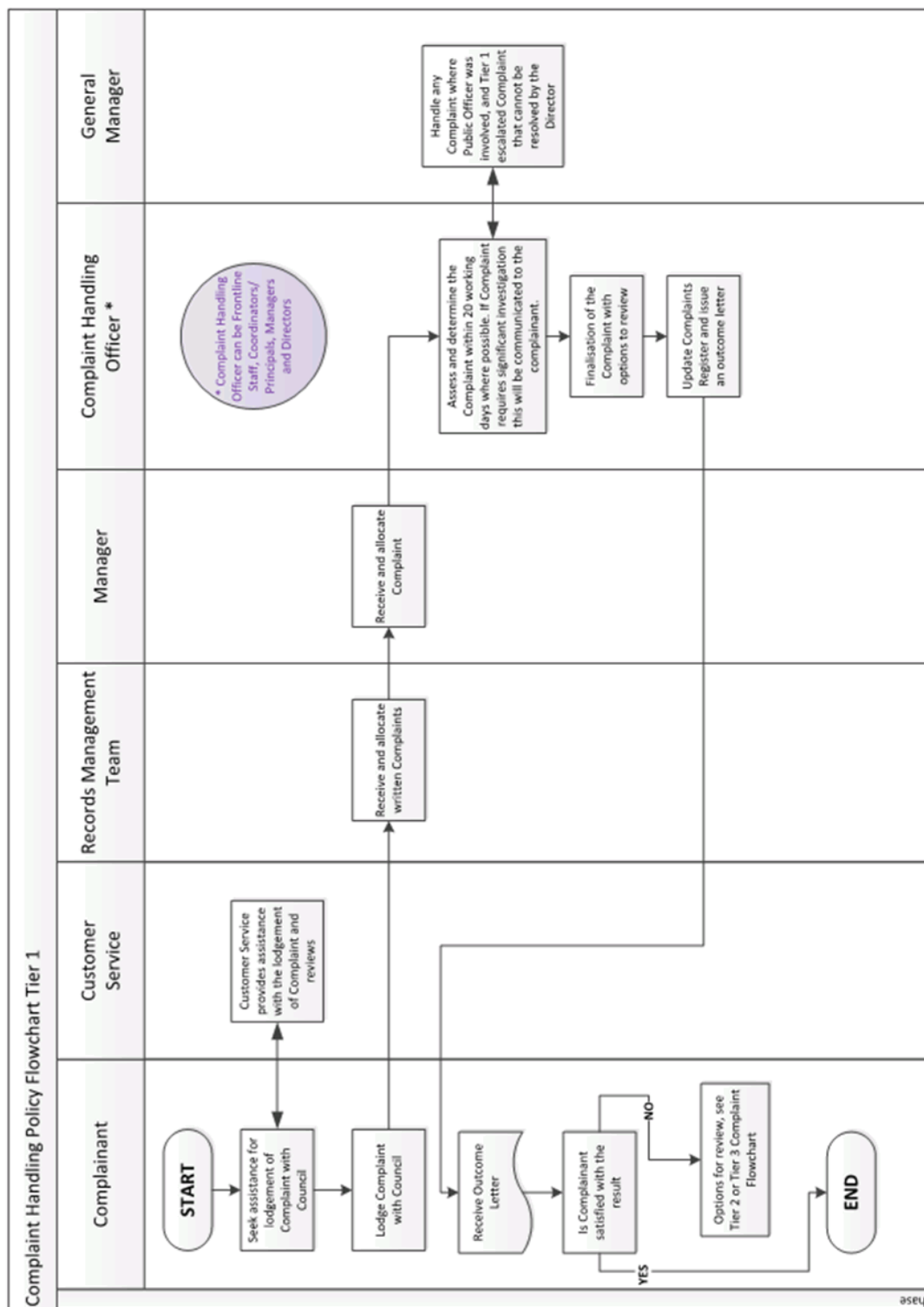
18. POLICY AUTHORISATIONS

No.	Authorised Function	Authorised Business Unit / Role(s)
1	Handle, manage or instruct others, and refuse to handle any Complaint in accordance with this policy and the Procedure.	General Manager
2	Handle, manage or instruct/delegate to others to handle Complaints in accordance with this policy and the Procedure.	Public Officer

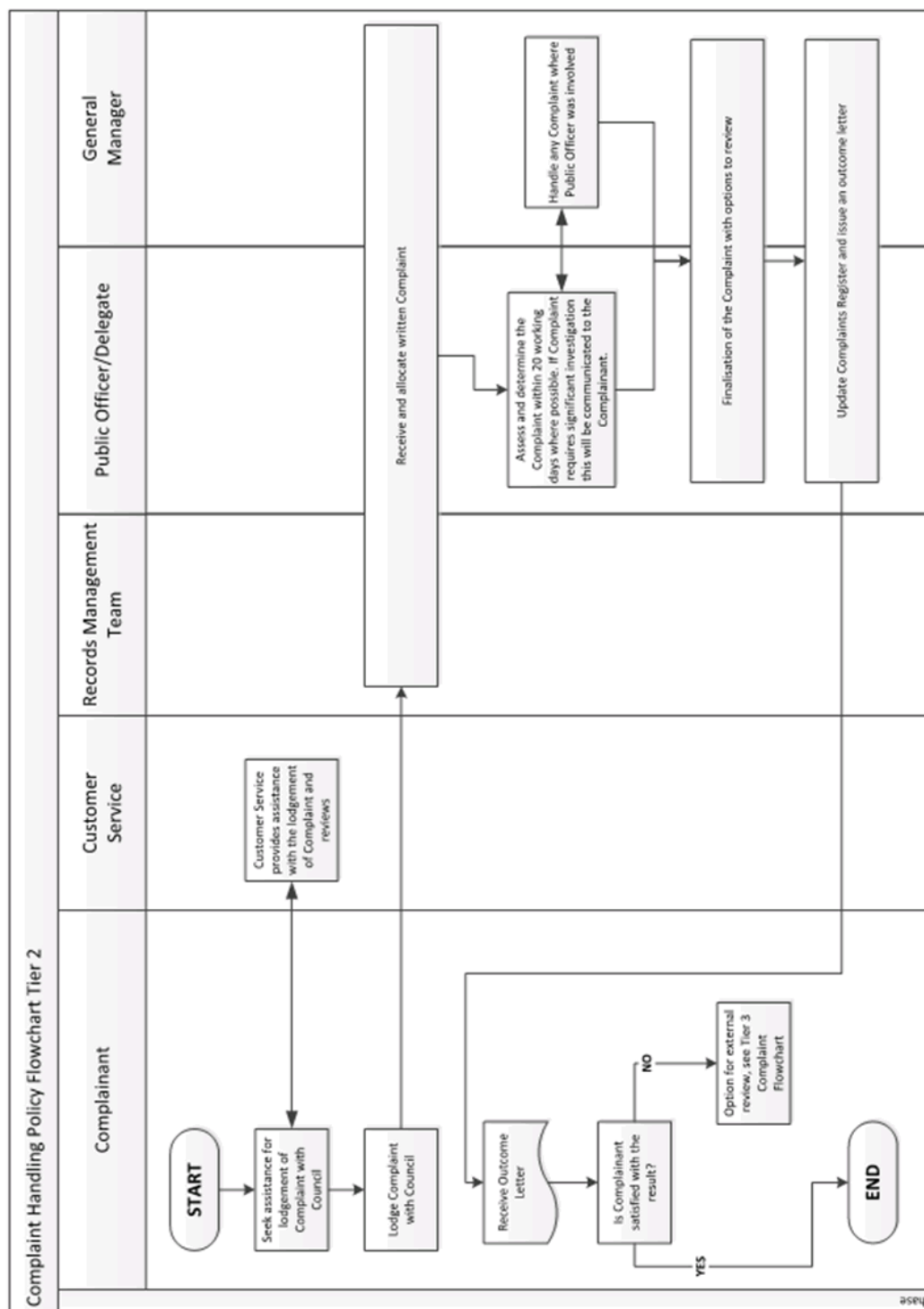
19. APPENDICES

Appendix A – Complaint Handling Flowchart Tier 1
 Appendix B – Complaint Handling Flowchart Tier 2
 Appendix C – Complaint Handling Flowchart Tier 3

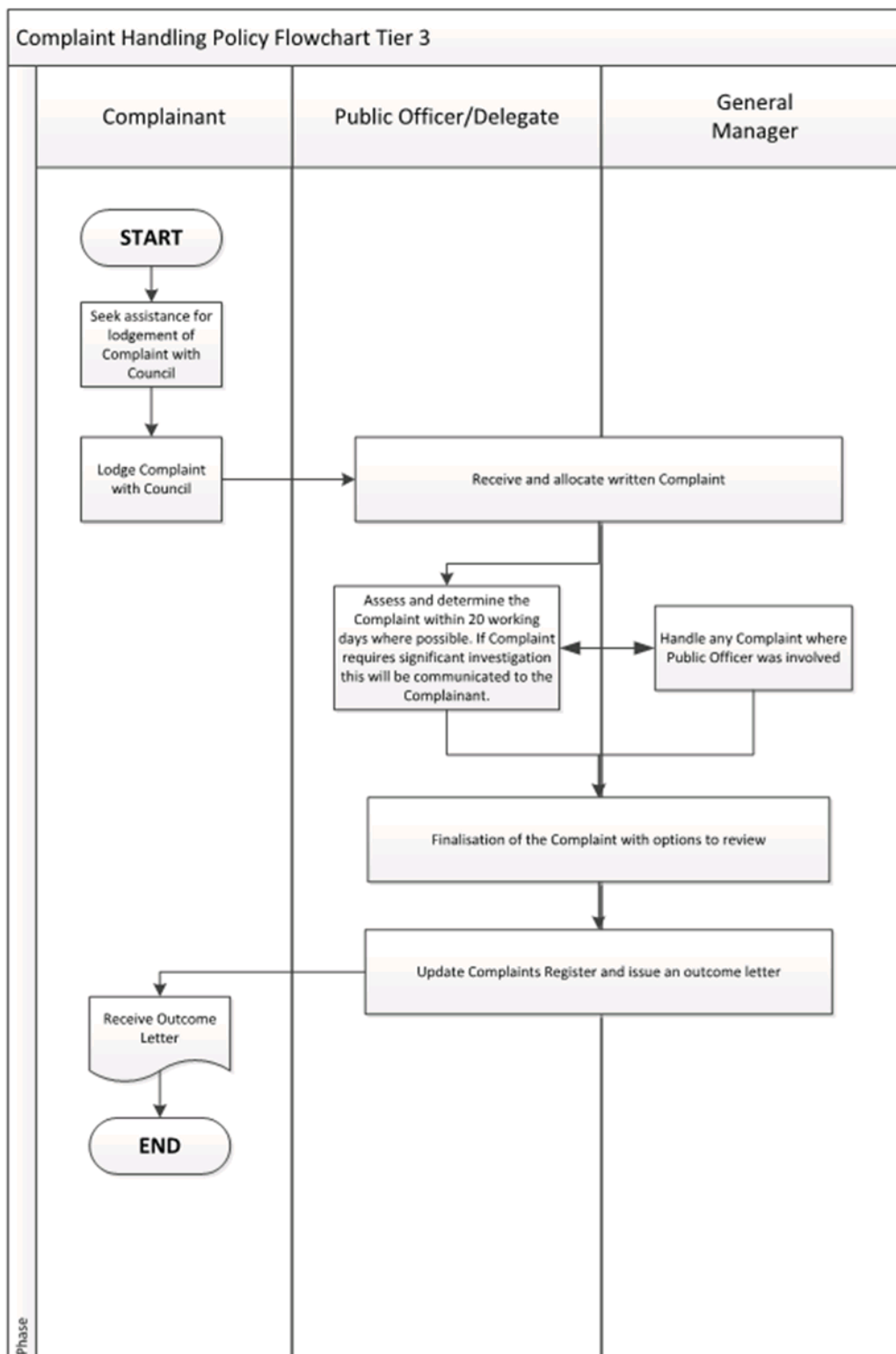
APPENDIX A – COMPLAINT HANDLING FLOWCHART TIER 1



APPENDIX B – COMPLAINT HANDLING FLOWCHART TIER 2



APPENDIX C – COMPLAINT HANDLING FLOWCHART TIER 3





Cessnock City Council DRAFT Complaint Handling Procedure

Date Adopted XX/XX/2019 Revision: 1

Contents

1. PROCEDURE OBJECTIVES	2
2. PROCEDURE SCOPE.....	2
PART A - COMPLAINT MANAGEMENT SYSTEM	2
3. TIER 1 COMPLAINTS.....	2
4. TIER 2 COMPLAINTS (requests for internal review)	2
5. TIER 3 COMPLAINTS (requests for review from external agencies).....	2
6. RECEIPT OF COMPLAINTS	3
7. RECORDING THE COMPLAINT	4
8. ADDRESSING COMPLAINTS	4
9. ACCOUNTABILITY AND LEARNING	4
10. PROCEDURE DEFINITIONS	5
11. PROCEDURE ADMINISTRATION	6
12. PROCEDURE HISTORY.....	6
13. APPENDICES	6
APPENDIX A – TEMPLATE Acknowledgment Letter	7
APPENDIX B – TEMPLATE Outcome Letter	8



1. PROCEDURE OBJECTIVES

- 1.1. The objective of this procedure is to provide guidance to staff and Complainants on how Council handles Complaints.

2. PROCEDURE SCOPE

- 2.1. This procedure applies to Complaints made and accepted in accordance with Council's Complaint Handling Policy.

PART A - COMPLAINT MANAGEMENT SYSTEM

3. TIER 1 COMPLAINTS

- 3.1. Tier 1 Complaints will be forwarded to the relevant Unit or Directorate for action as follows:
- 3.1.1. If the Complaint involves a staff member, it will be forwarded to their Manager who will nominate an officer within their team responsible for handling the complaint. Managers can also nominate themselves as the responsible Complaint handling officer.
 - 3.1.2. If the Complaint involves a Manager, it will be forwarded to their Director for handling.
 - 3.1.3. If the Complaint involves a Director, it will be forwarded to the General Manager for handling.
- 3.2. Extensions for providing response are to occur only with complex matters which require input from multiple Business Units within Council, consultation with external agencies and organisations, or the allegations involved are of a Serious Nature.

4. TIER 2 COMPLAINTS (requests for internal review)

- 4.1. Tier 2 Complaints will be forwarded to the Public Officer for handling.
- 4.2. Where the Public Officer was involved in the handling of a Tier 1 Complaint, a request to review the Complaint will be forwarded to the General Manager for review.
- 4.3. The officer reviewing the Complaint is required to review the history of the matter, including any findings from any previous investigations and any responses and information provided to the Complainant.
- 4.4. Where an internal review is not completed, or expected to be completed within 20 working days, the Complainant should be contacted and advised who is handling the Complaint and when they can expect to receive a response.

5. TIER 3 COMPLAINTS (requests for review from external agencies)

- 5.1. Where a person making a Complaint is dissatisfied with the outcome of Council's review of their Complaint, they may seek an external review of our decision by the NSW Ombudsman or the Office of Local Government (OLG).



- 5.2. Complaints referred by external bodies such as the NSW Ombudsman, the OLG, the Information and Privacy Commission (IPC) and the Independent Commission Against Corruption to Council (ICAC) will automatically be directed to the Public Officer or their delegate for handling and/or response.

6. RECEIPT OF COMPLAINTS

6.1. Complaints by third parties

- 6.1.1. A letter of authority nominating a representative to act on behalf of the Complainant will be satisfactory evidence in order for Council to liaise with the representative instead.
- 6.1.2. If a Complaint is lodged on behalf of a Complainant by a professional representative, for example a solicitor corresponding on firm's letterhead or email, verification is not required and Council will respond directly to the representative.

6.2. Anonymous complaints

- 6.2.1. Anonymous Complaints are to be forwarded to the Public Officer in the first instance to determine what action, if any needs to be taken.
- 6.2.2. In assessing and determining what action to take in relation to anonymous Complaints consideration will be given to:
- i. the seriousness of the Complaint;
 - ii. whether the Complaint can be actioned without further information from the Complainant. If not, the Complaint may not be actioned; and
 - iii. if the anonymous Complainant gave sufficient information or detail to allow a complaint to be fully investigated.

6.3. Complaints about Contractors

- 6.3.1. Council retains a level of responsibility for services carried out by Contractors on its behalf.
- 6.3.2. Council's Policy applies to all Contractors carrying out services on Council's behalf to the extent provided for in their contract / agreement with Council.
- 6.3.3. Where Council has made provision for a Contractor to handle any complaints about their services, the Complainant may be directed to contact the Contractor in the first instance.
- 6.3.4. If the Complainant is not satisfied with the outcome of the Complaint, they can ask Council to review the decision and such a request will be treated as a Tier 2 Complaint.
- 6.3.5. All outcome letters written by Contractors in relation to Complaints will include the name and contact details of a council staff member to whom the Complainant may escalate their complaint if they are not satisfied with the outcome the Contractor has provided.



7. RECORDING THE COMPLAINT

- 7.1. Once a Complaint has been received, or in the case of an anonymous Complaint accepted, it will be recorded in Council's Records Management System.
- 7.2. Depending on the tier of the Complaint, it will be referred to the relevant Council officer in accordance with clauses 3, 4 and 5, who will need to ensure:
 - 7.2.1. All documentation is recorded using the correct naming conventions;
 - 7.2.2. Appropriate classifications are attributed to the documentation to protect the integrity of the process and maintain confidentiality;
 - 7.2.3. Receipt of the Complaint is acknowledged within 5 business days using the template letter provided in Appendix A. Consideration will be given to the most appropriate medium (e.g. email, letter etc.) for communicating with the Complainant.

8. ADDRESSING COMPLAINTS

- 8.1. After acknowledging receipt of the Complaint, the relevant Council officer will need to:
 - 8.1.1. determine whether the issue(s) raised in the Complaint is/are within our control,
 - 8.1.2. consider the outcome(s) sought by the Complainant and,
 - 8.1.3. where there is more than one issue raised, determine whether each issue needs to be separately addressed.
- 8.2. When determining how a Complaint will be managed, the relevant Council officer will need to consider:
 - 8.2.1. How serious, complicated or urgent the Complaint is;
 - 8.2.2. Whether the Complaint raises concerns about people's health and safety, or relates to a risk management concern;
 - 8.2.3. How the person making the Complaint is being affected;
 - 8.2.4. The risks involved if resolution of the Complaint is delayed; and
 - 8.2.5. Whether a resolution requires the involvement of other organisations.
- 8.3. Within 20 working days, the relevant Council officer will advise the Complainant of the outcome using the template letter provided in Appendix B. Consideration will be given to the most appropriate medium (e.g. email, letter etc.) for communicating with the Complainant.

9. ACCOUNTABILITY AND LEARNING

9.1. Analysis and evaluation of Complaints

- 9.1.1. Quarterly reports will be run on:
 - i. the number of Complaints received,
 - ii. the outcome of Complaints, including matters resolved at the frontline,
 - iii. issues arising from Complaints,
 - iv. systemic issues identified, and



v. the number of requests we receive for internal and/or external review of our Complaint handling.

9.1.2. Both reports and their analysis will be provided to Council's Executive Leadership Team for information and any appropriate action.

9.2. Confidentiality

9.2.1. Council officers must only deal with the Complainant directly unless there is a signed written agreement from the Complainant giving Council authority to deal with their representatives.

9.2.2. Information about the circumstances of Complaints is to be provided only in accordance with clause 9.2.1.

10. PROCEDURE DEFINITIONS

Complaint	Expression of dissatisfaction made to or about Council, Council services, Council staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required.
Complainant	Person or entity that made a Complaint.
Complaint Management System	All policies, procedures, practices, staff, hardware and software used by us in the management of Complaints.
Policy	Council's Complaint Handling Policy
Serious Nature	Significant because of possible danger or risk to Council; not slight or negligible



11. PROCEDURE ADMINISTRATION

Business Group:	Corporate and Community Services
Responsible Officer:	Governance and Council Support Coordinator
Procedure Review Date:	Three years from date of adoption unless legislated otherwise
Associated Policy:	Complaints Handling Policy
File Number / Document Number:	DOC2019/123194
Relevant Legislation:	<ul style="list-style-type: none"> • Local Government Act 1993 (NSW) • Public Interest Disclosures Act 1994 (NSW)
Relevant desired outcome of objectives	<p>5.3. Making Council more responsive to the community.</p> <p>5.3.1.a) Build an organisation which has a focus on the customer by having well trained staff who are committed to providing a quality service.</p>
Related Policies / Protocols / Procedures	<ul style="list-style-type: none"> • Complaints Management Framework (June 2015) – NSW Ombudsman • Code of Conduct (DOC2018/086716) • Effective Complaint Handling Guidelines (February 2017) – NSW Ombudsman • Unreasonable Customer Conduct Policy and Guideline (DOC2018/008730 and DOC2018/027652 respectively) • Customer Service Strategy (DOC2018/053882) • Customer Service Charter (DOC2018/098575) • Internal Reporting – Public Interest Disclosures Policy and Guideline (DOC2018/093182 and DOC2019/036684 respectively) • Investigation of Complaints factsheet – NSW Ombudsman

12. PROCEDURE HISTORY

Revision	Date Approved / Authority	Description Of Changes
1	TBA	New procedure adopted

13. APPENDICES

- 13.1. Appendix A – TEMPLATE Acknowledgment letter
- 13.2. Appendix B – TEMPLATE Outcome letter



APPENDIX A – TEMPLATE Acknowledgment Letter

[date]

[name]

[address]

[address]

Contact:

Our Ref:

Via email: [email]

Dear [name],

ACKNOWLEDGING RECEIPT OF YOUR COMPLAINT

I confirm Council received your complaint on [date]. I note your complaint is about [describe the complaint].

Council is committed to developing a positive complaint handling culture in that we are responsive and we are committed you receive no detriment for having complained. We have a Complaint Handling Policy that requires staff to treat you with courtesy and respect. Staff are trained in customer service, complaint handling and managing unreasonable behaviour.

We will communicate the outcome of your complaint and the reasons for the outcome through the most appropriate channel providing you with information about internal and external avenues of review where available.

Your complaint has been allocated to [name of relevant officer] for handling. We do our best to deal with your complaint as soon as possible and have set and made public expected timeframes for addressing complaints within our Policy and Procedure which recognise the differing levels of seriousness, urgency and complexity of complaints received. Council is committed to provide you with an outcome letter within 20 working days of receiving your complaint – that is, no later than [date].

If there are unavoidable delays in dealing with your complaint we will inform you and explain the reasons.

We record and analyse information on our complaint handling processes so that we can:

- monitor the quality of our services and systems
- identify recurring issues or trends
- make improvements to systems and services, and
- improve organisational reputation.

If you require any further information, please do not hesitate to contact [name of responsible officer] on [telephone number] or via [email address].

Yours faithfully

[Name]

[Position title]



APPENDIX B – TEMPLATE Outcome Letter

Date: [date]

[name]
[address]
[address]

Contact:
Our Ref:

Via email: [email]

Dear [name],

OUTCOME LETTER REGARDING YOUR COMPLAINT/REVIEW OF YOUR COMPLAINT

I refer to your complaint sent to Council on [date] and Council's acknowledgment letter sent on [date].

You complained about [describe complaint] and acknowledge any supporting documentation provided].

Council has looked into the matter and found the following:

- [add factual details of assessment/investigation of complaint, describe the enquiries made within the organisation]
- [What does the above mean for the Complainant(s)?]

[outline options for redress, if any. Express sincere apology for any inconvenience caused, if applicable]

[delete if not relevant] While it is recognised that you may remain dissatisfied with this decision, I trust you can understand why Council was unable to accede to your request. I am happy to discuss this matter further if you believe that any significant issues have been overlooked.

If you wish to take this matter further, you have the option to request an internal review to be conducted and/or lodge a complaint with the NSW Ombudsman.

[delete if not relevant] You can request an internal review of your complaint in the following ways:

- By mail - PO Box 152, CESSNOCK 2325 NSW AUSTRALIA
- By email: publicofficer@cessnock.nsw.gov.au or council@cessnock.nsw.gov.au
- In person – at Administration Building, 62-78 Vincent Street, CESSNOCK NSW AUSTRALIA

[delete if not relevant] You can lodge a complaint with the following external agencies:



- [The NSW Ombudsman](#) - Level 24, 580 George Street, Sydney NSW 2000;
- [The Office of Local Government](#) - Locked Bag 3015, NOWRA NSW 2541;
- [NSW ICAC](#) - Level 7, 255 Elizabeth Street, Sydney, NSW 2000, Australia

I would like to take this opportunity to thank you for bringing this matter to Council's attention, as it provided us with an opportunity to outline the benefit.

Yours faithfully

[Name]

[Position title]

Corporate and Community

Report No. CC119/2019

Corporate and Community Services



SUBJECT: *MINUTES OF THE ABORIGINAL AND TORRES STRAIT ISLANDER COMMITTEE HELD ON 15 NOVEMBER 2019*

RESPONSIBLE OFFICER: *Community & Cultural Engagement Manager - Natalie Drage*

RECOMMENDATION

1. That the Minutes of the Aboriginal and Torres Strait Islander Committee held on 15 November 2019 be adopted as a resolution of the Ordinary Council.
2. That Council notes that the Aboriginal and Torres Strait Islander Committee meeting became inquorate prior to consideration of the final agenda item AACLM23/2019 Innovate Reconciliation Action Plan (2018-2020) and General Business, and accept the meeting notes for these two items.

MINUTES OF THE ABORIGINAL AND TORRES STRAIT ISLANDER COMMITTEE MEETING OF CESSNOCK CITY COUNCIL HELD IN ANTE ROOM ON FRIDAY, 15 NOVEMBER 2019, COMMENCING AT 9.00 AM

PRESENT: Councillor Gray
Mr Craig Layer (Community Representative)
Ms Susan Mulyk (Community Representative)
Ms Tracey Skene (Community Representative) (Left 10am)
Ms Sonia Sharpe (Community Representative)
Ms Cheryl Kitchener (Community Representative) (Left 10am)

IN ATTENDANCE: Ms Natalie Drage - Community & Cultural Engagement Manager
Ms Jo Dennis - Principal Community Planner
Ms Jo Miller - Community & Cultural Engagement Officer

INVITEES: Mr Gareth Curtis - Director of Planning and Environment (Left 10am)
Mr Martin Johnson - Strategic Planning Manager (Left 10am)
Ms Emma McDermott - Senior Environment Planner (Left 10am)
Ms Keren Brown - Senior Strategic Planner (Left 10am)

The meeting was chaired by Mr Craig Layer (Community Representative).

APOLOGIES

The Mayor, Councillor Pynsent
Councillor Doherty
Ms Tara Dever (Community Representative)

ACKNOWLEDGEMENT OF COUNTRY

Acknowledgement of Country delivered by Ms Susan Mulyk (Community Representative).

CONFIRMATION OF MINUTES

MINUTES:

MOTION

Moved:

Councillor Gray

Seconded:

Ms Cheryl Kitchener

Minutes of the Aboriginal and Torres Strait Islander Committee meeting held 23 August 2019, as circulated, be taken as read and confirmed as a correct record.

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

Nil

LISTED MATTERS

LISTED MATTERS - COMMITTEE NO. AACLM21/2019

SUBJECT: ABORIGINAL CULTURAL HERITAGE STUDY PHASE 2 - DRAFT COMMUNITY ENGAGEMENT STRATEGY AND DRAFT REQUEST FOR QUOTATION

MOTION

Moved:

Ms Tracey Skene

Seconded:

Ms Cheryl Kitchener

RECOMMENDATION

1. That the Committee notes the Draft Community Engagement Strategy and Draft Request for Quotation for the Cessnock Local Government Area Aboriginal Heritage Study Phase 2.
2. That Committee members are invited to submit feedback via email within 14 days.

CARRIED UNANIMOUSLY

LISTED MATTERS - COMMITTEE NO. AACLM22/2019

SUBJECT: LOCAL STRATEGIC PLANNING STATEMENT

MOTION **Moved:** Ms Susan Mulyk **Seconded:** Councillor Gray

RECOMMENDATION

1. That the Committee endorses consultation on the Draft Local Strategic Planning Statement with the following Local Aboriginal Land Councils (LALCs) and local Aboriginal organisations identified by Committee members:
 - Mindaribba LALC
 - Darkinjung LALC
 - Awabakal LALC
 - Biriban LALC
 - Wanaruah LALC
 - Metropolitan LALC
2. That the Committee supports a local Aboriginal community forum as part of the consultation.

CARRIED UNANIMOUSLY

Ms Tracey Skene (Community Representative), Ms Cheryl Kitchener (Community Representative), Mr Gareth Curtis - Director of Planning and Environment, Mr Martin Johnson - Strategic Planning Manager, Ms Emma McDermott - Senior Environment Planner and Ms Keren Brown – Senior Strategic Planner left the meeting, the time being 10am.

The meeting is now inquorate, below are notes from the remainder of the meeting.

LISTED MATTERS - COMMITTEE NO. AACLM23/2019

SUBJECT: INNOVATE RECONCILIATION ACTION PLAN (2018 - 2020) ACTIONS

MEETING NOTES

The Committee noted the progress for implementation of the Innovate Reconciliation Action Plan.

Corporate and Community

Report No. CC119/2019

Corporate and Community Services



CORRESPONDENCE

Nil

GENERAL BUSINESS

Information was tabled regarding Ngarralingayil Barker College, a School for Aboriginal and Torres Strait Islander students Kindy to Year 6. Enrolments for 2020 are currently open.

The Meeting Was Declared Closed at 10.40am

ENCLOSURES

There are no enclosures for this report

Corporate and Community

Report No. CC120/2019

Corporate and Community Services



SUBJECT: *DISCLOSURES OF INTERESTS IN WRITTEN RETURNS*

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

SUMMARY

Clause 4.24 of Council's Code of Conduct requires the General Manager to keep a register of returns lodged by Councillors and designated persons and to table them at a meeting of Council.

Clause 4.21 of the Code of Conduct requires that such returns are to be lodged with the General Manager within 3 months after becoming a Councillor or a designated person.

The purpose of this report is to table returns received from designated persons for the period 1 August 2019 to 31 October 2019.

RECOMMENDATION

That Council notes the tabling of the disclosures of interests written returns (for the period 1 August 2019 to 31 October 2019) by the General Manager in accordance with Council's Code of Conduct.

BACKGROUND

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

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

REPORT/PROPOSAL

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

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

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

Corporate and Community

Report No. CC120/2019

Corporate and Community Services



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

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

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

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

OPTIONS

N/A

CONSULTATION

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

STRATEGIC LINKS

a. Delivery Program

Completion of the written returns for the period 1 August 2019 to 31 October 2019 links to the community's desired outcome of "*Civic Leadership and Effective Governance*", and in particular, it links to:

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

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

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

Corporate and Community

Report No. CC120/2019

Corporate and Community Services



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

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

b. Financial Implications

N/A

c. Legislative Implications

N/A

d. Risk Implications

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

e. Environmental Implications

N/A

f. Other Implications

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

CONCLUSION

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

ENCLOSURES

There are no enclosures for this report.

Corporate and Community

Report No. CC121/2019

Corporate and Community Services



SUBJECT: *INVESTMENT REPORT - NOVEMBER 2019*

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

SUMMARY

Section 625 of the *Local Government Act 1993*, Clause 212 of the *Local Government (General) Regulation 2005* and Council's Investment Policy require a monthly report to Council detailing all money invested.

RECOMMENDATION

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 \$41,837,495, year to date interest earned to 30 November was \$320,352 and the interest earned for November was \$54,191.

BACKGROUND

The *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and Council's Investment Policy requires a monthly report to Council detailing all money invested.

REPORT

Statement by the Responsible Accounting Officer

I, Robert Maginnity, as Responsible Accounting Officer, hereby certify that this report is produced in accordance with Clause 212 of the *Local Government (General) Regulation 2005* and that all investments have been made in accordance with the *Local Government Act 1993*, *Local Government (General) Regulation 2005* and Council's Investment Policy.

General Investment Commentary

Following assessment of projected cash flow requirements, surplus funds are invested in accordance with Council's Investment Policy. Investment revenues to the end of November 2019 exceeded the benchmark in the Investment Policy with an actual level of return at 116.49 % of the year to date budget.

The Reserve Bank of Australia (RBA) official cash rate as at 30 November 2019 was 0.75%. Scheduled RBA Board meetings are held on the first Tuesday of each month (excluding January) at which the official cash rate is one of the matters considered. The meeting held on 3 December 2019 retained the official cash rate at 0.75%.

Corporate and Community

Report No. CC121/2019

Corporate and Community Services

**Investment Portfolio Information****Table 1** Total cash and investments held by Council as at 30 November 2019

Invest No	Financial Institution Investment Held With	Invest Type	Interest Coupon Term	Maturity / Next Coupon Date	Current Coupon Rate	Par Value \$'000
	Commonwealth Bank	CASH			0.40%	5,696
	Commonwealth Bank	At Call			0.10%	41
1243	AMP Bank	At Call			1.05%	500
1277w	Greater Bank	FRN	91	24-Feb-20	2.33%	500
1281j	National Bank	TD	245	31-Mar-20	1.81%	700
1298q	Newcastle Permanent Building Society	VRD	92	03-Jan-20	2.25%	800
1306g	Suncorp Bank	TD	206	13-Dec-19	2.30%	900
1324d	National Bank	TD	208	06-Jan-20	2.10%	900
1325c	Members Equity Bank	TD	272	19-May-20	1.68%	900
1330b	National Bank	TD	209	21-Jan-20	2.00%	900
1332c	Suncorp Bank	TD	271	25-Feb-20	2.15%	1,000
1337c	Bankwest	TD	192	13-Dec-19	2.00%	1,200
1338b	Bankwest	TD	203	14-Jan-20	1.87%	800
1341b	AMP Bank	TD	280	12-May-20	2.00%	1,000
1345c	National Bank	TD	217	05-May-20	1.65%	800
1347b	Suncorp Bank	TD	210	26-May-20	1.58%	800
1349a	Bankwest	TD	175	03-Dec-19	2.00%	1,000
1358b	National Bank	TD	230	07-Jul-20	1.48%	1,000
1360a	National Bank	TD	210	24-Mar-20	1.63%	1,000
1361a	AMP Bank	TD	339	05-Jun-20	2.20%	1,000
1362a	AMP Bank	TD	337	10-Jun-20	2.20%	1,000
1366a	Bankwest	TD	210	10-Mar-20	1.62%	1,000
1368a	Suncorp Bank	TD	222	14-Apr-20	1.61%	1,000
1369a	National Bank	TD	231	30-Jun-20	1.52%	1,000
1370a	IMB Bank	TD	217	25-Jun-20	1.52%	1,000
1371	Members Equity Bank	TD	196	13-Dec-19	2.28%	1,000
1372	AMP Bank	TD	217	24-Jan-20	2.30%	1,000
1373	Bank of QLD	TD	270	17-Mar-20	2.08%	1,000
1374	National Bank	TD	216	29-Jan-20	2.00%	1,000
1375	National Bank	TD	186	04-Feb-20	1.83%	1,000
1376	Suncorp Bank	TD	193	11-Feb-20	1.80%	800
1377	Suncorp Bank	TD	200	18-Feb-20	1.80%	600
1379a	Commonwealth Bank	TD	63	07-Jan-20	1.44%	600
1380a	Commonwealth Bank	TD	71	14-Jan-20	1.43%	600
1381	Macquarie bank	TD	215	07-Apr-20	1.75%	1,000
1383	Macquarie bank	TD	224	21-Apr-20	1.75%	1,000
1384	Macquarie bank	TD	224	28-Apr-20	1.75%	1,000
1385	Commonwealth Bank	TD	273	23-Jun-20	1.52%	900
1386	Bankwest	TD	53	23-Dec-19	1.33%	700
1387	Suncorp Bank	TD	221	16-Jun-20	1.55%	1,000
1388	Suncorp Bank	TD	257	11-Aug-20	1.50%	1,000
1389	Suncorp Bank	TD	131	08-Apr-20	1.48%	600
1390	Suncorp Bank	TD	151	28-Apr-20	1.52%	600
TOTAL						41,837

Corporate and Community

Report No. CC121/2019

Corporate and Community Services



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

Financial Institution	Rating	Maximum Counterparty	Amount \$'000	% of Portfolio
Commonwealth Bank	A1+	25%	7,837	18.73%
Bankwest	A1+	25%	4,700	11.23%
IMB Bank	A2-	10%	1,000	2.39%
National Bank	A1+	25%	8,300	19.84%
Suncorp Bank	A1	25%	8,300	19.84%
Members Equity Bank	A2	10%	1,900	4.54%
Newcastle Permanent Building Society	A2	10%	800	1.91%
AMP Bank	A2-	10%	4,500	10.76%
Greater Bank	A2	10%	500	1.20%
Bank of QLD	A2	10%	1,000	2.39%
Macquarie bank	A1	25%	3,000	7.17%
TOTAL			41,837	100.00%

Table 3 Investment types, risk assessment, amount and percentage invested compared to the total

Investment Type	Risk Assessment		Amount	% of
	Capital	Interest	\$'000	Portfolio
Term Deposits	Low	Low	34,300	81.98%
Cash/At Call Deposits	Low	Low	6,237	14.91%
Variable Rate Notes	Low	Low	800	1.91%
Floating Rate Deposit	Low	Low	500	1.20%
TOTAL			41,837	100.00%

Table 4 Comparison of interest rates, earnings and balances this year to last year

Performance Measures	This Year	Last Year
Portfolio Average Interest Rate (year to date)	1.96%	2.56%
BBSW Average Interest Rate (year to date) *	0.97%	1.96%
Actual Investment Interest Earned November	\$54,191	\$85,566
Actual Investment Interest Earned (year to date)	\$320,352	\$432,755
Budget Investment Interest (year to date)	\$275,000	\$347,925
Original Budget Investment Interest (Annual)	\$860,000	\$825,000
Revised Budget Investment Interest (Annual)	\$660,000	\$835,000

Investment Balances (Par Value)	This Year	Last Year
Opening Balance as at 1 July	\$39,874,176	\$38,760,390
Month End Current Balance	\$41,837,495	\$43,275,974

- BBSW 90 day Bank Bill Reference Rate (performance measure as per Council's Investment Policy)

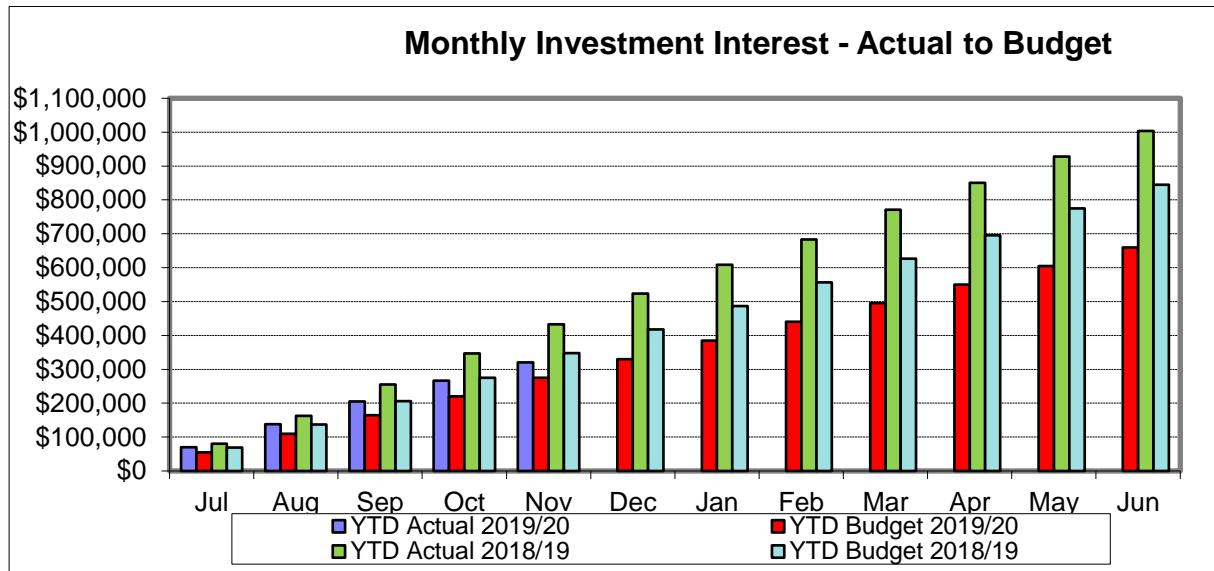
Corporate and Community

Report No. CC121/2019

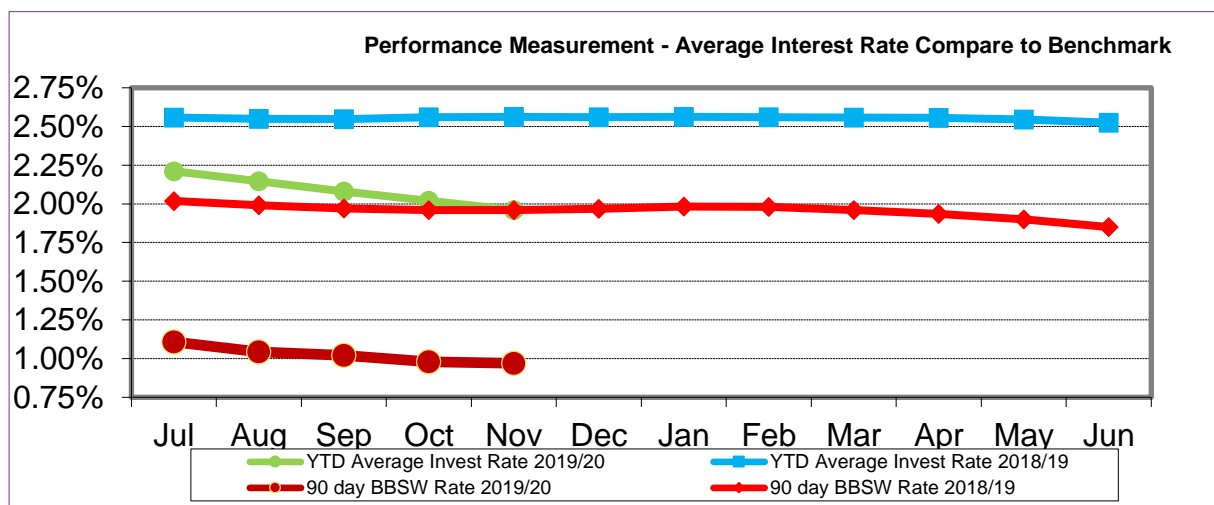
Corporate and Community Services



Graph 1 Actual interest earned to budget for this year and last year



Graph 2 Current year portfolio performance to prior year performance



Corporate and Community

Report No. CC121/2019

Corporate and Community Services

**Table 5** Internal and external restrictions over cash and investments held

Month End Totals \$'000	Nov 2019	Oct 2019	Sep 2019	Aug 2019	July 2019	June 2019
Developer contributions	13,423	13,361	12,831	12,679	12,376	12,731
RMS contributions	2,083	2,083	2,083	2,083	2,102	2,102
Specific purpose unexpended grants	773	902	928	1,272	1,272	3,012
Domestic waste management reserve	430	430	430	430	430	430
Stormwater management	55	87	112	155	-	-
External Restrictions	16,764	16,863	16,384	16,619	16,180	18,275
Plant and vehicle replacement	1,775	1,718	1,484	1,615	2,029	2,453
Employees leave entitlement	3,076	3,076	3,076	3,076	2,621	2,719
Carry over works	795	816	928	1,114	-	-
Bridge replacement	1,081	1,039	1,103	1,103	1,103	923
Lawn cemeteries	69	69	69	69	69	6
Computer services	453	485	485	485	368	284
Energy efficiency	38	38	38	38	38	23
Insurance provisions	1,349	1,349	1,308	1,308	1,544	937
Miscellaneous and property	1,141	1,141	1,299	1,119	1,119	591
Grant Fund Leverage	795	795	795	795	795	795
Operations and programs	604	612	612	612	412	282
Property investment fund	828	742	906	906	781	867
Rezoning fees	85	85	85	85	85	85
Civil Works	780	762	786	790	820	761
Waste depot and rehabilitation	3,998	3,998	3,998	3,998	3,998	5,588
Unexpended loan funds	131	147	185	421	537	560
Committed projects(SRV)	1,565	1,575	1,575	1,800	1,800	1,800
Internal Restrictions	18,563	18,447	18,732	19,334	18,119	18,674
Unrestricted - Balance of funds *	6,510	2,746	6,154	4,889	3,673	2,925
Total Cash & Investments	41,837	38,056	41,270	40,842	37,972	39,874

* Unrestricted balance of funds (as per above) has increased in November 2019 from \$2,746,000 to \$6,510,000 primarily due to the cash flow from rate payments, which peak in the months of August, November, February and May each year.

OPTIONS

N/A

Corporate and Community

Report No. CC121/2019

Corporate and Community Services



CONSULTATION

Director Corporate and Community Services
Management Accountant

STRATEGIC LINKS

a. Delivery Program

Investment returns are an integral part of funding sources for future services and community expectations within the Delivery Program and Operational Plan.

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

5.3.7: Continue to educate staff on statutory compliance obligations.

5.3.8: Carry out governance functions to comply with legislation and best practice.

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

Investments are held in accordance with Council's Investment Policy which accords with the Ministerial Investment Order.

b. Financial Implications

Investment returns are included in Council's Delivery Program and Operational Plan. Amendments are effected through the Quarterly Budget Review process. Investment portfolio performance is detailed within the report with comparisons to prior year and budget.

A portion of the portfolio and its associated investment income is restricted as it relates to funds held from Developer Contributions, Domestic Waste Management and Property Investment Reserve and is not available for operational projects.

c. Legislative Implications

This report meets Council's statutory obligations under the *Local Government (General) Regulation 2005* and the *Local Government Act 1993*.

d. Risk Implications

Investment risks are detailed within this report.

Corporate and Community

Report No. CC121/2019

Corporate and Community Services



e. Other Implications

There are no environmental, community, consultative or other implications to this report.

CONCLUSION

The report details investments held and meets statutory and policy reporting obligations.

ENCLOSURES

There are no enclosures for this report.

SUBJECT: ***TRAFFIC & TRANSPORT STRATEGY - RESOURCING FOR IMPLEMENTATION PROGRAM***

RESPONSIBLE OFFICER: ***Infrastructure Manager - Katrina Kerr***

SUMMARY

The purpose of this report is to seek Council's endorsement for resourcing to review the existing *Cessnock LGA Traffic and Transport Strategy Report 2018 Technical Report* and develop an Implementation Program.

RECOMMENDATION

- 1. That Council endorses the 12 month appointment of a Traffic Engineer and part time Technical Support Officer dedicated to developing an Implementation Program to deliver outcomes of the adopted *Cessnock LGA Traffic and Transport Strategy Report 2018 Technical Report*.**
- 2. That Council allocates \$140,000 from the funds reserved for potential leverage against grant funding opportunities to fund the temporary appointment of the dedicated staff as detailed in the report.**

BACKGROUND

In anticipation of significant urban and economic growth Council commissioned preparation of *The Cessnock LGA Traffic and Transport Strategy 2018 Technical Report* (the Strategy) by Bitzios Consulting Pty Ltd.

The resulting Strategy set a clear and cohesive direction for the management of traffic and transport–infrastructure throughout the LGA. The Strategy aims to make the city more accessible by accommodating greater travel choices to meet the needs of residents and visitors. The Strategy's key priority was to create a people-friendly city, by improving traffic safety, amenity and conditions for all road users.

The Strategy was well received by the community and key stakeholders, and was adopted by Council at its Ordinary Meeting of 19 September 2018.

The Strategy included an Implementation Plan however progress towards achieving the strategic actions and capital works set out in the Implementation Plan has thus far been limited, due to the lack of specifically allocated resources.

At its Ordinary Meeting of 21 August 2019 Council considered Report BN20/2019 and resolved inter alia the following:

That the General Manager report back to Council within 4 months on the resourcing implications and timeframes associated with reviewing the existing Traffic and Transport Strategy and developing an implementation program.

Works and Infrastructure

Report No. WI88/2019

Works and Infrastructure



This report proposes the resources to progress the strategic actions from the Traffic and Transport Strategy, including the planning, investigation and design options required to advance and cost concept designs for the capital works components of the Strategy.

REPORT/PROPOSAL

Current Implementation Plan

Part D of the Strategy is a 7 page Implementation Plan, which outlines a Recommended Action Plan including:

- Table 20 - Summary of Strategic Actions, and
- Table 21 - Road Capital Works Priorities.

These tables contain 29 recommended strategic actions and 48 road capital works projects totaling \$195million, with Council or the State Government as the lead agency.

Whilst planning and concept options have been progressed for one of the major capital works projects, the upgrade of Wollombi Road Cessnock, and work associated with improved connectivity to the Hunter Expressway at Loxford, this has occurred more as a result of the pressure of development and availability of grant funding, than in response to strategic decisions.

A review of the priorities of the Strategy and expansion of the Implementation Plan is need to provide a work breakdown structure with achievable timeframes to:

- propose concept options suitable for community and stakeholder engagement,
- develop costed concept designs to support applications for grant funding, and
- inform land use planning proposals and development consents.

Scope of Review

The proposed review will consider a number of factors to inform an Implementation Program including:

- land use planning strategies;
- the status of current development and approved developments;
- site and environmental constraints;
- land acquisition and property matters; and
- stakeholder and community engagement.

Deliverables

Emanating from this greater level of detailed information, the deliverables of the Review will be:

- stakeholder and community engagement outcomes;
- concept designs;
- cost estimates and possible funding sources; and
- time frames for implementation and construction.

Works and Infrastructure**Report No. WI88/2019****Works and Infrastructure**

These deliverables will be formulated to create an Implementation Program that will serve to inform future capital works programs, grant applications and may inform land use planning proposals and development consents.

Resources Required

A qualified Traffic Engineer is required to review the Strategy and existing Implementation Plan and prepare the Implementation Program, including:

- undertake reviews;
- prepare concept options;
- conduct internal and external workshops, and
- carry out community engagement.

To support the Traffic Engineer and ensure efficient and best use of time, a part-time Technical Support Officer is required.

Specialist support will be engaged as needed for:

- ecological and heritage assessment;
- geotechnical and storm water investigation;
- engineering design and drafting, and
- surveying.

Time Frame

The anticipated time frame for the review and preparation of the Implementation Program is 12 months, built up from the required tasks shown consecutively in **Table 1** below. A number of tasks will be concurrent and with dependencies, time frames will extend and overlap as needed.

Table 1 – Time Frame

	Task	Duration
1	Review Strategy and accompanying documents	2 weeks
2	Analyse current and anticipated development	2 weeks
3	Prepare concept options	8 weeks
4	Site investigations	6 weeks
5	Stakeholder consultation	6 weeks
6	Prepare Concept Designs and cost estimates	16 weeks
7	Develop Draft Implementation Program	4 weeks
8	Community engagement	4 weeks
9	Revise and finalise Implementation Program	2 weeks
10	Reporting and approval	2 weeks
	TOTAL	52 weeks

OPTIONS

N/A

Works and Infrastructure

Report No. WI88/2019

Works and Infrastructure



CONSULTATION

Internal Consultation: This report has been prepared with internal consultation with the following Council officers:

- Members of Council's Traffic & Transport Team;
- Members of Council's Design and Project Management Team;
- Members of Council's Road Infrastructure Team; and
- Members of Council's Strategic Planning Team.

External Consultation: External consultation for preparation of this report relied on the feedback from the extensive community engagement that underpinned the development of the *Cessnock LGA Traffic and Transport Strategy Report 2018 Technical Report* and its limited application and implementation to date.

STRATEGIC LINKS

a. Delivery Program

Cessnock 2027 Community Strategic Plan: The recommendation of this report aligns with *Section 4 Accessible infrastructure, services and facilities:*

Objective - 4.1 *better transport links,*
4.2 *Improving the road network.*

Delivery Program 2017- 21: The recommendation of this report aligns with the following objectives:

Objective 1.3: Promoting Safe Communities – Our roads are safe for motorists and pedestrians
1.3.5 Improve the safety of the road network

Objective 2.3: Increasing tourism opportunities and visitation to the area
2.3.4 Commence implementation of the Vineyard Signage Strategy.

Objective 4.1: Better transport links
4.1.1: Advocate for increased road, public and community transport and associated infrastructure funding.
4.1.1a: Prepare applications for available grant funding to improve commuter, freight and tourism transport links.

Objective 4.2: Improving the road network
4.2.1 Develop prioritised capital works programs in line with adopted asset management plans.

4.2.2 Deliver prioritised on-ground capital works and maintenance programs.

4.2.4 Work with the State Government to develop a land use strategy for the Hunter Expressway corridor.

Works and Infrastructure

Report No. WI88/2019

Works and Infrastructure



b. Other Plans

2019-20 Operational Plan: The recommendation of this report aligns with the following objectives:

Section 4 Better transport links

- 4.1.1 Advocate for increased road, public and community transport and associated infrastructure funding.*
- 4.1.1a Prepare applications for available grant funding to improve commuter, freight and tourism transport links.*
- 4.1.1b Prepare funding applications for upgrades of public transport stops.*
- 4.1.2 Commence implementation of the Traffic & Transport Strategy.*
- 4.1.2a Continue investigation and design for high priority projects from the Traffic & Transport Strategy.*
- 4.1.3 Commence implementation of the Pedestrian Access & Mobility Plan.*
- 4.1.3a Implement the following high priority pathway project from the Pedestrian Access & Mobility Plan: - Bridge street, Cessnock pathway (Stage 2)*
- 4.1.4 Commence implementation of the Cycling Strategy.*
- 4.1.4a Investigate and design the following high priority project from the Cycling Strategy. – Maitland Road, to Wine country Drive off road pathway.*
- 4.2.1a Develop prioritised capital works programs in line with adopted Asset management Plans.*
- 4.2.4 Work with the State Government to develop a land use strategy for the Hunter Expressway corridor.*

There are links to many existing plans at State, Regional and Local planning level. A full summary of relevant plans is contained in the “Planning Context” section of the Strategy and it includes the following:

- Future Transport Strategy 2056;
- Hunter Regional Plan 2036;
- Greater Newcastle Future Transport Plan 2056;
- Greater Newcastle Metropolitan Plan;
- Lower Hunter Regional Strategy 2006–2031;
- NSW Long Term Transport Masterplan (2012);
- Hunter Regional Transport Plan (2014);
- Sustainable Transport in the Lower Hunter Region (2003).

Works and Infrastructure

Report No. WI88/2019

Works and Infrastructure



Council's strategies and plans with a nexus to the Traffic & Transport Strategy include the following:

- Cessnock Community Infrastructure Strategic Plan 2031;
- Cessnock Cycling Strategy 2016;
- Cessnock LGA Pedestrian Access and Mobility Plan (2016);
- Road Safety Strategic Plan 2014-2018;
- Community Strategic Plan – Cessnock 2027;
- City Wide Settlement Strategy 2010;
- Branxton Urban Design Framework;
- Kurri Kurri District Strategy;
- Cessnock City Wide Settlement Strategy 2010;
- Cessnock City Recreation and Open Space Strategic Plan;
- Cessnock City Council Skate and BMX Facilities Needs Analysis;
- Branxton Town Centre Upgrade Concept Masterplan;
- Miller Park Masterplan;
- Branxton Sub-Regional Land Use Strategy.

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Cost to Council: Currently no budget exists for the review of the Strategy or the development of a program for its implementation. The cost to Council to employ two dedicated resources for a 12 month tenure is estimated to be in the order of \$140,000, as detailed below:

- Traffic Engineer \$110,000
- Technical Support Officer \$30,000.on a two-days-per-week basis

The required funds are recommended to be sourced from the grant funding leverage reserve as the review of this Strategy will be expected to allow for future grant funding opportunities.

Engagement of support expertise, including geotechnical and surveying services, may be funded through Council's existing Strategic Asset Planning budget. However, if additional resources are required, outside of those identified above, a subsequent Council report will be prepared to seek further funding.

Grant Funding: Accelerated delivery of the Strategy would enhance Council's competitive position with respect to taking advantage of various future grant funding opportunities.

Works and Infrastructure

Report No. WI88/2019

Works and Infrastructure



c. Legislative Implications

Legislation relevant to the implementation of the Strategy include:

Roads Act 1993 – Including but not limited to the following parts:

- Part 1 – Preliminary
- Part 2 – Opening of Public Roads
- Part 3 - Road Boundaries and Levels, Division 2 – Road Widening
- Part 4 – Closing of Public Roads
- Part 5 – Classification of Roads
- Part 6 – Road Work
- Part 7 – Protection of Public Roads
- Part 8 – Regulation of Traffic by Roads Authorities
- Part 10 – Other Road Management Functions
- Part 12 – Acquisition of Land

Civil Liability Act 2002

- Section 42 – Principles concerning resources, responsibilities etc. of public and other authorities.
- Section 43 - Proceedings against public or other authorities based on breach of statutory duty
- Section 45 – Special non-feasance protection for roads authorities
- Section 46 Exercise of function or decision to exercise does not create duty.

d. Risk Implications

Operational Risk: Unfortunately much of the road infrastructure within LGA has a legacy of historical ad-hoc development, due to the absence of a specific vision and strategic framework, resulting in the many operational network and capacity issues being experienced today.

Safety Risk: Operational network and capacity issues may give rise to a less safe road environment and poor driver behaviour.

Reputational Risk: Failure to review the Strategy and develop a plan for its implementation would likely impinge on the overall effectiveness and timeliness of its delivery, and the commensurate realisation of its intended benefits.

Financial Risk: Without accelerated delivery of the Strategy, Council's competitive position with respect to taking advantage of various future grant funding opportunities is reduced.

e. Other Implications

Nil

Works and Infrastructure

Report No. WI88/2019

Works and Infrastructure



CONCLUSION

The main objective of the *Cessnock LGA Traffic and Transport Strategy 2018 Technical Report* is to provide Council with a blueprint for the LGA's transport network over the next 25+ years, with particular focus on expected accelerated growth in the region.

The tenured appointment of a Traffic Engineer and part-time Technical Support Officer, dedicated to reviewing the Strategy and developing an Implementation Program, would expedite realisation of its objectives, ensuring that the Strategy is delivered efficiently and effectively.

ENCLOSURES

[1↓](#) Cessnock LGA Traffic & Transport Strategy - Part D Only

Part D

Implementation

Key Conclusions and Recommended Implementation Plan

Key Conclusions

Cessnock LGA is on the move, with over 50% of work related trips (inbound and outbound) travelling to or from the LGA generating high demand on the road network. The opening of HEX has increased accessibility of Cessnock to Newcastle and nearby coastal areas, increasing the attractiveness of Cessnock LGA for new residents. Growth forecasts suggest that an additional 15,000 dwellings could be constructed in the LGA over the next 25-years. This growth translates to approximately 60,000 additional vehicle trips per day on the LGA road network and nearly 6,000 additional peak hour trips.

Cessnock LGA's road network was originally established as a series of connections between its many towns and villages. Residential properties, local shops and businesses front these roads with all requiring driveways, parking and pedestrian access. As population has increased travel demands for private cars, public transport, cycling, walking and freight have also increased, while sharing the same road environment. The conflict between access and through movement is increasing, particular on the LGA's main network linkages and this has a detrimental impact on the villages and towns interspersed along these routes.

Upgrading the main arterial roads (such as Maitland Cessnock Road) may reduce congestion and improve travel times to/from HEX and other areas, however towns and villages like Abermain, Neath and Weston would suffer the environmental, social and safety consequences through increased traffic, noise and air pollution and segregation issues.

The Strategy recognises the importance of the villages that make up Cessnock LGA, and proposes a series of new connections and bypass roads to separate longer-distance through traffic from local access and shorter trips with the LGA. Considerable investment is required for transport over the next 25-30 years to ensure that Cessnock LGA continues to grow in a sustainable, prosperous while protecting the unique characteristics of the LGA's towns and villages.

To successfully achieve the vision of the Strategy a number of actions need to occur over the short, medium and long term. An Implementation Plan which prioritises actions based on cost, opportunities and benefit to the community has been developed and will inform future works programs.

The following sections outline the proposed strategic actions and recommended road capital works program, to be implemented over the next 25-30 years. The Strategy should be reviewed every five years through its life to monitor and evaluate progress and to update the implementation plan as required.

Implementation Plan

The Implementation Plan has been developed to assist Council in understanding the priority of works identified in the Strategy and planning for the resources required to deliver these priorities. The Implementation Plan will be used as a reference when drafting development contribution plans to equitably levy new development to fund the construction of the proposed roads and upgrades. It will also be utilised as a reference when applying to State and Federal for funding through various grant programs.

The priority and associated delivery times are indicative and have been developed to give Council guidance on where resources should be directed in the short, medium and long term.

It should be noted that the trigger for new roads is the nexus between proposed new development and existing traffic volumes. If a development does not proceed or the yield lots are changed then the need for a bypass may not be required. It's important that the corridors are identified for future planning purposes.

Over the longer term, it is anticipated that the Strategy and subsequent actions will improve efficiencies in the provision and management of traffic and transport infrastructure.

The overall aim of the Strategy is to ensure that there is an integrated approach to land use planning, urban design and transportation engineering for the future development of the LGA. Specifically, the goals of this strategy were to provide a framework for future planning decisions, optimise the traffic and transport network and provide a guide to the investment in transport infrastructure.

Funding

Without adequate planning and funding the Cessnock LGA faces a future of increased levels of traffic congestion, reduced road safety and amenity for its residents and visitors.

Preliminary costings estimate that the implementation of the Cessnock LGA Traffic and Transport Strategy would cost in the order of \$196 million. The projects outlined in this strategy represent an achievable plan for the City's transport future, providing a balance of low cost, short-term actions; and major road infrastructure projects that will require investment from all levels of Government. Table 19 provides indicative timing and costs estimates into immediate, short, medium and long term timeframes.

Table 19: Preliminary Cost Estimate

Timeframe	Period	Estimated Cost
Immediate	2017 - 2021	\$ 8,055,000
Short-term	2021 - 2031	\$ 58,545,000
Medium-term	2031 - 2041	\$ 76,150,000
Long-term	2041 -2061	\$ 52,250,000
Total		\$ 195,000,000

The traffic and transport strategy is not intended to be a fully funding strategy. It is a vision to guide transport policy and prioritise investment in the transport network. The strategy will be used to assess funding needs and underpin bids for funding from all levels of government.

Responsibility for funding the major transport improvements should generally be based on similar arrangements to those in the past, however the current administrative arrangements for road funding in the LGA should be reviewed. This could include directing potential future State funds for upgrading sections of State roads (e.g. Cessnock Road) to building new road links such as the proposed Weston bypass links.

Other potential funding options include:

- *Grants;*
- *Development Contributions (Section 94 and or Voluntary Planning Agreements);*
- *Road Reclassification;*
- *State funding; and*
- *Capital Works Programs*

Recommended Action Plan

Table 20: Summary of Strategic Actions

No.	Action	Lead Area	When
LU1.1	Through planning controls, discourage residential densification in areas without adequate transport infrastructure to service the travel demands	CCC	Short term
LU1.2	Encourage new development in close proximity to the key business centres/villages or close to employment to reduce trips lengths and encourage more sustainable transport options	CCC	On-going
LU2.1	Ensure DCP's in centres aim to reduce block sizes in high activity areas	CCC	Short term
LU2.2	Development controls are put in place in centres to ensure pedestrian and cyclist permeability is achieved, with permeability orientated to/from railway stations and major bus stops	CCC	Short term
LU3.1	Implement the high priorities from the Cessnock PAMP and Cessnock Cycle Strategy	CCC	Medium term
LU3.2	Investigate development incentives/controls to encourage facilitation of improved active transport access and connectivity and end of trip facilities	CCC	Medium term
PK2.1	Sufficient off-street parking capacity is provided for long-stay purposes in centres.	CCC	On-going
PK2.2	Work with land owners to consolidate off-street parking west of Vincent Street to support "park once" principals and reduce traffic movements for short parking trips	CCC and stakeholders	Medium term
PK3.1	Audit kerbside allocation in key centres and apply the allocation hierarchy principles to each centre to define a kerbside allocation program	CCC	Medium term
PK3.2	Monitor short-stay parking occupancy levels in Cessnock CBD, Kurri Kurri, Branxton and Greta, and expand time-limited parking area when occupancy levels exceed 85% capacity at peak times	CCC	On-going
PK3.3	Investigate RV, coach and caravan/trailer parking in town centres	CCC	Short Term
PK4.1	Investigate commuter parking opportunities at public transport nodes and along HEX interchange nodes	State and CCC	

No.	Action	Lead Area	When
PK4.2	Introduce medium term parking (i.e. 3P) on the western side of Cumberland Street to increase parking access for longer-stay customer needs	CCCC	Short-term
AT1.1	Development controls be updated to reflect the types of bicycle paths required in each area within the Cessnock LGA.	CCC	Short term
AT1.2	Implement Cycling Strategy	CCC	On-going
AT1.3	Continue to increase annual funding for cycling infrastructure	State & CCC	Short term
AT2.1	Investigate key linkages and undertake negotiations with land owners for right of way corridors through sites.	CCC	Medium term
AT3.1	Development controls be updated to reflect the level of cycling end of trip facilities required in each area. Development controls are to include a component of visitor cycle facilities.	CCC	Short term
AT4.1	Assess the available and quality of safe cycle routes to/from each primary school and develop a program of improvements/upgrades, prioritised on the basis of proximity to each school and in consideration of Action AT1.1. (only for areas not considered by PAMPS).	CCC	Long term
AT5.1	Develop a series of cycling and walking guide maps of Cessnock LGA including safe cycling and walk routes to key destination (e.g. Wineries, Arts and Community Centre, Libraries)	CCC	Medium term
PT1.1	Work with the State Government to review the public transport network to understand current service provision	State & CCC	Short term
PT1.2	Lobby State Government for increased hour of operation and frequency of services between Newcastle and Cessnock LGA	State & CCC	Medium term
PT2.1	Lobby State Government to reintroduce and increase the frequency of rail services	State & CCC	Long term
PT3.1	Work with the State and bus operators to integrate and expand service coverage of bus services	State & CCC	Medium term
RF1.1	Establish a functional road hierarchy and access management plan for local government roads within the Cessnock LGA to support the arterial road system and improve local accessibility	CCC	Short term
RF1.2	Investigate opportunities to bypass centres and villages (e.g. Cessnock CBD Neath and Weston) for longer distance trips	State & CCC	Short term
RF1.3	Manage/introduce access control on the arterial network to reduce delays to through traffic movements	State & CCC	Short term
RF2.1	Develop a Local Area Traffic Management (LATM) scheme warrants and implementation policy	CCC	Medium term
R3.1	Assess the Cessnock LGA industrial areas and truck routes for impacts on residential areas and develop appropriate management measures	CCC	Medium term

Table 21: Road Capital Works Priorities

ID Ref	Location	Section	Proposed Works	Treatment	Indicative Cost	Comment	Timeframe	Lead Agency
57	Orange Street	Cessnock Road	install traffic control signals	TS	\$350,000	improve capacity, pedestrian facilities and road safety	Immediate	State
10	Cessnock Road	between Kline Street and Station Street	Parking restriction to increase intersection capacity	P	\$5,000	local area traffic management	Immediate	CCC
12	Chidgey Street	Wollombi Road	Left In - Left Out	IT	\$40,000	road safety and network efficiency	Immediate	CCC
18	Desmond Street	Wollombi Road	Left In - Left Out	IT	\$40,000	road safety and network efficiency	Immediate	CCC
29	Miller Street	Wollombi Road	Left In - Left Out	IT	\$40,000	road safety and network efficiency	Immediate	CCC
43	Wollombi Road	Abbotsford Street to Allandale Road	Upgrade to provide four lanes	U	\$7,800,000	to improve capacity	Immediate	State
3	Barnett Street	Mt View Road	Left In - Left Out	IT	\$40,000	road safety and network efficiency	Short-term	CCC
4	Barton Street	Kurri Kurri	Pedestrian facility	L	\$20,000	local area traffic management	Short-term	State
5	Bellbird North	Wollombi Road	Install traffic control signals	TS	\$250,000	new access	Short-term	CCC
6	Bridge Street	Wine Country Drive	Upgrade to 2 lane roundabout	U	\$300,000	improved network efficiency	Short-term	CCC
7	Bridge Street/Drinan Street	intersection	install high visibility skid resistant surfacing	L	\$30,000	local area traffic management	Short-term	CCC
8	Campbell Street	Wollombi Road	Install traffic control signals	TS	\$220,000	to improve operation efficiency	Short-term	CCC
9	Cessnock Road	Branxton	expand and landscape car park	P	\$100,000	local area traffic management	Short-term	CCC
11	Charlton Street	between Cooper Street and Maitland Road	upgrade road link through Marketplace	L	\$500,000	local area traffic management	Short-term	CCC
14	Colliery Street	Greta Street	Install traffic signal or roundabout	R	\$220,000	to improve operation efficiency and promote CBD bypass	Short-term	CCC
15	Colliery Street	Aberdare Road	Install traffic signal or roundabout	R	\$220,000	to improve operation efficiency and promote CBD bypass	Short-term	CCC
16	Darwin Street	Wollombi Road	Install traffic control signals & dual right turns	TS	\$250,000	to improve operation efficiency	Short-term	CCC
17	South Street	West Avenue	new roundabout	R	\$150,000	to improve operation efficiency and promote CBD bypass	Short-term	CCC
20	Hart Road	Sawyers Gully Road	intersection upgrade (new signals or roundabout)	R	\$300,000	capacity upgrade and road safety improvement	Short-term	CCC
25	Ivan Street/James Street	Wollombi Road	Install traffic control signals	TS	\$220,000	to improve operation efficiency	Short-term	CCC
26	Main Road	Hunter Expressway to Cliffield	Upgrade to provide four lanes	U	\$15,612,500	capacity upgrade and road safety improvement	Short-term	State

ID Ref	Location	Section	Proposed Works	Treatment	Indicative Cost	Comment	Timeframe	Lead Agency
27	Maitland Road	between Allandale Road and Old Maitland Roads	introduce peak hour clearways	U	\$100,000	local area traffic management	Short-term	State
28	Marketplace Entry	Wollombi Road	Install traffic control signals	TS	\$220,000	improved access	Short-term	CCC
30	Mount View Road	Wollombi Road	Install traffic control signals	TS	\$220,000	to improve operation efficiency and promote CBD bypass	Short-term	CCC
31	New England Highway	Bowen Street to 70m east of Cessnock Road	new landscape central median	L	\$100,000	local area traffic management	Short-term	CCC
32	Old Maitland Road - Stage 1	Maitland Road to new Weston bypass link	upgrade to 2 lane urban arterial standard	U	\$18,510,000	to improve operation efficiency and promote Weston, Neath & Kurri Kurri bypass	Short-term	CCC & State
33	O'Neill Street	Wollombi Road	Left In - Left Out	IT	\$40,000	road safety and network efficiency	Short-term	CCC
34	Second Avenue and Third Avenue	Weston	LATM traffic calming devices	L	\$50,000	local area traffic management	Short-term	CCC
35	Station Street	between Cessnock Road and First Street	Install 2hr parking signage	P	\$5,000	local area traffic management	Short-term	CCC
36	Wangi Avenue	Wollombi Road	Left In - Left Out	IT	\$40,000	road safety and network efficiency	Short-term	CCC
37	West Avenue	Wollombi Road	Install traffic control signals & dual right turns	TS	\$250,000	to improve operation efficiency and promote CBD bypass	Short-term	CCC
38	West Avenue	Miller Street	Left In - Left Out	IT	\$40,000	road safety and network efficiency	Short-term	CCC
39	West Avenue	Wollombi Road to North Avenue	Upgrade to provide four lanes	U	\$950,000	to improve operation efficiency and promote CBD bypass	Short-term	CCC
40	Weston bypass link	Old Maitland Road to Sawyers Gully Road	new 2 lane road	NL	\$18,000,000	to improve operation efficiency and promote Weston, Neath & Kurri Kurri bypass	Short-term	CCC & State
41	Wine Country Drive	Bridge Street to 700m south of Bridge Street	Upgrade to provide four lanes	U	\$1,718,500	improved network efficiency	Short-term	State
42	Wollombi	Wollombi	LATM treatments	L	\$200,000	local traffic management	Short-term	CCC
44	Old Maitland Road	Maitland Road	install traffic control signals	TS	\$350,000	to improve capacity	Short-term	CCC
45	Branxton	between Clift Street and Cessnock Road	new road link	NL	\$50,000	local area traffic management	Medium-term	CCC
46	Northern Outer CBD Bypass Stage 1	Wollombi Road to Wine Country Drive	new 2 lane road	NL	\$34,000,000	to improve operation efficiency and promote CBD bypass	Medium-term	CCC
47	Northern Outer CBD Bypass Stage 2	Wine Country Drive to Old Maitland Road	new 2 lane road	NL	\$14,000,000	to improve operation efficiency and promote CBD bypass	Medium-term	CCC
48	Old Maitland Road - Stage 2	Weston bypass link road to HEX	realign and upgrade to 2 lane urban arterial	U	\$26,000,000	to improve capacity	Medium-term	CCC & State

ID Ref	Location	Section	Proposed Works	Treatment	Indicative Cost	Comment	Timeframe	Lead Agency
49	Victoria Street/Lang Street	Mitchell Avenue	replace roundabout with traffic signals and pedestrian facilities	TS	\$3,000,000	improve capacity, pedestrian facilities and road safety	Medium-term	State
50	Vincent/Snape	Aberdare Road	intersection improvements	IT	\$100,000	to improve operation efficiency and promote CBD bypass	Medium-term	CCC
51	CBD Southern Bypass Stage 1	Wollombi Road to Aberdare Road	new 2 lane road	NL	\$22,800,000	to improve operation efficiency and promote CBD bypass	Long-term	CCC
52	CBD Southern Bypass Stage 2	Maitland Road to Old Maitland Road	new 2 lane road	NL	\$6,400,000	to improve operation efficiency and promote Weston, Neath & Kurri Kurri bypass	Long-term	CCC
53	Colliery Street / Duffie Drive	Aberdare Road to Maitland Road	Upgrade to 2 lane urban arterial standard	U	\$2,820,000	to improve operation efficiency and promote CBD bypass	Long-term	CCC & State
54	Lang Street	between Victoria Street and HEX	Upgrade to provide four lanes with landscaped central median	U	\$1,720,000	to improve capacity	Long-term	State
55	Old Maitland Road - Stage 3	Maitland Road to new Weston bypass link	Upgrade to provide four lanes	U	\$18,510,000	to improve capacity	Long-term	CCC & State

SUBJECT: ***ELEVENTH AVENUE, MILLFIELD - LOCAL AREA TRAFFIC MANAGEMENT SCHEME***

RESPONSIBLE OFFICER: ***Infrastructure Manager - Katrina Kerr***

SUMMARY

The purpose of this report is to provide advice with respect to a Council resolution calling for an investigation into the implementation of a Local Area Traffic Management (LATM) scheme in Millfield. The report provides an overview of earlier investigations and treatments, a proposed LATM concept design and cost estimates, and the results of community consultation in relation to the LATM proposal.

RECOMMENDATION

1. That Council notes that the low traffic volumes in Millfield do not warrant the implementation of road closures and other Local Area Traffic Management treatments as proposed in Council's resolution (913) dated 15 May 2019, and further that these Local Area Traffic Management treatments are overwhelmingly opposed by the residents within the affected area.
2. That Council treats the Wollombi Road/Bennett Street intersection, and improves wayfinding signage, to reduce through traffic at the intersection of Eleventh Avenue and Millfield Road as part of the current Wollombi Road Millfield Stage 6, Regional Road Renewal Project.

BACKGROUND

Pursuant to a Notice of Motion, at its Ordinary Meeting of 15 May 2019 Council resolved (resolution 913) as follows:

1. *That a Local Area Traffic Management scheme be investigated for the area bounded by Sixth Avenue, Tenth Avenue, Eleventh Avenue and Wollombi Rd Millfield and including Walmsley Street Millfield, including the closure of Eleventh Avenue Millfield on the northern side of Eighth Avenue Millfield, that will calm and restrict the movement of vehicles at the Eleventh Avenue and the Millfield Road intersection.*
2. *That prior to a report being considered by council in December 2019 on this matter, a briefing to council is provided on the Local Area Traffic Management Scheme, including the cost associated with the implementation of the Local Area Traffic Management scheme.*
3. *That the funding for the investigation and preparation of the Local Area Traffic Management scheme that is the subject of the report to be considered by the council, be considered for inclusion in the draft 2019/2020 Operational Plan.*

This report responds to the above resolution.

Works and Infrastructure
Report No. WI89/2019
Works and Infrastructure



REPORT/PROPOSAL

Investigation

The investigation for a LATM scheme considered safety concerns and recent improvements to the configuration of the intersection of Eleventh Avenue and Millfield Road, Millfield.

Intersection Configuration: Concerns were raised by local residents regarding the configuration of the intersection at Eleventh Avenue and Millfield Road, Millfield, as a result of several single vehicle collisions at the intersection, poor driver behaviour, and a minor increase in traffic volumes due to nearby development.

A review of Transport for NSW - Centre for Road Safety (CRS) crash data for the 5 year reporting period 2013-2017, depicted in **Figure 1** below, shows one serious injury crash having occurred at the intersection, where a vehicle travelling northwest on Millfield Road failed to negotiate the right hand bend at the intersection, leaving the road and colliding first with a fence, and then the dwelling at number 33 Wollombi Road.

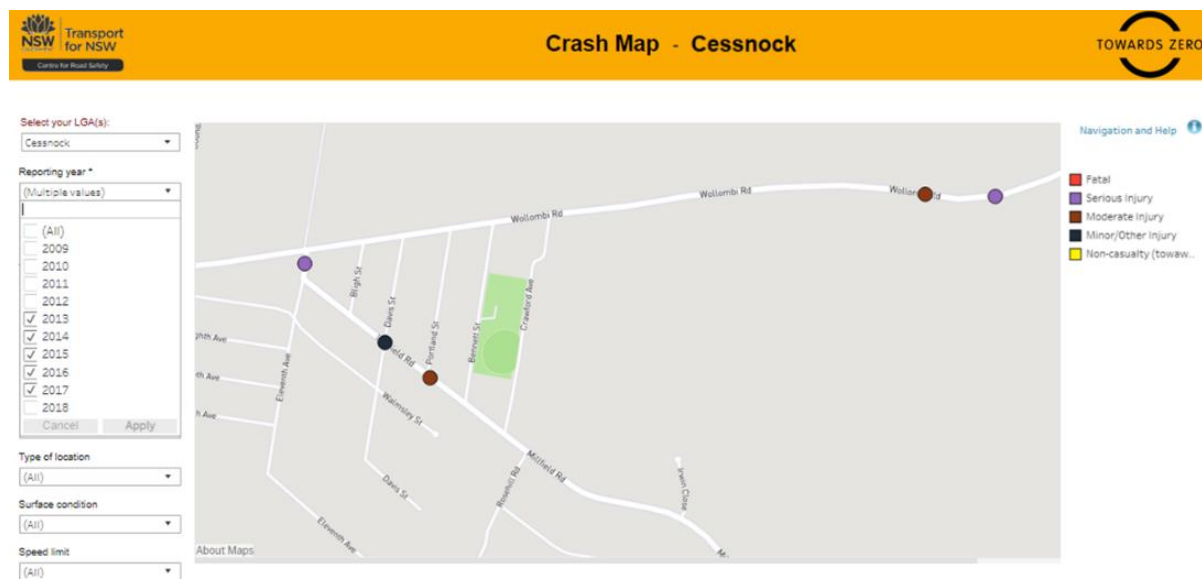


Figure 1 – 2013-2017 NSW Centre for Road Safety Crash Map

Anecdotal and empirical evidence suggests several similar incidents have occurred at the location, but due to reporting criteria, these crashes are not recorded in the CRS crash data for the location.

Observations by Council officers showed poor compliance with the GIVE WAY sign on Eleventh Avenue, in addition to poor turning discipline, with the majority of vehicles observed failing to correctly position in the intersection whilst performing the right turn into Millfield Road. This severely reduces the available sight distance to the east, increasing the potential for a head on collision with vehicles travelling north-west in Millfield Road.

Works and Infrastructure

Report No. WI89/2019

Works and Infrastructure



Poor Parking Discipline: During investigations, Council officers observed poor compliance with parking regulations in the immediate vicinity of the abovementioned intersection, including:

- Vehicles parked within 10m of an intersection (Reg. 170 - *Road Rules 2014*);
- Vehicles parked on the nature strip (Reg. 197 - *Road Rules 2014*);
- Vehicles obstructing access to and from a footpath or driveway (Reg. 198 - *Road Rules 2014*); and
- Vehicles not parked parallel to, and as near as practicable to the far left side of the road, and in the direction of travel (Reg. 208 - *Road Rules 2014*).

Completed Intersection Works: In response to the issues identified above, a number of treatment options were considered by Council officers to address the crash history at the intersection. Treatments considered were:

- Altering the intersection priority to a standard “T” intersection, with enhanced intersection delineation including line marking, STOP signs, advance warning signs, kerb and gutter, parking restrictions, and a traffic island.
- Enhanced intersection delineation including line marking, Raised Retro-reflective Pavement Markers (RRPM's), Chevron Alignment Markers (CAM's), kerb and gutter, and traffic islands, and
- Installation of guard rail or concrete barriers.

The proposed treatments were considered by Council officers, and reviewed by consultant engineers (GHD Pty Ltd), with the first option above being determined as the most appropriate to address the crash issues, and other driver behavior issues observed by Council officers and consultants.

In furtherance of developing a solution, GHD Pty Ltd were engaged to provide a detailed design, as depicted in **Figure 2** below. This design was presented to the Local Traffic Committee for consideration at its meeting of 19 March 2018 (TC7/2018). The item received unanimous support, and was recommended to Council at its ordinary meeting of 18 April 2018, where Council resolved to adopt the recommendations of the Local Traffic Committee.

Works and Infrastructure
Report No. WI89/2019
Works and Infrastructure

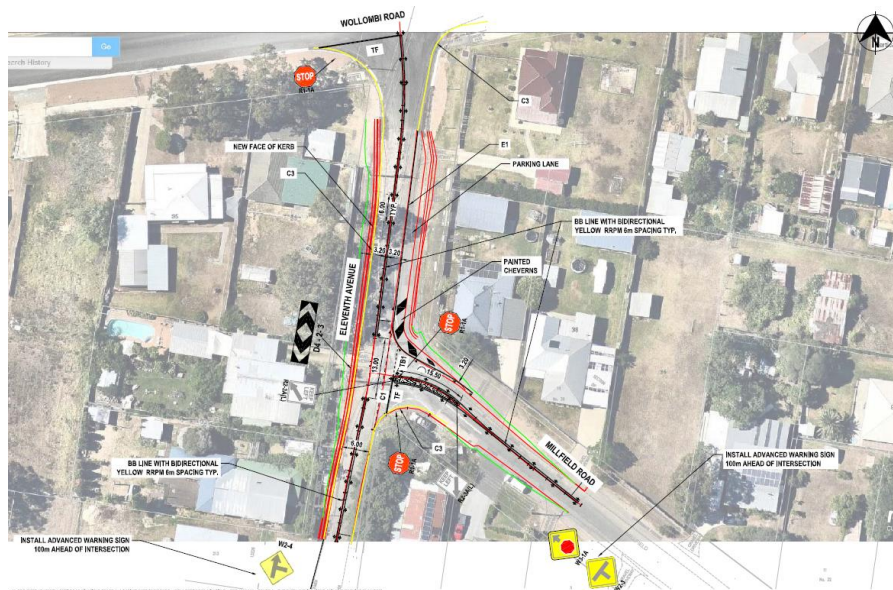


Figure 2 – Eleventh Avenue and Millfield Road - Intersection Design

The intersection improvements in Figure 2 were undertaken by Councils Works and Operations Section, and were completed in May 2018.

In response to complaints from a small number of residents regarding perceived safety issues at the intersection, Council officers were requested to refer these concerns to the Local Traffic Committee for consideration at its meeting of 15 October 2018 (TC47/2018).

The Committee noted at the above meeting that:

- *The current intersection treatment complies with all relevant Australian Standards, and is the most appropriate road safety treatment to address the crash history at the intersection;*
- *There have been no reported crashes at the subject intersection since completion of the improvements;*
- *Rectification works have been identified to further enhance the effectiveness of the intersection.*

The above findings were recommended to Council at its Ordinary Meeting of 21 November 2018, where Council resolved to adopt the recommendations of the Local Traffic Committee.

Subsequent Observations: In response to ongoing complaints from a small number of residents regarding perceived intersection and pedestrian safety issues, Council officers have monitored the operation of the intersection and note that:

- There has been no reported crashes at the intersection since completion of the upgrade works, as depicted in **Figure 3** below;
- Since completion of the intersection upgrade, works on Wollombi Road necessitated the detour of all through traffic via the Millfield Road and Eleventh Avenue intersection for approximately one month, with no reported issues;

Works and Infrastructure

Report No. WI89/2019

Works and Infrastructure



Figure 5 – 7 August 2019 - Vehicles parked contrary to Reg. 197, 198 & 208

Works and Infrastructure

Report No. WI89/2019

Works and Infrastructure



Capture Area: The proposed LATM has a traffic capture area bounded by Sixth Avenue, Eighth Avenue, Tenth Avenue, Eleventh Avenue and Walmsley Street as depicted in **Figure 6** below. This area currently contains 23 residential dwellings, with a future total capacity of 38 residential dwellings once fully developed.



Figure 6 – Millfield - LATM Capture Area

Current and Predicted Traffic Volumes in Capture Area: Current and predicted traffic volumes have been determined by applying the principles outlined in the *RMS Guide to Traffic Generating Development*, *RMS Technical Direction TDT 2013/04a – Updated Traffic Surveys*, and traffic data collected by Council officers.

The current and predicted traffic volumes from the LATM capture area are depicted in **Table 1** below.

Table 1 – Traffic Volumes in Capture Area

CURRENT	PREDICTED
170 Vehicle Trips Per Day	281 Vehicle Trips Per Day
10.6 Vehicle Trips Per Hour	17.5 Vehicle Trips Per Hour
Morning Peak - 16 Vehicle Trips	27 Vehicle Trips
Afternoon Peak - 18 Vehicle Trips	30 Vehicle Trips

Works and Infrastructure

Report No. WI89/2019

Works and Infrastructure

The traffic volumes outlined in **Table 1** do not encapsulate trip distribution, with the total vehicle trips currently divided by the three available entry/exit routes to the LATM capture area, these being, Eleventh Avenue, Sixth Avenue, and Third Avenue.

The traffic volumes outlined above would classify the LATM capture area as being a very low traffic volume area, requiring no additional traffic management treatments outside of standard intersection treatments, and speed zoning (Urban default 50km/h).

LATM Treatment Options

Pursuant to Point 1 of the above resolution, Council officers investigated the suitability of a variety of LATM options as described in **Table 2** below.

Table 2 – Suitability of LATM Options

Treatment Options - Austroads Guide to Traffic Management Part 8 Local Area Traffic Management		
TREATMENT TYPE	SUITABLE	COMMENTS
Vertical Deflection Devices		
Road Humps	N	Lack of K&G - Able to be driven around.
Road Cushions	N	Insufficient road width to use.
Flat Top Road humps	N	Lack of K&G - Able to be driven around.
Wombat Crossings	N	Warrant for Pedestrian Crossing not met
Raised Pavements	N	Cost Prohibitive - Does not suit the semi rural nature of Millfield
Horizontal Deflection Devices		
Kerb Extensions	Y	Insufficient road width to use alone. May be suitable with half road closures.
Slow Points	N	Insufficient road width to use.
Centre islands	N	Insufficient road width to use.
Driveway Links	N	Insufficient road width to use.
Mid-Block median Islands	N	Insufficient road width to use.
Roundabouts	N	Insufficient road width to use.
Diversion Devices		
Full Road Closure	Y	Proposed Treatment
Half Road Closure	Y	Possible, but will not achieve desired outcome
Diagonal Road Closure	N	Insufficient road width to use.
Modified 'T' Intersection	Y	Proposed Treatment
Left In/Left Out Islands	Y	Possible, but will not achieve desired outcome
Signs and Lines		
Speed Limits	N	Default Urban 50km/h.
Prohibited Movements	Y	Possible, but requires ongoing enforcement activities
One-Way	Y	Possible, but will not achieve desired outcome
Give Way	Y	Possible, but will not achieve desired outcome
Stop	Y/N	Warrant not met (other than at existing locations)
Pedestrian Crossing	N	Warrant for Pedestrian Crossing not met
Shared Zones	N	Cost Prohibitive - Does not suit the semi rural nature of Millfield
School Zones	N	No School present
Threshold Treatments	N	Cost Prohibitive - Does not suit the semi rural nature of Millfield
Tactile Surface Treatments	N	Noise in residential area - Lack of K&G - Able to be driven around
Bicycle facilities	N	Lack of K&G - Able to be driven around.
Bus Facilities	N	No Bus Routes within proposed area

Works and Infrastructure

Report No. WI89/2019

Works and Infrastructure



Of the available treatment options, the vast majority were deemed unsuitable for use in Millfield due to:

- There being insufficient road/pavement width to implement such treatments;
- A lack of kerb and gutter rendering such treatments ineffective;
- An inability to meet RMS or Australian Standards Warrants for installation of such treatments;
- The inappropriateness of such treatments for a rural-residential setting;
- Prohibitive cost for installation of such treatments; and
- The inability of such treatments to address issues identified in the rationale for LATM installation (considered not fit for purpose).

Proposed LATM Scheme

The stated intent of Point 1 of the Council resolution is to provide a LATM scheme *“that will calm and restrict the movement of vehicles at the Eleventh Avenue and the Millfield Road intersection”*.

Given the limited number of appropriate LATM treatment options available, as outlined in **Table 2**, the LATM treatments depicted in **Figure 7**, below, are considered the appropriate treatments capable of addressing the stated intent of Council’s resolution.



Figure 7 – Millfield - Proposed LATM Scheme Overview

Eleventh Avenue and Walmsley Street: The proposed treatment for the intersection of Eleventh Avenue and Walmsley Street is as follows:

- Closure of Eleventh Avenue between Eight Avenue and Walmsley Street - as prescribed in the resolution;

Works and Infrastructure

Report No. WI89/2019

Works and Infrastructure



- Provision of a turning head to create a cul-de-sac on Eleventh Avenue, north of Eighth Avenue;
- Installation of physical barriers to prevent vehicle access between the northern and southern sections of Eleventh Avenue.
- Extension of Eleventh Avenue into Walmsley Street.

The proposed treatment, as depicted in **Figure 8** below, achieves the intent as expressed in the Rationale to the underlying Notice of Motion, preceding the resolution, as it will *restrict the movement of vehicles at the Eleventh Avenue and the Millfield Road intersection* by preventing vehicles from travelling north in Eleventh Avenue beyond Eighth Avenue.

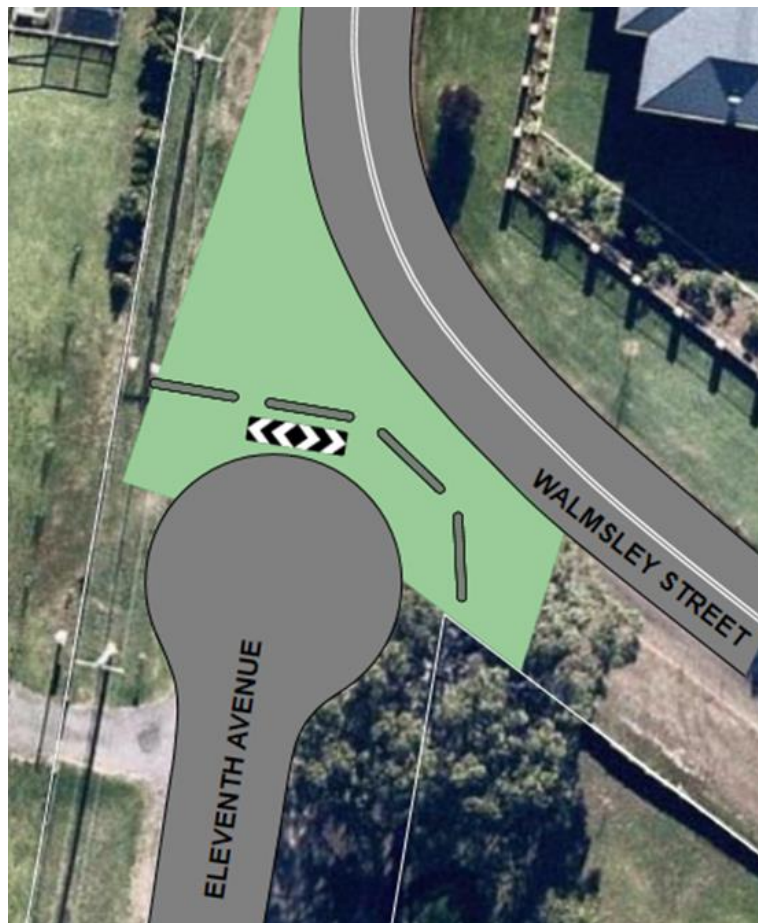


Figure 8 –Eleventh Avenue and Walmsley Street - Intersection Treatment

Eleventh Avenue and Tenth Avenue: The proposed treatment for the intersection of Eleventh Avenue and Tenth Avenue is as follows:

- Provision of line marking, kerb extension and GIVE WAY signs to alter the intersection priority;
- Defines the Southern leg of Eleventh Avenue and Tenth Avenue as the major intersection route; and
- Defines the northern leg of Eleventh Avenue as the minor intersection route.

Works and Infrastructure

Report No. WI89/2019

Works and Infrastructure



The proposed treatment, as depicted in **Figure 9**, below, achieves the intent as expressed in the Rationale to the underlying Notice of Motion, preceding the resolution, as it will *restrict the movement of vehicles at the Eleventh Avenue and the Millfield Road intersection* by directing all traffic away from Eleventh Avenue towards Tenth Avenue and Third Avenue.



Figure 9 –Eleventh Avenue and Tenth Avenue - Intersection Treatment

Sixth Avenue and Eighth Avenue: The proposed treatment for the intersection of Sixth Avenue and Eighth Avenue is as follows:

- Closure of Sixth Avenue between Eighth Avenue and Seventh Avenue;
- Provision of a turning head to create a cul-de-sac on Sixth Avenue, south of seventh Avenue;
- Installation of physical barriers to prevent vehicle access between the northern and southern sections of Sixth Avenue.
- Extension of Sixth Avenue into Eighth Avenue.

The proposed treatment, as depicted in **Figure 10** below achieves the intent as expressed in the Rationale to the underlying Notice of Motion, preceding the resolution, as it would *restrict the movement of vehicles at the Eleventh Avenue and the Millfield Road intersection* by preventing vehicles from using Sixth Avenue and Seventh Avenue to access the northern end of Eleventh Avenue.

Works and Infrastructure
Report No. WI89/2019
Works and Infrastructure



Figure 10 –Sixth Avenue and Eighth Avenue - Intersection Treatment

Indicative Cost of Proposed LATM Scheme

The indicative cost for each of the elements of the proposed LATM scheme are tabulated below.

Table 3 - Eleventh Avenue and Walmsley Street - Costs

Summary - Cost			
Detail survey, service location			\$14,000.00
Design and documentation			\$25,000.00
Site establishment, traffic control, erosion and sediment control			\$24,000.00
Earthworks			\$23,000.00
Drainage			\$11,000.00
Landscaping - Turfing, Coppers log fencing			\$5,000.00
Pavement - 150mm Base and 150mm subbase min.			\$25,000.00
Wearing Course - AC turning head, 2 coat seal Walmsley Road			\$27,000.00
Signs and Linemarkings			\$4,000.00
Total			\$158,000.00

Works and Infrastructure

Report No. WI89/2019

Works and Infrastructure**Table 4 - Eleventh Avenue & Tenth Avenue - Costs**

Summary - Cost			
Detail survey, service location			\$7,000.00
Design and documentation			\$1,000.00
Site establishment, traffic control, erosion and sediment control			\$11,000.00
Earthworks			\$8,000.00
Drainage			\$0.00
Traffic Islands - Median			\$6,000.00
Landscaping - Turfing			\$1,000.00
Pavement - 150mm Base and 150mm subbase min.			\$5,000.00
Wearing Course - AC turning head, 2 coat seal Walmsley Road			\$1,000.00
Signs and Linemarkings			\$3,000.00
Total			\$43,000.00

Table 5 - Eleventh Avenue & Sixth Avenue - Costs

Summary - Cost			
Detail survey, service location			\$14,000.00
Design and documentation			\$25,000.00
Site establishment, traffic control, erosion and sediment control			\$24,000.00
Earthworks			\$23,000.00
Drainage			\$13,000.00
Landscaping - Turfing, Coppers log fencing			\$3,000.00
Pavement - 150mm Base and 150mm subbase min.			\$25,000.00
Wearing Course - AC turning head, 2 coat seal Sixth Street			\$26,000.00
Signs and Linemarkings			\$3,000.00
Total			\$156,000.00

Table 6 - Total Costs

Summary - Cost			
Eleventh Avenue & Walsmley Street			\$158,000.00
Eleventh Avenue & Tenth Avenue			\$43,000.00
Sixth Avenue & Eighth Avenue			\$156,000.00
Total			\$357,000.00

Community Engagement

Mail Out: In furtherance of the proposed LATM scheme, a resident mail out was undertaken, providing an explanation of the rationale for installation, along with the diagrams depicted in the above figures. A copy of the mail out is provided as **Enclosure 1**.

Works and Infrastructure

Report No. WI89/2019

Works and Infrastructure



Submissions: In response to the mail out, a total of 37 responses were received, as follows:

- 27 written submissions objecting to the proposal;
- 1 petition with 59 signatories objecting to the proposal;
- 6 informal submissions by telephone objecting to the proposal;
- 2 informal submissions made in person at Council's Customer Service counter objecting to the proposal;
- 1 request to address Council to speak in opposition to the proposal; and
- 1 written submission where the intent of the author was not clear.

The submitted petition is provided as **Enclosure 2**, and the individual submissions are provided as **Confidential Enclosure 3**.

Identified Issues: Residents objected to the proposal on the following grounds:

- Loss of amenity, inconvenience and increased travel distances;
- Road safety at the intersection of Third Avenue and Wollombi Road;
- Pedestrian safety due to increased traffic in the school zone;
- Public safety due to a loss of emergency evacuation routes, and increased emergency service response times;

In addition to the issues identified above, residents also provided comment on the following:

- 7 submissions identified traffic volumes and driver behaviour on Millfield Road as the primary traffic issue in Millfield;
- 3 submissions identified an alternate proposal to direct through traffic from Millfield Road to Wollombi Road, via Bennett Street;
- 3 submissions did not address the proposal, instead raising perceived safety issues with the Eleventh Avenue/Millfield Road intersection improvements; and
- 1 submission was unclear as to the intent of the author, due to confusing/conflicting comments.

Recommended Way Forward

Given the number of objections to the LATM proposal, as evidenced throughout the community engagement process, it is recommended that an alternative proposal to reduce traffic volumes through the intersection of Eleventh Avenue and Millfield Road, be considered.

The imminent commencement of Stage 6 of the Wollombi Road Upgrade, aims to include a channelised right turn lane on Wollombi Road, at the intersection of Bennett Street, Millfield.

The completion of this upgrade will provide the opportunity to install enhanced wayfinding signage to divert through traffic away from the intersection of Eleventh Avenue and Millfield Road, as depicted in **Figures 11** and **12** below, which can be expected to reduce traffic volumes at the Eleventh Avenue intersection.

Works and Infrastructure

Report No. WI89/2019

Works and Infrastructure



Figure 11 –Wollombi Road and Bennett Street – Proposed Wayfinding



Figure 12 –Millfield Road and Bennett Street - Proposed Wayfinding

Works and Infrastructure

Report No. WI89/2019

Works and Infrastructure



Investigation Outcome

In summary, it is noted that the completed upgrade works at the Intersection of Eleventh Avenue and Millfield Road, Millfield was:

- Implemented in response to a number of serious crashes at the location;
- Designed to comply with Austroads Road Design Guides and relevant Australian Standards;
- Considered and recommended by Local Traffic Committee on 19 March 2018; and
- Subsequently reconsidered and confirmed to be the appropriate treatment by Local Traffic Committee on 15 October 2018.

It is also noted that there has been no reported crashes at the subject intersection since the completion of upgrade works. Further, on 18 June 2018 the Local Traffic Committee considered and recommended a proposed long vehicle detour, via Bennett Street in furtherance of the safety improvements to the Eleventh Avenue and Millfield Road intersection.

In addition, it is noted that the forthcoming upgrade of the Wollombi Road/Bennett Street intersection, is anticipated to include a channelised right turn lane on Wollombi Road, which will provide an opportunity to improve wayfinding signage, further reducing through traffic at the intersection of Eleventh Avenue and Millfield Road.

OPTIONS

Nil

CONSULTATION

Internal Consultation: The proposal diagram was provided to Environment and Waste Services Manager who provided the following comments:

- Council waste collection vehicles require a minimum 17.86m turning head to safely operate;
- A central collection point may need to be allocated if waste collection vehicles cannot safely negotiate the cul-de-sac turning heads on Eleventh Avenue and Sixth Avenue.

External Consultation: A resident mail out was undertaken, providing an explanation of the rationale for installation, along with the diagrams. 37 responses were received indicating an overwhelming lack of support for introduction of an LATM in the location.

STRATEGIC LINKS

a. Delivery Program

The report links to the following key objectives in the Delivery Program;

- 1.3 Promoting Safe Communities – Our roads are safe for motorists and pedestrians
- 1.3.5 Improve the safety of the road network
- 4.1 Better transport links

Works and Infrastructure

Report No. WI89/2019

Works and Infrastructure



- 4.1.1: Advocate for increased road, public and community transport and associated infrastructure funding.
- 4.1.1a: Prepare applications for available grant funding to improve commuter, freight and tourism transport links.
- 4.2 Improving the road network
- 4.2.1 Develop prioritised capital works programs in line with adopted asset management plans.
- 4.2.2 Deliver prioritised on-ground capital works and maintenance programs.

b. Other Plans

Community Strategic Plan - Cessnock 2027: The recommendation of this report aligns with the following objectives:

- 1.3 Promoting safe communities - Our roads are safe for motorists and pedestrians.
- 4.0 Accessible infrastructure, services and facilities:
- 4.1 better transport links
- 4.2 Improving the road network
 - We have a quality road network.
 - We have managed the traffic impact of the Hunter Expressway on local communities.

Operational Plan 2019-20: The recommendation of this report aligns with the following objectives:

- 1.3: Promoting Safe Communities
- 1.3.5 Improve the safety of the road network
- 4.1: Better transport links
- 4.1.1: Advocate for increased road, public and community transport and associated infrastructure funding.
- 4.1.2 Commence implementation of the Traffic & Transport Strategy.
- 4.1.3 Commence implementation of the Pedestrian Access & Mobility Plan.
- 4.2: Improving the road network
- 4.2.1 Develop prioritised capital works programs in line with adopted asset management plans.
- 4.2.2 Deliver prioritised on-ground capital works and maintenance programs.
- 4.2.2b Undertake in-house design and document road work, bridges and culverts to meet required service levels for the Capital Works Program.
- 4.2.2c Advocate for and support applications for grant funding to improve road infrastructure.

Cessnock City Council - Road Safety Strategic Plan (2014 - 2018) incorporating Road Safety Action Plan 2019-20: The recommendation of this report aligns with the following objectives:

Safer Roads: Develop Programs that will deliver safer roads and roadsides:

- 2.1: Continue to manage Council's assets in an innovative and cost effective manner, delivering treatments for safe road use through improved design, construction, maintenance, operation and auditing of the road network.

Works and Infrastructure

Report No. WI89/2019

Works and Infrastructure



- 2.2: Make applications under State and Federal Government road safety funding grant schemes for targeted road infrastructure works programs to enhance safety outcomes for all road users.
- 2.3: Administer Council's Capital Works Program to ensure that road safety is considered throughout the design, construction, maintenance, operation and audit of the road network for all road users.

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

The indicative cost of the proposed LATM treatments is \$357,000.00 as outlined in the tables above.

The works are not currently listed in the Delivery Program 2017-2021 or the Operational Plan 2019/2020, and is unfunded.

Due to the very low traffic volumes, and lack of crash history, the LATM proposal is unlikely to achieve the Benefit Cost Ratio necessary to be eligible for external funding from sources such as the State Government - Safer Roads Program or Federal Government - Black Spot Program.

c. Legislative Implications

Road Rules 2014:

- Part 8 – Traffic Signs & Road Markings
- Part 11 – Other Driving Rules
- Part 12 – Restrictions on Stopping & Parking
- Part 14 – Rules for Pedestrians

Roads Act 1993:

- Section 5 – Right of passage along a public road by members of the public
- Section 7 – The council of a local government area is a roads authority
- Section 71 – Powers of roads authority with respect to road work
- Section 114 – Roads authority may only regulate traffic in accordance with the part
- Section 145 – Roads authorities own public roads

Civil Liability Act 2002:

- Section 42 – Principles concerning resources, responsibilities etc. of public and other authorities.
- Section 43 - Proceedings against public or other authorities based on breach of statutory duty
- Section 45 – Special non-feasance protection for roads authorities
- Section 46 - Exercise of function or decision to exercise does not create duty

Works and Infrastructure

Report No. WI89/2019

Works and Infrastructure



d. Risk Implications

Safety Risk: There has been a reduced safety risk in the area have been reduced by recent intersection upgrades and improved parking discipline.

Reputational Risk: There is a reputational risk to Council as the Millfield community has clearly voiced its opposition to the proposed LATM treatments, considering them unnecessary. A number of submissions also identify a small number of residents, who have views that do not reflect those of the wider community as being responsible for the proposal.

To continue to pursue such a proposal, in order to placate a vocal, self-interested minority within the community, in the face of overwhelming opposition amongst the wider community, places Council at risk of significant reputational damage.

e. Environmental Implications

The proposed LATM works may impact existing drainage paths requiring additional works beyond the scope initial investigations.

f. Other Implications

The proposed LATM treatments will result in Eleventh Avenue and Sixth Avenue being cut mid-block, creating addressing and wayfinding issues for visitors, mail and parcels deliveries, and emergency service response.

The proposal will also direct all traffic south of the road closures to the intersection of Wollombi Road and Third Avenue, which has compromised sight distances due to a crest. This intersection has previously been referred to Local Traffic Committee (TC8/2015) for the installation of STOP controls on Third Avenue to mitigate the sight distance issue.

CONCLUSION

The proposed implementation of a Local Area Traffic Management scheme for the Millfield area does not warrant further investigation, or implementation, as the very low traffic volumes and lack of crash history do not warrant the installation of further traffic management treatments in the area, particularly considering the road safety improvements that have already been implemented at the intersection of Eleventh Avenue and Millfield Road, through the Local Traffic Committee process and the prohibitive indicative costs of further treatments.

In addition, the local community has provided significant feedback opposing the proposal, considering it to be an unnecessary burden on the residents with no significant benefit to the community.

ENCLOSURES

- 1 Millfield Local Area Traffic Management Plan _ Owner Occupier Letter and attachments combined
- 2 Millfield _ Petition Local Area Traffic Management Plan
- 3 Millfield Local Area Traffic Management Plan - All Correspondence - *This matter is considered to be confidential under Section 10A(2) (j) of the Local Government Act, as it deals with Council Policy.*



4 October 2019

MILLFIELD NSW 2325

Contact: Nathan Goodbun
Our Ref: DOC2019/095709
Your Ref:

Millfield Local Area Traffic Management Plan

At Council's ordinary meeting of 15 May 2019, Council resolved;

That a Local Area Traffic Management scheme be investigated for the area bounded by Sixth Avenue, Tenth Avenue, Eleventh Avenue and Wollombi Rd Millfield and including Walmsley Street Millfield, including the closure of Eleventh Avenue Millfield on the northern side of Eighth Avenue Millfield, that will calm and restrict the movement of vehicles at the Eleventh Avenue and the Millfield Road intersection;

It is proposed that a number of traffic calming treatments be installed as follows:

- Closure of Eleventh Avenue Millfield, between Walmsley Street and Eighth Avenue;
- Closure of Sixth Avenue Millfield, between Seventh Avenue and Eighth Avenue; and
- Alteration of intersection priority at Tenth Avenue and Eleventh Avenue.

The proposed treatments are designed to address the concerns of residents by reducing traffic volumes at the intersection of Eleventh Avenue and Millfield Road. This is to be achieved by diverting all traffic originating on the south western side of the proposed road closures, via the Third Avenue/Wollombi Road intersection, as depicted in the concept plan which is attached for your reference.

In considering this proposal, Council would like to invite you to make comment or raise any issues or concerns you may have, prior to the matter being given further consideration.

Should you wish to make comment on the matter, please forward your written comments, addressed to the General Manager, and endorsed: "Millfield - Local Area Traffic Management Scheme" to:

Mail: General Manager,
Cessnock City Council,
PO Box 152,
Cessnock NSW 2325

Email: council@cessnock.nsw.gov.au

Comments should be lodged by Friday 25 October.

t: 02 4993 4100 f: 02 4993 2500
p: PO Box 152 Cessnock NSW 2325 or DX 21502 Cessnock
e: council@cessnock.nsw.gov.au w: www.cessnock.nsw.gov.au
ABN 60 919 148 928

Page 2

Please be advised that full copies of submissions may be made available to the public including your name and address, unless Council receives a request for personal details to be suppressed.

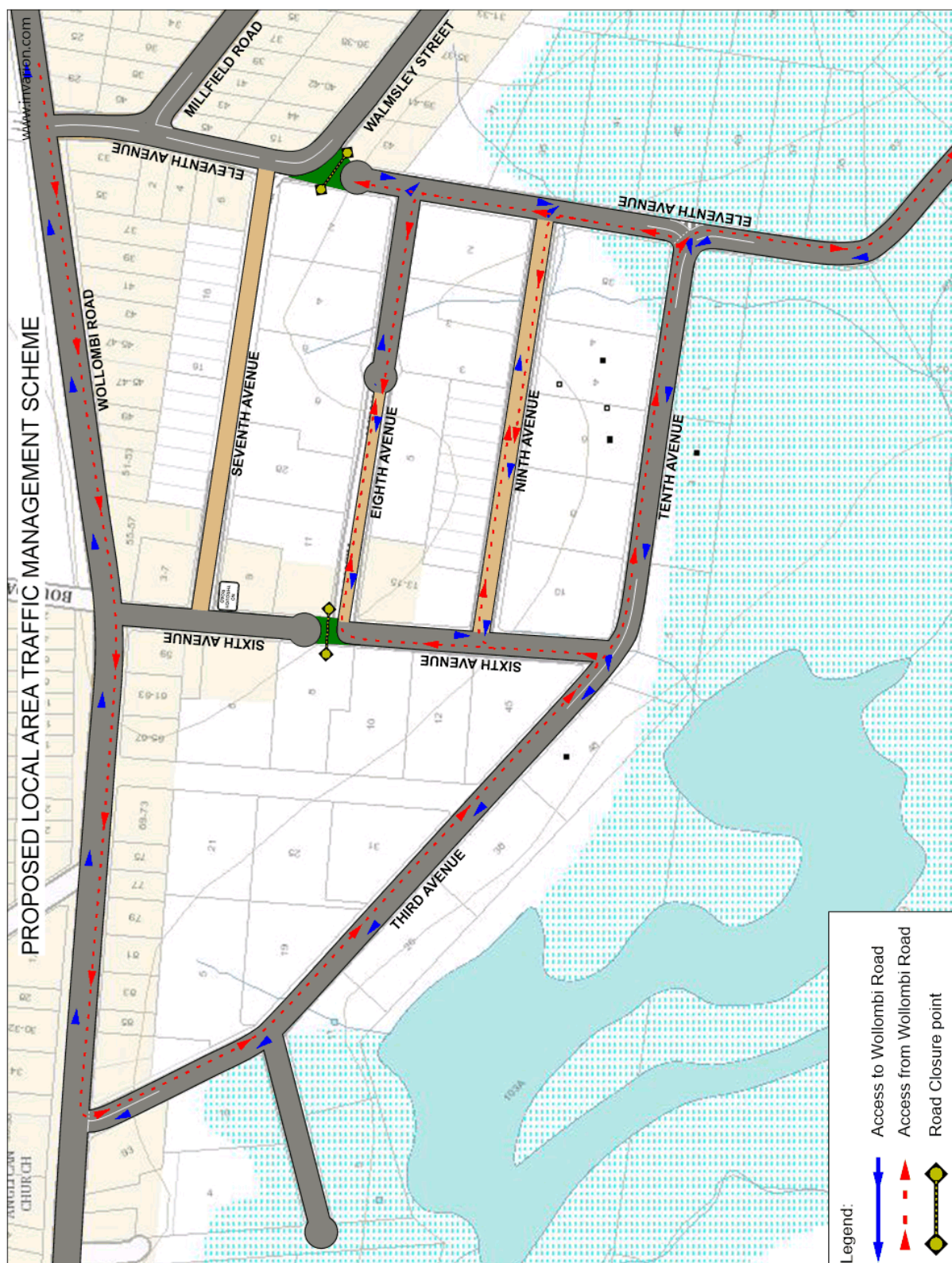
If you require any further information, please do not hesitate to contact Council's Customer Service on 4993 4100, via our e-service portal or by email to council@cessnock.nsw.gov.au.

Yours faithfully



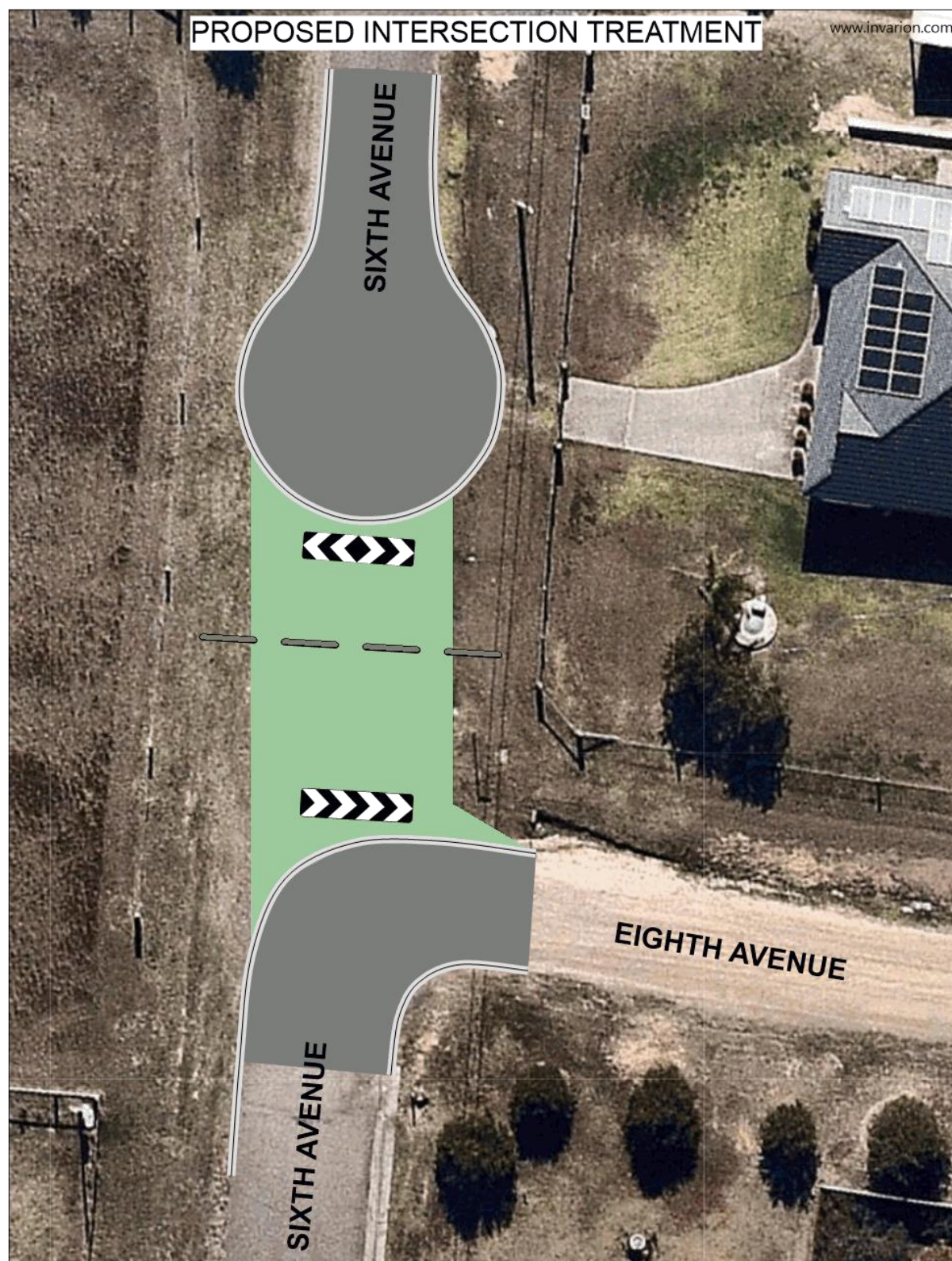
Warren Jeffery
Principal Engineer
Traffic & Transport Infrastructure

Enc. 4



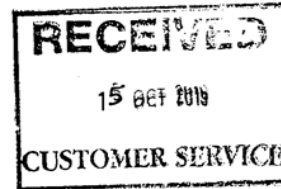
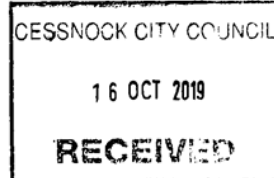
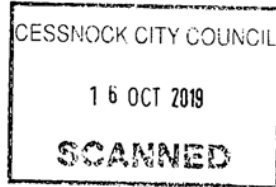






15 October 2019

General Manager
Cessnock City Council
P O Box 152
Cessnock NSW 2325



The residents of Millfield are strongly objecting to the recent proposal for local traffic management changes reference number DOC2019/095709 or any future changes without firstly consultation of residents.

In the letter it is stated that council is addressing residents' concerns to traffic flow. Let it be clear here that the council has blatantly lied and deceived all the residents in this proposal as there is no residents' concerns over traffic flow. Because this is all over one person John who has bullied council staff and workmen who resides at 2 Eleventh Ave and lived in Millfield for 30 years who does not want any development.

These traffic management changes will cause significant disruption to all residents in the proposal as well as delivery vehicles, Australia post, visitors to residents and many more services. It will be sending all traffic and heavy vehicles through a school zone. It will be worse than a child's mirror maze with total confusion getting in and out.

1. Emergency services will take longer to reach residents.
2. Disruption to the collection of waste management collection causing the heavy trucks to have to reverse back down the street causing safety concerns.
3. Police will take much longer to reach the residents.
4. Residents will have to travel the opposite direction to Cessnock to reach Wollombi road.
5. Inconvenience to resident travel flow.
6. The changed traffic flow is going to significantly effect a school zone that is on the proposed traffic flow placing primary schools' children at risk.
7. At the intersection of Third Ave and Wollombi Rd there is less than 60 metre vision when turning right off Third Ave onto Wollombi Rd which will have dangerous accident incidents.
8. Ninth Ave and Seventh Ave are unsealed roads and not suitable for additional traffic.
9. The family day care centre on sixth Ave will have its access blocked sending additional vehicles through a school zone during the school zone hours.

The attached petition strongly objecting to all these changes has been signed by every resident with a vehicle that would be significantly affected by these changes. There are also another 18 blocks that have not been built on yet that would I am sure also object to these changes.

Brian Monk
10 Tenth Ave
Millfield NSW 2325
Contact

This is Page 193 of the Agenda of the Ordinary Council Meeting of the Cessnock City Council to be held on 11 December 2019

This is Page 194 of the Agenda of the Ordinary Council Meeting of the Cessnock City Council to be held on 11 December 2019

Works and Infrastructure
Report No. WI90/2019
Works and Infrastructure



SUBJECT: ***METCALFE LANE, SAWYERS GULLY - TRAFFIC MANAGEMENT***

RESPONSIBLE OFFICER: ***Infrastructure Manager - Katrina Kerr***

SUMMARY

The purpose of this report is for Council to note the traffic management regarding the increased traffic on Metcalfe Lane during road works to upgrade Gingers Lane. This report is in response to Council's resolution (939 (4)) at the 19 June 2019, Council meeting.

RECOMMENDATION

That Council notes that traffic on Metcalfe Lane, Sawyers Gully has been regulated under Section 115 of the Roads Act 1993 by closure to through traffic in accordance with the Metcalfe Lane Sawyers Gully -Traffic Management Overview Option A.

BACKGROUND

At its Ordinary Meeting of 19 June 2019, Council resolved as follows:

1. *That Council note the staging and lane closures for the proposed construction and traffic management strategy during construction of upgrades to Hart Road roundabout and Gingers Lane, Sawyers Gully.*
2. *That Council consults with the community surrounding Gingers Lane at every stage of the project through direct mail out, social media, community newsletter and local after-hours Drop in Centre, information will be exchanged with property owners and residents of Government Road, Gingers Lane, and the residential sub divisions off Gingers Lane and Metcalfe Lane.*
3. *That the residents of Gingers Lane be invited in and given the same presentation that Councillors were given.*
4. *That a further report come back to Council outlining strategies to manage the potential increased traffic on Metcalfe Lane.*

This report addresses item 4 and outlines strategies to manage the potential increased traffic on Metcalfe Lane during road works to upgrade Gingers Lane, Weston.

REPORT/PROPOSAL

To facilitate the upgrade works along Gingers Lane, Weston, Gingers Lane has been closed to through traffic. Vehicles will be detoured via Frame Drive and Sawyers Gully Road.

There is recently demonstrated potential for drivers to short cut this detour by travelling along Metcalf Lane. Drivers ignored road closed signs giving rise to the need for immovable barriers in Metcalfe Lane.

Works and Infrastructure

Report No. WI90/2019

Works and Infrastructure



Metcalf Lane is an unsealed local road serving rural properties. It is not well suited to a large increase in traffic volume.

Investigation of the traffic patterns and the site constraints in Metcalf Lane provide for two traffic management options (Enclosures 1 and 2) being:

- A. road closure to through traffic, or
- B. speed reduction and restriction of lane width.

A – Road Closure to Through Traffic

The currently installed treatment prevents through traffic on Metcalfe Lane by providing a physical road closure barrier. This treatment restricts resident access to Metcalfe Lane to a single access point off Sawyers Gully Road, but precludes the use of Metcalfe Lane as an alternate detour route for through traffic, maintaining the low traffic volumes that are generally more suited to Metcalfe Lane.

Traffic control measures used to close the lane are as detailed in the Metcalfe Lane Sawyers Gully - Traffic Management Overview Option A by installing:

- ROAD CLOSED – RESIDENT ACCESS ONLY signs at the intersections of Sawyers Gully Road/Metcalfe Lane, and Frame Drive/Metcalfe Lane;
- SIDE ROAD CLOSED signs on Frame Drive and Sawyers Gully Road approaching Metcalfe Lane;
- NO LEFT TURN and NO RIGHT TURN signs on Frame Drive, on each approach to Metcalfe Lane; and
- ROAD CLOSED signs and concrete barriers to create a physical road closure on Metcalfe Lane at the Frame Drive intersection.

B - Speed Reduction and Restriction of Lane Width

This treatment option discourages through traffic on Metcalfe Lane by:

- Indicating a road closure at each entry point,
- Narrowing Metcalfe Lane to a single lane with GIVE WAY controls, and
- Introducing a 40km/h speed limit.

This treatment option benefits the residents of Metcalfe Lane by providing access to either entry/exit point on Metcalfe Lane, but could increase traffic if utilised as an alternate detour route by through traffic.

Traffic control measures to slow and restrict traffic are proposed as detailed in the Metcalfe Lane Sawyers Gully - Traffic Management Overview Option B concept plan by installing:

- ROAD CLOSED – RESIDENT ACCESS ONLY signs at the intersections of Sawyers Gully Road/Metcalfe Lane, and Frame Drive/Metcalfe Lane;
- SIDE ROAD CLOSED signs on Frame Drive and Sawyers Gully Road approaching Metcalfe Lane;
- 3m wide lane narrowing using barriers, a GIVE WAY sign, and ROAD NARROWS signs mid-way between Frame Drive and Sawyers Gully Road, on Metcalfe Lane; and

Works and Infrastructure

Report No. WI90/2019

Works and Infrastructure



- A 40km/h Road Works Speed Zone mid-block on Metcalfe Lane through the lane narrowing.

OPTIONS

N/A

CONSULTATION

Internal Consultation: This report has been prepared in consultation with the following Council officers:

- Principal Engineer – Traffic and Transport
- Traffic Engineering Officer
- Works and Operations Manager
- Works Engineer

External Consultation: This report has been prepared in consultation with the following external stakeholders:

- Gingers Lane Working Group
- Community consultation through presentations and drop in sessions.

STRATEGIC LINKS

a. Delivery Program

Delivery Program 2017- 21: The recommendation of this report aligns with the following objectives:

- 1.3 Promoting Safe Communities – Our roads are safe for motorists and pedestrians
- 1.3.5 Improve the safety of the road network
- 4.1 Better transport links
- 4.1.1: Advocate for increased road, public and community transport and associated infrastructure funding.
- 4.1.1a: Prepare applications for available grant funding to improve commuter, freight and tourism transport links.
- 4.2 Improving the road network
- 4.2.1 Develop prioritised capital works programs in line with adopted asset management plans.
- 4.2.2 Deliver prioritised on-ground capital works and maintenance programs.

Works and Infrastructure

Report No. WI90/2019

Works and Infrastructure



b. Other Plans

Community Strategic Plan - Cessnock 2027: The recommendation of this report aligns with the following objectives:

- 1.3 Promoting safe communities - Our roads are safe for motorists and pedestrians.
- 4.0 Accessible infrastructure, services and facilities:
 - 4.1 better transport links
 - 4.2 Improving the road network
 - We have a quality road network.
 - We have managed the traffic impact of the Hunter Expressway on local communities.

Operational Plan 2019-20: The recommendation of this report aligns with the following objectives:

- 1.3: Promoting Safe Communities
- 1.3.5 Improve the safety of the road network
- 4.1: Better transport links
 - 4.1.1: Advocate for increased road, public and community transport and associated infrastructure funding.
 - 4.1.2 Commence implementation of the Traffic & Transport Strategy.
 - 4.1.3 Commence implementation of the Pedestrian Access & Mobility Plan.
- 4.2: Improving the road network
 - 4.2.1 Develop prioritised capital works programs in line with adopted asset management plans.
 - 4.2.2 Deliver prioritised on-ground capital works and maintenance programs.
 - 4.2.2b Undertake in-house design and document road work, bridges and culverts to meet required service levels for the Capital Works Program.
 - 4.2.2c Advocate for and support applications for grant funding to improve road infrastructure.

Cessnock City Council - Road Safety Strategic Plan (2014 - 2018) incorporating Road Safety Action Plan 2019-20:

The recommendation of this report aligns with the following objectives:

Safer Roads: Develop Programs that will deliver safer roads and roadsides:

- 2.1: Continue to manage Council's assets in an innovative and cost effective manner, delivering treatments for safe road use through improved design, construction, maintenance, operation and auditing of the road network.
- 2.2: Make applications under State and Federal Government road safety funding grant schemes for targeted road infrastructure works programs to enhance safety outcomes for all road users.

Works and Infrastructure

Report No. WI90/2019

Works and Infrastructure



- 2.3: Administer Council's Capital Works Program to ensure that road safety is considered throughout the design, construction, maintenance, operation and audit of the road network for all road users.

IMPLICATIONS

a. Policy and Procedural Implications

Nil.

b. Financial Implications

Cost to Council: The cost of implementing the recommended traffic management is estimated to be \$5,000 and can be funded from the Gingers Lane Upgrade project.

c. Legislative Implications

Council has authority to regulate traffic in Metcalfe Lane under Section 115 of the *Roads Act 1993*.

d. Risk Implications

Safety Risk: There is a safety risk if Metcalf Lane is heavily used as a through traffic detour. Implementation of the recommended traffic management will improve safety along Metcalfe Lane by discouraging through traffic and reducing the speed of traffic.

Reputational Risk: There is a risk to Council reputation from negative traffic impacts and reduced amenity and safety during the road works on Gingers Lane. During earlier community engagement, the issue of Metcalf Lane being used as a through traffic detour was raised and Council officers accepted the request to address the concern.

e. Environmental Implications

Air and Water Quality: Closure of the lane will minimise dust generation and there by maintain the existing air and water quality for residents and property owners.

Noise: Closure of the lane will minimise noise generation and there by maintain the existing amenity for residents and property owners.

f. Other Implications

Nil.

Works and Infrastructure

Report No. WI90/2019

Works and Infrastructure



CONCLUSION

Without suitable traffic control the closure of Gingers Lane is likely to generate increased traffic in Metcalfe Lane, Sawyers Gully. It is appropriate that Council regulates traffic on Metcalfe Lane by the closure to through traffic with the traffic control measures detailed in the Metcalfe Lane Sawyers Gully _ Traffic Management Overview Option A.

ENCLOSURES

- [1↓](#) Metcalfe Lane Traffic Management Overview Option A
- [2↓](#) Metcalfe Lane Traffic Management Overview Option B





Gingers Lane Project - Metcalfe Lane Proposed Treatments - Revision 1

Works and Infrastructure
Report No. WI91/2019
Works and Infrastructure



SUBJECT: ***ROADSIDE DRAINAGE STRATEGY 2019 - OUTCOME OF EXHIBITION AND ADOPTION***

RESPONSIBLE OFFICER: ***Infrastructure Manager - Katrina Kerr***

SUMMARY

The purpose of this Report is to seek Council's endorsement to adopt the Roadside Drainage Strategy 2019 following the recent public exhibition.

RECOMMENDATION

1. That Council notes the outcome of the public exhibition and submission received.
2. That Council adopts the Roadside Drainage Strategy 2019.
3. That Council makes provision for the implementation of the Roadside Drainage Strategy in consideration of future Operational Plans and available resources.

BACKGROUND

In response to issues associated with infill development requirements to construct kerb and gutter, on 19 September 2018, Council resolved to adopt interim requirements for the conditioning of kerb and gutter on development applications.

Subsequently, a draft Roadside Drainage Strategy (Draft Strategy) that aims to provide a framework for the management, enhancement and planning of the roadside drainage assets was prepared.

The Draft Strategy outlines an asset and development management approach to better manage Council's roadside drainage by identifying acceptable forms of roadside drainage, setting guiding principles, and proposing implementation actions. It identified a range of issues affecting the different types of roadside drainage. The Draft Strategy also aims to guide the application of roadside drainage in accordance with an area's character and land use, with consideration to asset, environmental and funding constraints.

At its Ordinary Meeting of 18 September 2019, Council considered report WI60/2019 Roadside Drainage (Kerb and Gutter) Strategy and resolved as follows:

1. That Council place the Draft Roadside Drainage Strategy on public exhibition for a period of 28 days, commencing in mid-October 2018.
2. That at the end of the exhibition period, following consideration of submissions received, the final Roadside Drainage Strategy be reported to Council for adoption.
3. That the General Manager respond to any submissions received.

This report responds to Items 1 and 2 of the above resolution.

REPORT/PROPOSAL

Item 1 - Public Exhibition

The Draft Strategy was publicly exhibited for four weeks from 30 September to 28 October 2019 at;

- Cessnock Public Library,
- Kurri Kurri Library, and on
- Cessnock City Council Webpage

The Draft Strategy was also highlighted at Council's most recent Developers Forum.

Item 2 - Submissions and Final Strategy

During the public exhibition period one submission was received.

The submission requested that the Draft Policy be amended so that there was no requirement for a developer to provide roadside drainage unless the subject development is discharging stormwater from the development site to the street frontage, and that a condition to provide kerb and gutter not be applied if the property is on a street that is on an adopted Council program to receive kerb and gutter.

The Draft Strategy (page 7) states that:

- *Kerb and gutter is necessary to formalise the road edge, protect the road pavement and to collect and convey stormwater to a suitable discharge point.*

In situations where the development does not discharge to the street frontage, the provision of kerb and gutter or alternative roadside drainage may mitigate the impacts of street runoff on adjoining properties, including those in the proposed development.

The submission received refers to a development in which newly constructed kerb and gutter built as a condition of consent was replaced by Council constructed roadworks. This situation has happened once in the last 8 years. It is considered impractical to waive the provision of roadside drainage from conditions of consent if the subject development adjoins planned road or drainage works for the following reasons:

- Council has no mechanism for collection of contributions as an alternative to roadside drainage construction. Council does not collect funds in Section 7.11 contribution plans for roadside drainage.
- It is unlikely that Council would have construction ready plans in place at the time the development application is reviewed. It is not considered reasonable for development to be delayed whilst Council prepares plans for roadside drainage, nor would it be practicable for developer constructed roadside drainage to be delayed, whilst Council completes design, because completion of the roadside drainage works is tied to the Occupation Certificate.

Works and Infrastructure

Report No. WI91/2019

Works and Infrastructure



- Council generally only constructs kerb and gutter where drainage works need to be included as part of road renewal or reconstruction projects. Therefore, to relieve developments of the need to manage storm water in the road reserve where Council has a kerb and gutter program is anticipated to arise infrequently. Where Council does install kerb and gutter it may levy a contribution from property owners in accordance with its adopted Fees and Charges.
- Checking development applications against Council's adopted Capital Works Program is available to developers through the *Operational Plan* and published "Planned" and "Current Works" readily available on Council's web site.

On the basis of the above, it is not proposed that the Draft Strategy be amended as a result of the submission but rather finalised without change.

Implementation of the Strategy

Key actions included in the Implementation Plan include:

- Update Council's Engineering Requirements for Development and Development Conditions for Roadside Drainage Elements
- Update Council's Standard Driveway Profile Engineering Requirements
- Review and update Contributions Levied through the Kerb and Guttering Construction Policy and
- Develop Community Information about Roadside Drainage

The priority for undertaking these actions is high and is to be scheduled based on available resources.

OPTIONS

N/A

CONSULTATION

Internal Consultation: This report was prepared in consultation with the following internal stakeholders:

- Principal Engineer – Environmental Infrastructure
- Senior Strategic Planner
- Senior Environment Planner
- Strategic Planning Manager
- Principal Development Engineer
- Development Services Manager
- North Area Maintenance Coordinator
- South Area Maintenance Coordinator
- Works & Operations Manager
- Director Works & Infrastructure
- Councilors at a Councillor Briefing on 28 August 2019

Works and Infrastructure

Report No. WI91/2019

Works and Infrastructure



External Consultation: External consultation was undertaken as described under the heading of Item 1 Public Exhibition in this report.

The draft strategy was on exhibition for four weeks from 30 September to 28 October 2019 at:

- Cessnock Public Library;
- Kurri Kurri Library
- Cessnock City Council Webpage

A letter thanking the author of the submission received has been prepared to thank them for their input and to advise of Council's decision.

STRATEGIC LINKS

a. Delivery Program

Delivery Program 2017-2021: The recommendation of this report aligns with the following Key Objectives in the Delivery Program:

- Objective 3.1 Protecting and enhancing the natural environment and the rural character of the area.
- Objective 3.1.7 Manage Council's environmental assets
- Objective 3.1.10 Continue implementation of Council's Trunk Stormwater Drainage Strategy to protect and enhance the natural environment.
- Objective 4.2.1 Develop prioritised capital works programs in line with adopted asset management plans.
- Objective 4.2.2 Deliver prioritised on-ground capital works and maintenance programs.
- Objective 4.2.3 Continue to improve support services and facilities to assist works delivery and service provision.

b. Other Plans

The recommendation of this report also has linkages to the following Plans:

- *Stormwater Waterway and Floodplain Strategy 2018*
- *Cessnock City Council Stormwater Network Asset Management Plan 2017*
- *Generic Plan of Management General Community Use – Drainage 2017*
- *Cessnock City Council Asset Management Policy 2011*
- *Cessnock Engineering Requirements for Development 1994*

Works and Infrastructure

Report No. WI91/2019

Works and Infrastructure



IMPLICATIONS

a. Policy and Procedural Implications

Relevant policies, plans and guidelines by external bodies include:

- *Australian Rainfall and Runoff 2019 (ARR2019)*
- *Australian Runoff Quality*
- *Adoption Guidelines for Stormwater Biofiltration Systems*
- *A Rehabilitation Manual for Urban Streams*
- *Australian Runoff Quality: Guide to Water Sensitive Urban Design 2006*
- *Managing Urban Stormwater – Harvesting and Reuse 2006*
- *Managing Urban Stormwater – Soils and Construction 2004 (The Blue Book)*

Relevant plans in relation to local planning include:

- *Hunter Regional Plan 2036*
- *Greater Newcastle Metropolitan Plan 2036*
- *Cessnock 2027 Community Strategic Plan*

Relevant policies, plans and strategies by Council include:

- *Contributions Levied for Kerb and Guttering Construction Policy*
- *Existing Unsealed Council Roads Policy*
- *Maintenance of Footpaths, Grass Nature Strips & Verges Policy*

b. Financial Implications

For Council: The Strategy provides a framework which will allow planning and budgeting for the recommended actions and implementation plan.

The Strategy sets out criteria for the assessment and ranking of maintenance, renewal and upgrade works to ensure that limited resources are wisely used to achieve the best value for money with appropriate outcomes.

For the Community: A coordinated and economically viable approach to the provision and maintenance of roadside drainage will benefit the whole community.

For Developers: The Strategy aims to support economic prosperity by providing certainty to developers, allowing informed decisions about the requirements for and the cost of development.

The Strategy outlines prioritised management actions within an Implementation Plan to ensure that development controls, engineering guidelines and maintenance, renewal and upgrade works are undertaken in accordance with the Strategy

Works and Infrastructure

Report No. WI91/2019

Works and Infrastructure



c. Legislative Implications

Relevant legislation and statutes include:

- *Roads Act 1993*
- *Local Government Act 1993*
- *Water Management Act 2000*
- *Protection of the Environment Operations Act 1997*

Relevant planning instruments include:

- *Cessnock Local Environmental Plan 2011*
- *Cessnock Development Control Plan 2010*

d. Risk Implications

The following risks may be realised without the implementation of this Strategy.

Safety Risks: The existing and future risk to human life and property arising from the use of Council roads and the discharge of stormwater flows from the road reserve must be minimised. The Strategy seeks to minimise safety risk by considering best practice engineering guidelines and standards in design and construction of roadside drainage.

Reputational Risk: Without adoption of a comprehensive, documented position of roadside danger there is a risk to Council's reputation. Ensuring social equity in the provision of highly visible infrastructure is important to the community's appreciation of the allocation of limited resources to achieving the best outcome environmental and economic outcome.

e. Environmental Implications

Water Management: The Strategy promotes the mitigation of environmental impacts and the improvement of water quality associated with stormwater flows from roadside drainage through the application of Water Sensitive Urban Design (WSUD) techniques.

Swales can convey stormwater and screen and remove gross pollutants, such as litter and coarse sediment. Optimising infiltration and treatment performance of roadside swales through swale grade, detention and vegetation selection can assist to improve surface water availability to groundwater systems, remove pollutions from surface water runoff and mitigate surface water flow impacts to downstream environments.

A broader WSUD approach that incorporates roadside swales with raingardens, detention basins, and wetlands would assist in the removal of hard surfaces from the urban landscape and encourage a positive influence in the reduction of heat island effects and mitigate climate change impacts.

Local Character: Considering the street appeal and character of our streets is part of retaining Cessnock's local character.

Works and Infrastructure

Report No. WI91/2019

Works and Infrastructure



Enhancing the local character and ambience of our rural and residential areas, including outlying villages and town centres, to retain cultural vitality and to preserve the unique character of Cessnock. It is well understood that community pride, identity and belonging are enhanced by a strong sense of place.

f. Other Implications

Nil

CONCLUSION

Adoption of the final Roadside Drainage Strategy is an important step in Council's progress towards responsible environmental custodianship and effective asset management. The Strategy seeks to address the quadruple bottom line with exemplary guiding principles for the affordable management of constructed roadside drainage elements within the LGA.

It is appropriate that the Strategy be adopted and actions in the Implementation Plan be scheduled to realise the benefits of the Strategy.

ENCLOSURES

There are no enclosures for this report

SUBJECT: *REVIEW OF UNSEALED RURAL ROADS MAINTENANCE*

RESPONSIBLE OFFICER: *Works and Operations Manager - Geoffrey Bent*

SUMMARY

The following report provides details of the review of the existing *Unsealed Rural Road Maintenance Schedule (1999)* with a recommendation for a revised schedule.

RECOMMENDATION

1. That Council adopts Option 3 of the revised *Rural Road Maintenance Schedule* where Category 1 roads are based on the past three year average servicing history and all other roads are based on one service annually; and
2. That Council notes that Option 3 of the revised *Rural Road Maintenance Schedule* is within the current Works and Operations Road Maintenance budget allocations.

BACKGROUND

Council currently has approximately 327km of unsealed road network.

Unsealed road maintenance is undertaken through planned and unplanned maintenance grading and gravel re-sheeting. These works are programmed through regular maintenance inspections, customer requests (CRMs) and generally in line with the current Unsealed Rural Road Maintenance (URRM) schedule, which was adopted by Council in 1999.

REPORT/PROPOSAL

The current URRM schedule provides guidelines for the maintenance of nominated unsealed gravel roads based on assessed daily traffic volumes.

The URRM (1999) schedule prioritised roads within the following 2 Groups;

Group 1 – Roads previously maintained by Council. Maintenance of these roads were classified into a road hierarchy based on average daily traffic volumes as shown below.

Class	Average Daily Traffic Vehicles per day.	Proposed maintenance frequency p.a.
A	>300	8
B	300>150	6
C	150>75	4
D	75>25	3
E	<25	1

Works and Infrastructure

Report No. WI92/2019

Works and Infrastructure



Group 2 – Roads not previously maintained by Council. These roads were classified into the following sub-groups;

2(A) – Council roads and Crown public roads.

2(B) – Council public roads and Crown public roads with road maintenance agreement over all or part of the roads pending registration of an approved subdivision.

2(C) – Council public roads and Crown public roads with road maintenance agreements existing over all or part of the road.

The review of the URRM schedule has been undertaken due to significant changes in the following areas;

- an increase in the total lengths of unsealed rural roads from 263Km (1999) to 327km (current), (which equates to approximately $\frac{1}{3}$ of the total road network)
- roads included in the 1999 schedule which have been subsequently been sealed,
- gravel road improvements undertaken by developers as part of approved rural developments, where the road remains unsealed;
- an increase in the maintenance resources and materials costs since 1999.

Process

The review process considered the following issues;

- **Daily Traffic Counts**
 - Due to the lack of accurate up to date traffic count data on the unsealed rural road network, it was considered a more realistic assessment parameter would be past grading history and known priority roads. Accordingly, the review took in to account historical information on previous grading occasions annually and high demand/usage of unsealed roads.
- **Service History**
 - Grading maintenance was reviewed over the last three years, determining an average maintenance history for each unsealed road included on the URRM (1999) schedule.
- **Groups**

Grouping of the unsealed roads were broken into 4 main groups;

- Category 1 – High grading history and known higher priority/usage roads.
- Category 2 – Other unsealed Council roads.
- Category 3 – Non- Council roads (Crown Roads, National Park roads, maintenance agreements, etc.)
- Category 4 – additional roads not included in the previous schedule and identified as having been maintained.

Works and Infrastructure

Report No. WI92/2019

Works and Infrastructure



- **Costings**

- Actual maintenance expenditure was reviewed over the last two years to determine a grading unit rate of \$2,250 per kilometre.
- A suitable rate was estimated for additional Maintenance and Repair (M & R) and associated drainage/emergency repairs undertaken in conjunction with grader maintenance e.g. attention to wash-out and maintenance of roadside drainage, vegetation control and signs etc.

- **Past Expenditure**

- The costings review identified \$1,000,000 annually (average of last two years expenditure), from the local road maintenance budget allocation of approximately \$4,000,000, is spent on unsealed road grading. (This equates to ¼ of the maintenance budget being spent on approximately 1/3 of the total road network.)

OPTIONS

Four varying levels of service were considered and costed.

- **Existing Level of Service**

- The existing levels of service were based on the current URRM (1999) schedule.

- **Future Level of Service**

- Four different Options (levels of service) relating to frequency of unsealed roads maintenance grading and associated costs were considered and costed;

Option 1 - continue the current "level of service" (LOS).

Option 2 - amended LOS for Category 1, 2, 3 and 4 roads based on the past three year average servicing history.

Option 3 – amended LOS for Category 1 roads based on the past three year average servicing history and all other roads one service annually.

Option 4 – amended LOS for Category 1 roads based on the past three year average servicing history and other roads on an as needs basis utilising remaining funds, until expended.

The cost of each option has been estimated as follows;

Works and Infrastructure

Report No. WI92/2019

Works and Infrastructure**Cost for Options**

Item	1	2	3	4
Grader maint.	\$1,424,000	\$1,322,000	\$835,150	\$288,608
Other M&R	\$140,000	\$132,000	\$80,000	\$ 30,000
Drainage	\$140,000	\$132,000	\$80,000	\$ 30,000
Additional Resources	\$200,000	\$200,000	0	0
Total	\$1,904,000	\$1,786,000	\$995,150	\$348,608
Budget	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
Surplus/Shortfall	-\$904,000	-\$786,000	+\$4,850	+\$651,390 Utilised until spent on rural road maint.

RECOMMENDED OPTION

Option 3 is the preferred option as;

- All currently maintained roads are included;
- no additional resources are required;
- the schedule will not require an increase in existing budgets;
- there is scope to include additional formed roads, of a suitable standard, not currently maintained under the URRM (1999), due to the projected \$4,850 in remaining budget.

Recommended additional roads for inclusion are;

- Dairy Arm Extension (Cully's Arm Extension) Laguna – 1.3km
- Lings Road Buttai Extension – 350 metres
- MFI – Off Hayes Road Millfield – 3km

CONSULTATION

Works and Operation Coordinators

STRATEGIC LINKS**a. Delivery Program**

Community Strategic Plan Cessnock 2027: The recommendation of this report aligns with:

- Section 4 Accessible infrastructure, services and facilities:
- Objective 1.3: Promoting safe communities - Our roads are safe for motorists and pedestrians.
- Objective - 4.1 Better transport links
- Objective - 4.2 Improving the Road Network

Works and Infrastructure

Report No. WI92/2019

Works and Infrastructure



Delivery Program 2017-21: The recommendation of this report aligns with:

- *Section 4 Better transport links:*
- *Objective - 4.1.1 Advocate for increased road, public and community transport and associated infrastructure funding*

b. Other Plans

Road and Road Infrastructure Network Asset Management Plan: Council's adopted Asset Management Plan defines resealing of sealed roads in preference to sealing unsealed roads due to the upfront capital cost and more costly maintenance and renewal burden created.

Cessnock LGA Traffic and Transport Strategy Technical Report: Any recommendation of the Committee should align with the local priorities that will contribute to the Federal and State governments' objectives of corridor improvements to deliver greater journey time savings and road safety outcomes and to help fund projects that connect local and regional roads to state highways and key freight hubs.

Operational Plan 2018-19: The activity aligns with the following:

- *Objective 1.3: Promoting Safe Communities*
- *Objective 1.3.5 Improve the safety of the road network*

Cessnock City Council - Road Safety Strategic Plan (2014 - 2018): Any recommendation of the Committee should align with the following objectives:

Safer Roads: Develop Programs that will deliver safer roads and roadsides:

Objective 2.1: Continue to manage Council's assets in an innovative and cost effective manner, delivering treatments for safe road use through improved design, construction, maintenance, operation and auditing of the road network.

IMPLICATIONS

a. Policy and Procedural Implications

Unsealed Council Roads Policy: Council will not seal any existing Council gravel roads:

- Unless the property owner is prepared to contribute 100% towards the cost of sealing the gravel road. The applicant is to refer to Council's guidelines and further approval must be obtained.
- Council may consider sealing exiting Council gravel roads, if an external funding grant is received and it has been identified for works within the 10 Year Strategic Plan.
- Properties that are on gravel roads will be notified, through a Section 149 Planning Certificate.

b. Financial Implications

Nil if Council resolves to adopt Option 3.

If Council resolves to adopt Option 1 or 2, additional funding of \$904,000 or \$768,000 respectively will need to be provided in annual recurrent Operational budgets

Works and Infrastructure

Report No. WI92/2019

Works and Infrastructure



c. Legislative Implications

Roads Act 1993:

- Section 7 – The council of a local government area is a roads authority
- Section 71 – Powers of roads authority with respect to road work
- Section 145 – Roads authorities own public roads

Civil Liability Act 2002:

- Section 42 – Principles concerning resources, responsibilities etc. of public and other authorities.
- Section 43 - Proceedings against public or other authorities based on breach of statutory duty
- Section 45 – Special non-feasance protection for roads authorities
- Section 46 Exercise of function or decision to exercise does not create duty

d. Risk Implications

Safety Risk: Hazardous conditions may arise on unsealed roads in inclement weather events and drivers are required to drive to the prevailing conditions at the time. Safety is an important criteria when assessing maintenance, sealing and other upgrading works.

Reputational Risk: There is a risk to Council's reputation as a manager of roads where the community expectation of unsealed roads condition is not met.

e. Environmental Implications

NIL

f. Other Implications

NIL

CONCLUSION

A review of the Unsealed Rural Road Maintenance schedule (1999) was required due to significant increases in the overall length of the unsealed road network and increases in material and resourcing costs.

ENCLOSURES

- [1](#) Updated Unsealed Road Maintenance Schedule - 4 November 2019

UNSEALED ROAD MAINTENANCE SCHEDULE

ROADS CURRENTLY MAINTAINED BY COUNCIL

Road Name	Locality	Status	Origin	Chainage km	Length km	Previous Mice Times /yr	Average Previous 3 Yr Mice Times/Yr	Prop Mice Times /yr
Category 1								
Bathurst Street	Sawyers Gully	Council	Sawyers Gully Road	0.16-3.17	2.77	4	3	3
Lomas Lane	Lovedale	Council	Main Road 220	0.48-2.09	1.61	6	4	4
Mt View Road N/E	Mt View	Council	Oakey Creek Road	3.97-5.65	1.68	6	3	3
Mt View Road S/W	Mt View/Millfield	Council	Bimbadeen Lookout	0.65-7.14	6.49	6	3	3
Murrays Run Road	Laguna	Council	Main Road 181	0.05-12.40	8.35	4	2	2
O'Connors Road	Pokolbin	Council	Phillips	0.26-2.74	2.18	6	4	4
Old Matland Road	Sawyers Gully	Council	Matland Road	2.03-9.31	5.43	6	5	5
Old North Road	Rothbury	Council	Main Road 220	0.61-5.30	4.69	6	4	4
Pokolbin Mts Road	Pokolbin	Council	McDonalds Road	0.55-4.27	3.72	3	3	3
Tuckers Lane	North Rothbury	Council	Main Road 220	0.36-3.36	3.78	4	3	3
Category 2								
Averys Lane	Buchanan	Council	John Renshaw Drive	0.98-1.68	0.69	3	1	1
Baileys Lane Branch	Abermain	Council	Frame Drive	0.01 - 0.24	0.23	3	1	1
Bakers Lane	Sawyers Gully	Council	Sawyers Gully Road	0.03-0.87	0.84	1	0	1
Barraba Lane incl Crown	Quorobolong	Council	Sandy Creek Road	0.06 - 4.26	4.26	3	2	1
Bishops Bridge Road	Weston	Council	Hart Road	0.00-1.02	1.02	1	0	1
Blaxlands Arm Road	Laguna	Council	Main Road 181	0.00-2.95	2.95	3	2	1
Boree Track	Laguna	Council	Upper Yango Ck Road	0.00- 0.71	0.71	1	2	1
Boundary Street	Bishops Bridge	Council	Old Matland Road	0.00 - 0.49	0.49	1	1	1
Brickmans Road	Keirbath	Council	Lovedale Road	0.00-0.78	0.78	1	1	1
Browns Road	Black Hill	Council	Black Hill Road	0.00-2.50	2.28	4	2	1
Campbells Lane	Pokolbin	Council	McDonalds Road	0.00-0.79	0.79	1	1	1
Cedar Creek Road	Cedar Creek	Council	Main Road 181	0.69- 3.28	2.59	3	2	1
Charles Street	Neath	Council	Railway Crossing	0.06-0.87	0.81	4	2	1
Coney Creek Lane	Quorobolong	Council	Quorobolong Road	0.00-1.15	1.15	1	1	1
Congewai Road	Congewai	Council	Congewai School	0.91-11.00	10.07	4	2	1
Dairy Arm Road	Laguna	Council	Main Road 181	0.27-3.94	3.67	3	2	1
Dairy Arm Road (Gullys Arm Road Extension)	Laguna	Council	Diary Arm Road	3.94-4.84	0.90	3	2	1
De Bayers Road West	Pokolbin	Council	McDonalds Road	0.46- 1.50	1.04	4	2	1
Dickson Road	Oxford	Council	Hart Road	0.20-0.78	0.58	1	0	1
Dry Creek Road	Ellalong	Council	Sandy Creek Road	0.65-0.97	0.32	1	1	1
Edward Street	Mt Vincent	Council	Sandy Creek Road	0.00- 1.65	1.65	3	1	1
Eglinton Lane, Off Congewai Road W side 3.5km S of Lowes Road	Congewai	Council	Congewai Road	0.00 - 1.98	1.79	1	1	1
Erkels Road	Pokolbin	Council	Broke Road	0.58- 2.74	1.96	4	2	1
First Street	Millfield	Council	Hayes Road	0.00-0.13	0.13	1	0	1
Gills Road	Brunkerville	Council	Main Road 220	0.47-1.86	0.97	3	1	1
Green Lane	Lovedale	Council	Lovedale Road	0.00- 1.33	1.33	1	0	1
Hayes Road	Millfield	Council	Main Road 181	0.00-2.06	2.06	3	2	1
Hinds Lane	Sawyers Gully	Council	Sawyers Gully Road	0.00-0.30	0.30	1	0	1
Howells Road	Aberneethy	Council	Ferguson Street	0.00- 1.21	1.04	3	1	1
Ironbark Lane	Cessnock	Council	Old Matland Road	0.00-0.38	0.38	1	2	1
James Lane	Sawyers Gully	Council	Old Matland Road	0.00- 1.22	1.22	1	1	1
James Lane extension west	Sawyers Gully	Council	Old Matland Road	0.00- 2.027	2.03	1	0	1
Kearsley Selections Road	Kearsley	Council	Lake Road	0.18- 0.54	0.36	3	1	1
King Road	Mt View	Council	MtView Road	0.00 - 0.26	0.26	1	1	1
Knights Road	Laguna	Council	Boree Track	0.00-1.76	1.76	1	1	1
Leiberts Lane	Brunkerville	Council	Main Road 220	0.45- 1.33	0.88	3	1	1
Lewis Road	Millfield	Council	Mt View Road	0.00-0.44	0.44	3	1	1
Lindsay Road	North Rothbury	Council	Tuckers Lane	0.00-1.35	1.35	3	2	1
Lings Road	Butta	Council	John Renshaw Drive	0.49-2.27	2.11	3	1	1
Littlewood Road	Rothbury	Council	Main Road 220	0.02- 1.12	1.10	1	1	1
Lodge Road	Lovedale	Council	Lovedale Road	0.0-0.95	0.95	3	1	1
Londons Road	Lovedale	Council	Lovedale Road	0.13 - 1.94	1.65	4	2	1
Lovedale Road Branch E side 0.65km SW of Majors lane	Keirbath	Council	Lovedale Road	0.00-0.31	0.27	1	2	1
Lowes Road	Congewai	Council	Congewai Road	0.00-0.82	0.82	1	1	1
Lumby Lane	Sawyers Gully	Council	Sawyers Gully Road	0.00-0.77	0.77	1	1	1
Marrowbone Road Branch W side easterly of Mt Pleasant (infront of 321 Marrowbone Road)	Pokolbin	Council	Marrowbone Road	0.00-0.04	0.04	1	1	1
Maurice Road	Pokolbin	Council	Marrowbone Road	0.00-1.13	1.13	1	1	1

Maxwells Road	Pokolbin	Council	Pokolbin Mountains Road	0.00 - 0.59	0.59	1	1	1
Mears Lane	Keimbah	Council	Majors Lane	0.03-0.77	0.74	3	1	1
Meredith Road - Off Black Hill Road S side at W end of long straight -Part A	Black Hill	Council	Black Hill Road	0.00-0.27	0.10	1	0	1
Metcalles Lane	Weston	Council	Frame Drive	0.00-1.43	1.12	4	2	1
MF-1	Millfield	Council	Hayes Road	0.00-3.05	3.05	1	1	1
Milsons Arm Road	Wollombi	Council	Main Road 181	0.33- 6.10	5.71	3	2	1
Milsons Arm Road Branch S side 1.90km from MR 181	Wollombi	Council	Milsons Arm Road	0.00- 0.18	0.18	1	0	1
Michells Road	Mt View	Council	MtView Road	0.00 - 1.56	1.56	3	2	1
Moon Mountain Drive	Mt View	Council	Pyne Way	0.00- 0.12	0.12	1	0	1
Mount Baker Road	Millfield	Council	MtView Road	0.00-0.29	0.29	1	0	1
Mt Bright Road	Mt View	Council	MtView Road	0.00-2.05	2.05	1	2	1
Narone Creek Road	Wollombi	Council	Main Road 181	0.20-4.85	4.50	3	2	1
Narone Creek Road extended (Middle Ridge Road)	Narone Creek	Council	Narone Creek Road	0.00-0.65	0.65	1	2	1
Narone Lane/Canning Street	Wollombi	Council	Narone Creek Road	0.00-0.50	0.5	3	1	1
Nash Lane	Quorobolong	Council	Quorobolong Road	0.00- 1.46	1.46	1	1	1
Native Dog Hill Road	Sawyers Gully	Council	Old Maitland Road	0.00-1.72	1.72	1	1	1
New Street	Mulbring	Council	Whitebridge Road	0.67-1.29	0.62	4	1	1
Norham Road	Congewai	Council	Congewai Road	0.00 - 1.13	1.13	1	1	1
Oakey Ck Road Branch S side 1.36km W of O'Connors Road (opposite The Sebel Kirkton Park)	Pokolbin	Council	Oakey Creek road	0.00-0.53	0.53	1	1	1
Old Butta Road	Butta	Council	ings Road	0.00-2.19	2.19	1	0	1
Olney Arm Road	Laguna	Council	Main Road 181	3.94-7.19	3.25	1	2	1
Olsen Road	Lovedale	Council	Londons Road	0.00- 1.52	1.30	1	1	1
Palmer Lane West	Pokolbin	Council	McDonalds Road	0.07-1.60	1.48	4	2	1
Pitt Lane	Sawyers Gully	Council	Sawyers Gully Road	0.00- 0.21	0.21	1	1	1
Pokolbin Mts Road Branch 0.95km from McDonalds Road (leads 101 Pokolbin Mt Road)	Pokolbin	Council	Pokolbin Mountains Road	0.00-0.28	0.28	1	1	1
Pyne Way	Mt View	Council	Bimbadeen Road	0.10-0.60	0.50	1	1	1
Q4	Wallaby Gully	Council	Wallaby Gully Road	0.00-0.93	0.93	1	1	1
Racecourse Lane	Pokolbin	Council	O'Connors Road	0.00-0.75	0.75	1	1	1
Sawpit Gully Road	Cedar Creek	Council	Cedar Creek Road	0.00 - 3.20	3.20	1	1	1
Serendipity Stud Access (beside 1487 OMR)	Sawyers Gully	Council	Old Maitland Road	0.00-0.51	0.51	1	0	1
Shingle Gully Road	Millfield	Council	Main Road 181	0.00-0.84	0.84	1	1	1
Southams Road	Kitchener	Council	Abemethy Street	0.00 - 1.92	1.92	1	1	1
Stockyard Ck Road	Paynes Crossing	Council	Main Road	0.71-7.02	6.31	1	1	1
Taylors Road	Black Hill	Council	Black Hill Road	0.00-0.57	0.57	1	1	1
Thompsons Road	Pokolbin	Council	McDonalds Road	1.67-1.86	0.19	4	2	1
Upper Yanggo Ck Road Pt A	Wollombi	Council	Yanggo Creek Road	0.21-2.67	2.46	3	2	1
Upper Yanggo Ck Road Pt B	Wollombi	Council	Yanggo Creek Road	2.84-7.53	4.69	1	2	1
Vermont Road	Mulbring	Council	Main Road 220	0.17- 1.92	1.75	1	1	1
Wallaby Gully Road	Ellalong	Council	Sandy Creek Road	1.02 - 5.40	4.38	6	3	1
Watagan Creek Road Pt B	Laguna	Council	Main Road 181	12.90 - 18.27	5.37	1	2	1
Watagan Creek Road Pt A	Laguna	Council	Main Road 181	5.64- 12.90	5.55	3	2	1
Wills Hill Road	Pokolbin	Council	Main Road 220	0.11 - 1.60	1.49	3	1	1
Wolugna Road, Off Milsons Arm Road S side 3.12 km from MR 181	Wollombi	Council	Milsons Arm Road	0.00 - 0.46	0.46	1	0	1
Yanggo Creek Road North	Wollombi	Council	Paynes Crossing Road	0.11-9.77	9.44	4	3	1
Yanggo Creek Road South	Wollombi	Council	Main Road 181	1.30-2.2	0.90	4	3	1

Road Name	Locality	Streetstatus	Origin	Chainage km	Length km	Previous Mice Times /yr	Average Previous Mice Times/yr	Mice Times /yr
Category 3 - Non-Council roads								
Big Wallabadah Track	Laguna	Crown/ Nat Park	Boree Track	0.00- 1.69	1.69	1	1	1
Boree Track (Crown/NP)	Laguna	Crown/NP	Upper Yanggo Ck Road	0.71 - 15.37	14.66	1	2	1
Deep Springs Lane to Ironbark lane	Cessnock	Crown	Off Lomas Lane	0.00-2.09	2.09	1	0	1
Dry Creek Road Extended	Ellalong	Crown	Sandy Creek Road	0.97- 1.30	0.33	1	1	1
Finchley Track	Laguna	Nat Park	Big Yanggo Track	0.00- 9.26	9.26	1	2	1
Hayes Road extended (left branch)	Millfield	Council/Crown	Hayes Road	0.00- 1.21	1.21	1	2	1
Howells Road Branch N side 0.70km E of Ferguson Street	Abemethy	Crown	Howells Road	0.00-0.18	0.18	1	1	1
Little Wallabadah Track	Laguna	Nat Park/Crown	Yanggo Track	0.00-2.78	2.78	1	1	1
Mears Lane Branch S side 0.18 km from Majors lane	Keimbah	Crown	Mears Lane	0.00-0.64	0.64	1	1	1
Mill Lane East	Quorobolong	Crown	Heaton Road	0.02- 1.23	1.21	3	2	1

Mill Lane West	Quorrobolong	Crown	Heaton Road	0.00- 1.81	1.81	3	2	1
Old Buttal Road Branch 1km W of Lings Road	Buttal	Crown	Old Buttal Road	0.00-0.78	0.78	1	1	1
Sandy Creek Road Branch N side 1.25km W of Barraba Lane	Quorrobolong	Crown	Sandy Creek Road	0.00-0.03	0.03	1	1	1
Wallis Creek Lane	Mulbing	Crown	New Street	0.00 - 0.39	0.39	1	1	1
Whitings Lane	Quorrobolong	Crown	Sandy Creek Road	0.25- 3.66	3.34	3	2	1
Yanggo Track	Wollombi	Nat Park	Boree Track	0.00- 11.19	11.19	1	1	1
Category 4 - additional roads - Urban								
Aberdare Street	Kitchener	Council			0.12		1	1
Barnard Road	Kimbah	Council			0.6		1	1
Belamy Street	Millfield	Council			0.06		1	1
Bell Street	Greta	Council			0.6		1	1
Bellbird Street	Kitchener	Council			0.5		1	1
Blandford Street	Abermain	Council			0.15		1	1
Boreas Street	Nulkaba	Council			0.2		1	1
Bowditch Avenue	Loxford	Council			0.88		1	1
Bruce Street	Abernelthy	Council			0.7		0	1
Caledonia Street	Kearsley	Council			0.05		0	1
Cessnock Street	Kearsley	Council			0.12		1	1
Colliery Road	Kearsley	Council			0.6		1	1
Compaw Street	Kearsley	Council			0.12		1	1
Dora Avenue	Weston	Council			0.8		1	1
Dora Street	Ellalong	Council			0.12		0	1
Eight Avenue	Millfield	Council			0.3		1	1
Ellalong Street	Kearsley	Council			0.4		1	1
Ellis Street	Weston	Council			0.1		1	1
Fleming Street	Nulkaba	Council			0.42		1	1
Government Circuit	Kearsley	Council			0.8		1	1
Hamilton Street	Ellalong	Council			0.5		1	1
Helena Street	Ellalong	Council			0.1		1	1
Holmes Street	Ellalong	Council			0.6		1	1
Hunter Street	Ellalong	Council			1.1		1	1
Jeffries Street	Kearsley	Council			0.6		1	1
Kemp Street	Abermain	Council			0.12		1	1
Kerlew Street	Cessnock	Council			0.24		1	1
Lovedale Road	Allandale	Council			0.2		1	1
McCarthy Road	Nulkaba	Council			1		1	1
Millfield Street	Kearsley	Council			0.12		1	1
Montgomery Street	Abermain	Council			0.12		1	1
Mulbing Street	Kearsley	Council			0.12		1	1
Munn Street	Abernelthy	Council			0.04		1	1
Old School Hill Road	Abermain	Council			0.3		1	1
Orient Street	Greta	Council			1.6		1	1
Pademelon Road (Crown Road)	Laguna	Council			1.4		1	1
Richmond Street	Kitchener	Council			0.3		1	1
Scott Street	North Rothbury	Council			0.2		1	1
Sheddon Street	Ellalong	Council			0.1		1	1
Streeterbeck Road	Buckley	Council			2		1	1
Torrans Street	Abermain	Council			0.2		1	1
Truro Street	Ellalong	Council			0.5		1	1
Truscott Street	Abermain	Council			0.5		1	1
Tunnel Road	Cessnock	Council			0.2		1	1
Usher Street	Greta	Council			0.2		1	1
Wilkinson Place	Kearsley	Council			0.4		1	1
Wilson Street	Kearsley	Council			0.7		1	1
Wollong Road	Quorrobolong	Council			1.1		1	1

Works and Infrastructure
Report No. WI93/2019
Works and Infrastructure



SUBJECT: *EXHIBITION OF DRAFT TRAILS STRATEGY*
RESPONSIBLE OFFICER: *Open Space and Community Facilities Manager - Nicole Benson*

SUMMARY

The purpose of this report is to outline key elements of the draft Trails Strategy and to seek Council's endorsement to place the draft document on public exhibition.

RECOMMENDATION

1. That Council places the draft Trails Strategy on public exhibition in late January 2020 for a minimum period of 28 days and invite public submissions.
2. That a report on the outcomes of the exhibition be provided to Council prior to adopting the final Trails Strategy.

BACKGROUND

In May 2019 Council Officers engaged specialist trail consultants Tredwell Management Services to develop a Trails Strategy for the Cessnock LGA.

The catalyst for this strategy was that whilst Council has an adopted Cycling Strategy, which captures the existing formal cycleway network, there was an identified gap in strategic planning for informal trails.

Officers were aware of a number of established informal trails throughout the LGA, particularly in the Hunter Valley Wine District and within National Parks and other natural areas, however, the majority of these were not mapped (formally) and their condition was largely unknown by Council. There was also a feeling amongst officers that there were missed recreation opportunities by not having a clearer understanding of the types of users that utilise these spaces and how these trails can contribute to the broader open space network.

The purpose of the draft Trails Strategy is to provide a vision for our trails network and to provide a consistent policy framework to guide development and management of trails across the LGA.

The draft Trails Strategy is provided under Separate Cover.

REPORT/PROPOSAL

Provided below are key summary points which highlight elements of the draft Trails Strategy:

Process

The draft Trails Strategy has been undertaken in 5 stages, with the project currently being at Stage 4:

Works and Infrastructure

Report No. WI93/2019

Works and Infrastructure



- Stage 1 – Project Inception and Background Research
- Stage 2 – Community and key stakeholder Consultation
- Stage 3 – Trails Audit, Data Collection and Mapping
- **Stage 4 – Draft Strategy, Public Exhibition**
- Stage 5 – Final Strategy

Vision

An important initial step in the project was to identify a vision for trails within the Cessnock LGA. Through engagement with internal and external stakeholders the following vision was established and set the direction for Council's trail network and the draft Trails Strategy:

"A high quality, integrated trails network that encourages considerate trail use, active lifestyles and showcases the region's distinct natural areas, Indigenous and European cultural heritage values, contributing to social and environmental benefits."

Key Users

Following collation of responses to a community survey, the top uses of trails within the Cessnock area were found to be, in order of popularity:

- walking,
- mountain bike riding,
- wheelchair/mobility device,
- horse riding,
- jogging,
- cycling,
- nature appreciation; and lastly
- canoeing/kayaking.

It was also illustrated that both males and females are participating in trail activities and trails are utilised across all age groups (but most popular around the 35-50yr age group).

Trails

- The audit identified there are currently 8 formalised Council managed trails across the Cessnock LGA. As these trails are in varying conditions, it is recommended these be Council's initial focus, particularly at locations where opportunities exist to encourage increased physical activity, appreciation of the LGA's bushland areas and/or stimulation of economic activity.
- Trails across the LGA have varying levels and types of signage.
- There is currently no single comprehensive information source identifying trail opportunities across the Cessnock LGA.
- There is currently no hierarchy of trails or planning principles in place when developing trails.

Strategic Outcomes

In order to deliver the Vision, and action key findings, five strategic outcomes were developed as part of the draft Trails Strategy:

- A. Integrated planning and management
- B. Sustainable and accessible trail network
- C. Increased participation through marketing and programs

Works and Infrastructure

Report No. WI93/2019

Works and Infrastructure



- D. Development, management and maintenance
- E. Community, tourism and economic development

Detailed actions have been developed for each strategic outcome identifying timeframes, potential partners and cost implications. The action plan is a significant section of the draft Trails Strategy and will guide future works within trails in the Cessnock LGA.

Exhibition

A minimum exhibition period of 28 days is proposed to allow the community time to review the draft Trails Strategy and provide comments. Taking into consideration the Christmas and school holiday period, it is proposed to exhibit the draft Trails Strategy commencing late January 2020. At the conclusion of the exhibition period a further report will then be presented to Council summarising the detail of the comments received and any subsequent changes to the draft Trails Strategy before seeking adoption.

Hard copies of the draft Trails Strategy will be exhibited at various public locations and electronic copies will be available via Council's website.

OPTIONS

N/A

CONSULTATION

Significant consultation was undertaken throughout the development of the draft Trails Strategy.

- Trail Strategy Working Party – this working group consisted of members from the local community who had previously raised an interest in developing trails within the Cessnock LGA. Members of the working party met in May 2019 providing information on existing and future tracks and trails and provided a sound basis from which to commence the draft Trails Strategy.
- Community Survey – At key points throughout the development of the draft Trails Strategy a community survey was available for community members and key stakeholders to comment on existing and future trails. 195 responses were received.
- Internal Stakeholder Meeting – Representatives from across Council were invited to participate in a workshop regarding the draft Trails Strategy. Officers and Managers across Economic Development, Strategic Planning, Open Space and Community Facilities, Traffic and Transport, Community and Cultural Engagement, Finance and Environment and Waste Services were in attendance.
- Key External Stakeholder Meeting – This workshop/brainstorming session was held on 17 July at the Wine Country Motor Inn and attended by key stakeholders including the Heart Foundation, Cessnock Chamber of Commerce, Rotary Club of Kurri Kurri, Richmond Vale Rail Trail Inc, Rail Trails Australia, Mindaribba Local Aboriginal Land Council, Kurri Kurri Mongrels Mountain Bikers, Newcastle Cycleways, Bicycle NSW, Cessnock Healthy Lifestyle Network, Abernethy Healthy Lifestyle Association and TAFE NSW (Cessnock).

Works and Infrastructure

Report No. WI93/2019

Works and Infrastructure



- Community Workshop - The community workshop was held on 18 July at the Council Administration Building. Over 20 community members attended and contributed to small group discussion topics. Attendees were also encouraged to draw on maps to indicate their current trail usage and ideas for future improvements to the trails network.

STRATEGIC LINKS

a. Delivery Program

The draft Trails Strategy is directly related to Objective 4.1 Better transport Links but more specifically, Action 4.1.4.b Develop a Trails Strategy.

b. Other Plans

The draft Trails Strategy has links to numerous existing strategic documents, however the strongest alignment is to:

- The Recreation and Open Space Strategic Plan 2018
- Cycleway Strategy 2016
- Pedestrian Access & Mobility Plan 2016

IMPLICATIONS

a. Policy and Procedural Implications

There are no immediate policy/procedural implications, however should the document be adopted, new policies and procedures may be developed to support the implementation of the Trails Strategy.

b. Financial Implications

The requirement to publicly exhibit the draft Trails Strategy will have minimal financial implications for Council. The service cost for advertising in various media is not anticipated to be significant and would be accommodated within current budget allocations.

To successfully achieve the vision of the draft Trails Strategy a number of actions need to occur over the short, medium and long term. An Implementation Plan which prioritises actions based on cost, opportunities and benefit to the community has been developed and will be used to develop future works programs.

c. Legislative Implications

NIL

d. Risk Implications

NIL

Works and Infrastructure

Report No. WI93/2019

Works and Infrastructure



e. Environmental Implications

For the purposes of the exhibition of the draft Trails Strategy there are no environmental implications, however should the draft Trails Strategy be adopted environmental implications have been considered and addressed within the Implementation Action Plan developed.

f. Other Implications

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

CONCLUSION

The development of a Trails Strategy provides a strategic framework for the future management and development of Trails within the Cessnock LGA. The provision of this document will further support the numerous trail users within our community and encourage active and healthy lifestyles.

ENCLOSURES

- 1 [!\[\]\(69baca079ef3ab6f03d58fd7e9f950f1_img.jpg\)](#) Draft Trails Strategy - Provided under Separate Cover

Placeholder for Enclosure 1

Works and Infrastructure No.

Draft Trails Strategy - Provided under Separate Cover

SUBJECT: *REVIEW OF RECREATION & OPEN SPACE STRATEGIC PLAN 2018*

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

SUMMARY

The Recreation and Open Space Strategic Plan (the Plan) was adopted in June 2018. In line with the Monitoring and Review section of the Plan, an annual review has been undertaken with outcomes provided in this report.

RECOMMENDATION

That Council notes the amendments to the adopted Recreation and Open Space Strategic Plan 2018.

BACKGROUND

The Plan aims to provide a long term strategic direction for the future provision and management of recreation facilities, programs and services in the Cessnock LGA.

In line with the Monitoring and Review section of the Plan, an annual review has been undertaken.

The Recreation and Open Space Strategic Plan is provided under separate cover.

REPORT/PROPOSAL

Whilst the strategic direction of the Plan remains the same, some minor housekeeping has been undertaken to ensure the Plan is up to date and continues to be a usable core strategic document for open space across the LGA. The minor amendments are outlined in Table 1, below.

Table 1 – Summary of Minor Amendments to the Plan

Action	Justification
Removal of reference to specific recreation outcomes within Section 7.11 Plans and Planning Agreements (e.g. number of parks/playgrounds to be provided)	This level of detail is currently provided in individual Section 7.11 Plans and Planning Agreements and does not need to be duplicated within the Plan. Residential developments (including lots and yield) as well as mapping of these areas has remained.
Review of the Recreation and Open Space Gap analysis with minor amendments made to tables outlining provision of developed open space	A few parcels of land were previously omitted from this exercise. The added open space does not significantly change the developed open space totals or how Council would plan for open space in these areas.

Works and Infrastructure

Report No. WI94/2019

Works and Infrastructure



Updates have been provided on parcels investigated by the Strategic Property Review Group.	These updates were minimal however where a planning proposal has commenced in regards to open space, this has been identified.
The Implementation Plan has been amended to include additional actions.	The actions added were already identified as recommendations within other sections of the Plan. This has been tidied up to include them within the overall Implementation Plan with community benefit, cost and priority assigned similar to other actions.
Amendments made to the Recreation & Open Space Design Guidelines.	Guidelines have been amended to ensure flexibility is provided when planning for open space areas. Embellishments within open space have been identified as potential as opposed to essential giving Officers the opportunity to assess each site on its merits and outline requirements.
Appendix C – Development Contributions Summary has been removed.	Similar to the first point in this table, this information is duplicated in individual Section 7.11 Plans and Planning Agreements and does not add value to the Plan.

The proposed amendments in Table 1 will ensure the Plan is accurate and reflective of recreation and open space planning needs.

Based on there not being any significant changes to the Plan, with strategic directions and actions remaining the same, it has been determined that public exhibition of the proposed changes is not required.

OPTIONS

N/A

CONSULTATION

The following internal stakeholders were consulted during the review of the Plan:

- Manager Open Space & Community Facilities
- Recreation & Community Facilities Planner
- Strategic Planning Manager
- Project Manager – Strategic Property Review
- Senior Strategic Planner

STRATEGIC LINKS

a. Delivery Program

The Plan is linked to the following Key Objectives of the Delivery Program;

Objective 3.2 Better utilisation of existing open space, and specifically action 3.2.1 Implement the Recreation and Open Space Strategic Plan 2018.

Works and Infrastructure

Report No. WI94/2019

Works and Infrastructure



b. Other Plans

There are links to many existing plans at State, Regional and Local planning level. A full summary of relevant plans is detailed in the Strategic Context section of the Plan and it includes the following:

- NSW Making It Happen
- State Infrastructure Strategy 2012-2032
- Hunter Regional Plan 2036
- Branxton Subregional Land Use Strategy and Structure Plan

IMPLICATIONS

a. Policy and Procedural Implications

NIL

b. Financial Implications

To successfully achieve the vision of the Plan a number of actions need to occur over the short, medium and long term. An Implementation Plan, which prioritises actions based on cost, opportunities and benefit to the community has been developed and will be used to develop future works programs.

Over the longer term, it is anticipated that the Plan and subsequent actions will improve efficiencies in the provision and management of recreation and open space services.

c. Legislative Implications

NIL

d. Risk Implications

NIL

e. Environmental Implications

NIL

f. Other Implications

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

Works and Infrastructure

Report No. WI94/2019

Works and Infrastructure



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

CONCLUSION

The annual review of the Plan meets reporting requirements outlined within the Plan and ensures it continues to be an active guiding document for recreation and open space provision within the Cessnock LGA.

ENCLOSURES

- 1 [!\[\]\(4f6d8a8b127300a02d56d34d01423d15_img.jpg\)](#) Recreation and Open Space Strategic Plan - Provided under Separate Cover

Placeholder for Enclosure 1

Works and Infrastructure No.

Recreation and Open Space Strategic Plan - Provided
under Separate Cover

Works and Infrastructure
Report No. WI95/2019
Works and Infrastructure



SUBJECT: *FUNDING FOR SPORTING FACILITY INFRASTRUCTURE*
RESPONSIBLE OFFICER: *Open Space and Community Facilities Manager - Nicole Benson*

SUMMARY

This report seeks Council's endorsement to fund the upgrade of sporting infrastructure at Cessnock Sportsground and Baddeley Park Hockey Centre.

RECOMMENDATION

1. That \$60,000 from the 2019/20 Recreation Buildings Renewal Program be allocated towards the replacement of the electronic scoreboard at Cessnock Sportsground.
2. That \$3,746 from the 2019/20 Recreation Buildings Renewal Program be allocated towards the repairs to the synthetic hockey surface at Baddeley Park Hockey Centre.
3. That the Cessnock Rugby League Football Club and the Cessnock District Hockey Association be thanked for their contribution.

BACKGROUND

In May 2018 the electronic scoreboard at Cessnock Sportsground suffered irreparable damage and it needs to be replaced. The synthetic surface at the Baddeley Park Hockey Centre requires repairs to enable the ongoing use of the facility.

REPORT/PROPOSAL

Cessnock Sportsground

The electronic scoreboard at Cessnock Sportsground was installed in 2006 when the Sportsground was relocated from Darwin Street to Baddeley Park and officially opened to the public.

In May 2018 the scoreboard suffered irreparable damage and it needs to be replaced. Council has a licence agreement with the Cessnock Rugby League Football Club (League), which outlines roles and responsibilities for the maintenance and upkeep of infrastructure at the site. Under the agreement Council is responsible for the maintenance of the electronic scoreboard.

The cost to replace the scoreboard is in the order of \$70,000 (inc GST) and the Cessnock Rugby League Football Club have written to Council to confirm that they can commit \$10,000 towards the new scoreboard. The shortfall of \$60,000 is proposed to be funded from the following two sources within the 2019/20 Recreation Buildings Renewal Program.

Works and Infrastructure

Report No. WI95/2019

Works and Infrastructure



Project RBR-2020-004 is Stage 2 of the facility upgrade to the Cessnock Hornets Clubhouse at Turner Park. The project has a construction budget of \$50,000. Stage 1 of the project was completed last financial year and included renewal of all internal ceiling linings, internal painting, new LED lighting and exhaust fans plus minor electrical works and renewal of flooring using a non-slip epoxy coating. At the same time Work for the Dole constructed concrete pathways and painted seating, handrails and the exterior of the Clubhouse. As a result of these improvements, there are no further works to be completed on the building at this stage and Council has met with members of the Cessnock City Hornets Football Club to advise of this.

Council has been working with the Cessnock Tennis Club for the past 18 months on improvements to the tennis facility on Aberdare Road at Aberdare. Last financial year Project RBR-2019-004 Cessnock Tennis Clubhouse Improvements was commenced and carried into the current financial year as a work in progress. The scope of works included internal structural works, installation of new windows, internal and external painting, floorboard renewal and pathway construction. The works are now complete and there is a balance of \$14,000 remaining.

In order to fund the new electronic scoreboard at the Cessnock Sportsground it is proposed that the following sources of funding are used:-

Source

Cessnock Rugby League Football Club	\$10,000
RBR-2019-004 Cessnock Tennis Clubhouse Improvements	\$10,000
RBR-2020-004 Cessnock Hornets Clubhouse Improvements	\$50,000
<u>Total</u>	<u>\$70,000</u>

Baddeley Park Hockey Centre

The synthetic surface at the Baddeley Park Hockey Centre was replaced in 2005 as a partnership between Council and the Cessnock District Hockey Association. The surface has deteriorated since then, mainly due to general wear and tear. It requires maintenance and repairs to the value of \$12,945 (inc GST). The repairs will extend the life of the surface and result in a safe playing environment for users of the facility.

Cessnock District Hockey Association has paid a \$6,472 deposit to have the repairs undertaken and Council recently provided \$2,727 in assistance via the 2019/20 Sporting Facility Dollar for Dollar Grant Scheme. There is a shortfall of \$3,746. It is proposed to fund this from RBR-2019-004 Cessnock Tennis Clubhouse Improvements as outlined above.

Additional Information

Council officers have sought quotations for the replacement of the scoreboard at Baddeley Park and inspected similar facilities to ensure a high quality product that will meet current and future needs is procured. It is planned to place a purchase order as soon as funds have been approved to ensure installation of the scoreboard prior to next year's rugby league season which commences in March 2020.

Works and Infrastructure

Report No. WI95/2019

Works and Infrastructure



Cessnock District Hockey Association sought advice from Council officers on the repairs to the synthetic surface. It has been determined that the Association will engage the contractor themselves to undertake the works and Council staff will oversee the repairs to ensure the end product is fit for purpose.

OPTIONS

Preferred option:-

- 1 That \$60,000 from the 2019/20 Recreation Buildings Renewal Program be allocated towards the replacement of the electronic scoreboard at Cessnock Sportsground.
- 2 That \$3,746 from the 2019/20 Recreation Buildings Renewal Program be allocated towards the repairs to the synthetic hockey surface at Baddeley Park Hockey Centre.
- 3 That the Cessnock Rugby League Football Club and the Cessnock District Hockey Association be thanked for their contributions.

This is the preferred option as not funding the projects will potentially have adverse effects on the operation of both facilities. No alternate funding sources including grant schemes have been identified.

CONSULTATION

Cessnock Hockey Association
Cessnock Rugby League Football Club
Finance Business Partner and Services Accountant

STRATEGIC LINKS

a. Delivery Program

The report links with the following Key Objectives of the Delivery Program;

- Objective 1.2 Strengthening Community Culture - Our community organisations have opportunities to work together to develop and deliver services.
- Objective 3.2 Better Utilisation of Existing Open Space - Our open spaces have suitable amenities and plenty of shade.

b. Other Plans

- Recreation Open Space and Strategic Plan 2018
- Open Space and Other Structures Asset Management Plan 2017

IMPLICATIONS

a. Policy and Procedural Implications

NIL

Works and Infrastructure

Report No. WI95/2019

Works and Infrastructure



b. Financial Implications

\$50,000 is provided annually in the Recreation Facilities Renewal Program for the renewal of assets, such as park furniture, fences, signs etc. This is the appropriate source to fund the two subject projects, however this year's budget has been expended on the resurfacing of the Kurri Kurri Netball Courts.

At the time of writing there were no applicable funding schemes available to fund the projects. As such it is proposed to use funds from other projects within the 2019/20 Recreation Facilities Renewal Program. Specifically the balance of funds from RBR-2019-004 Cessnock Tennis Clubhouse Improvements and RBR-2020-004 Stage 2 Cessnock Hornets Clubhouse Facility Upgrade.

It should be noted that volunteer sporting groups, Cessnock Rugby League Football Club and Cessnock District Hockey Association are contributing \$10,000 and \$9,199 respectively towards infrastructure renewal at the subject sporting facilities for the betterment of the community.

c. Legislative Implications

NIL

d. Risk Implications

A fully functioning scoreboard is a requirement of the NSW Country Rugby League and if it is not replaced the Cessnock Rugby League Football Club could be at risk of any further participation in the Newcastle Rugby League and other competitions.

Repairs to the synthetic surface at the Cessnock Hockey Centre will improve and extend the turf, reduce the risk of injury and provide a safe place for participation in the activities held at the Centre.

e. Environmental Implications

NIL

f. Other Implications

NIL

CONCLUSION

Two Council assets require renewal and local volunteer sporting clubs Cessnock Rugby League Football Club and Cessnock District Hockey Association are able to contribute funds towards these renewal projects. Additional funding sources to complete the projects have been identified in this report for Councils consideration.

ENCLOSURES

There are no enclosures for this report

Works and Infrastructure

Report No. WI96/2019

Works and Infrastructure



SUBJECT: *FEES AND CHARGES - OPEN SPACE AND RECREATION*

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

SUMMARY

This report seeks Council's approval to exhibit proposed fees and charges associated with vegetation removal, security keys, cemetery memorial plaques and swimming lessons.

RECOMMENDATION

That Council places the draft Fees and Charges for vegetation removal, security keys, cemetery memorial plaques and swimming lessons on public exhibition for 28 days and if no significant submissions are received, Council adopt the Fees and Charges.

BACKGROUND

A review of Council's Fees and Charges associated with vegetation removal, security keys, cemetery memorial plaques and swimming lessons has highlighted the need for amended and/or new fees and charges to offset the cost of providing the services.

REPORT/PROPOSAL

Vegetation Removal

The current Fees and Charges for an officer to assess an application seeking the removal of vegetation and conduct an on-site inspection are based on the number of trees to be inspected. For example, an inspection of 1-5 trees costs \$47.00; 6-10 trees costs \$60.00; 11-15 trees costs \$72.00 and so on. The fees, which also incorporate the issue of a permit, include GST. The charges are classified as a Category C, which aims to provide a substantial contribution towards the cost of the service.

NSW Biodiversity Conservation reforms commenced on 25 August 2017. These reforms introduced a new approach to land management and biodiversity conservation in NSW. Coupled with the RFS 10/50 Vegetation Clearing Code of Practice for New South Wales, the assessment of vegetation to be removed has become complex, requiring a large component of investigation to be undertaken before a site inspection or referral to another government department occurs.

As a result of the changes to the assessment of applications seeking permission to remove vegetation, and as a means to fully recover Council's costs, it is proposed to remove the current fees based on the number of trees to be assessed and introduce a \$75 fee to cover assessment of all applications received. A flat fee of \$45 per permit is also proposed. Both fees include GST and will be a Category D fee, which aims to fully cover the cost of providing the service. The proposed changes are shown below in Table 1.

Works and Infrastructure

Report No. WI96/2019

Works and Infrastructure**Table 1 – Proposed changes to Fees and Charges relating to Vegetation Management**

Fees to be deleted			
Name	Fee	GST	Type
1 – 5 trees	\$47.00	N	C
6 – 10 trees	\$62.00	N	C
11 – 15 trees	\$74.00	N	C
16 – 20 trees	\$91.00	N	C
21 – 25 trees	\$116.00	N	C
26 – 30 trees	\$142.00	N	C
31 – 35 trees	\$178.00	N	C
36 – 40 trees	\$223.00	N	C
41 – 45 trees	\$276.00	N	C
46 – 50 trees	\$344.00	N	C
>50 trees	\$431.00	N	C
New fees			
Name	Fee		Type
Vegetation removal assessment	\$75.00	N	D
Vegetation removal permit	\$45.00	N	D

Security Keys

Council provides security keys for community facilities to approved users. Some keys are for electronic locks and others are for standard door locks, padlocks and so on. The current fee applies to the electronic security keys only. As such, the following changes are proposed:-

- Rename "Security Key" to "Electronic Security Key"
- Introduce "Security Key – Other" with a 50% refund on key return and a category D fee of \$50 per key to cover cutting of the key and processing of the application form.
- Change the "Security Key After Hours Call Out Charge" to \$200 Category D to fully cover the cost of providing the service.

Works and Infrastructure

Report No. WI96/2019

Works and Infrastructure

The proposed changes are shown below in Table 2.

Table 2 – Proposed changes to Fees and Charges relating to Security Keys.

Fees to be amended			
Name	Fee	GST	Type
Current Security Key	\$265.00	Y	D
Proposed Electronic Security Key	\$265.00	Y	D
Current Security Key After Hours Call Out Charge	\$75.00	Y	C
Proposed Security Key After Hours Call Out Charge	\$200.00	Y	D
New fees			
Name	Fee		Type
Security Key other - 50% refund on key return	\$50.00	Y	D

Cemeteries

Memorial plaques at Council lawn cemeteries come in a number of sizes, depending on the location and type of interment. Plaques in all gardens and the columbarium walls at the Gordon Williams Memorial Lawn Cemetery at Aberdare, Kurri Kurri Lawn Cemetery, Greta and Millfield General Cemeteries measure up to 150mm x 150mm. All lawn interment memorial plaques are 380mm x 215mm. The current interment site fees and charges include grave digging, backfill, a standard plaque, a beam vase holder and perpetual maintenance.

A standard plaque includes six lines of text and additional fees apply for extras such as motifs and photo tiles.

As technology has advanced so has the design of memorial plaques. Brass plaque options now include colored backgrounds, decorative borders and artisan motifs. This enables Council to offer customers a variety of contemporary options that will continue to maintain the general appearance of plaques in the lawn cemeteries. Coloured backgrounds provide a contrast to the raised brass borders and other elements of plaques and can be used for all plaques in Council lawn cemeteries.

Twenty-one (21) different Artisan plaques are available for lawn interments and these incorporate full custom line drawing scenes to create a unique memorial option. Some of the themes include football (AFL, soccer, league and union), fishing, camping, golfing, birds, surfing, nature and teddy bears. It is important to note that these new options will maintain the continuity of flat brass plaques across Council's lawn cemeteries, in that they are the same size and shape but contain additional graphics and/or coloured backgrounds. The proposed new fees for the additional extras are shown in Table 3 below.

Works and Infrastructure

Report No. WI96/2019

Works and Infrastructure**Table 3 – Proposed changes to Fees and Charges relating to Lawn Cemetery Plaques**

New fees			
Name	Fee	GST	Type
Artisan memorial plaque	\$120.00	Y	D
Coloured background – lawn plaque	\$80.00	Y	D
Coloured background – garden/wall plaque	\$60.00	Y	D

Outdoor Aquatic Facilities

A number of Fees and Charges exist for the outdoor aquatic facilities at Branxton and Cessnock. In light of recent plans to offer learn to swim lessons for people with a disability at Councils outdoor aquatic facilities a fee of \$17.00 (exclusive GST) for a 15 minute lesson is proposed. No GST applies to the fee as Learn to Swim programs are GST - free under section 38-85 of the *New Tax System (Goods and Services Tax) Act 1999 (GST Act)*.

In order to provide the community the greatest opportunity for feedback the exhibition period will not commence until mid-January 2020, which is outside the Christmas and New Year holiday period.

OPTIONS

N/A

CONSULTATION

- Open Space & Community Facilities team members
- Finance team members

STRATEGIC LINKS**a. Delivery Program**

The report links to the following Key Objective in the Delivery Program;

Objective 5.3 - Making Council more responsive to the community

5.3.11 Continue implementation of the financial sustainability initiatives projects

5.3.11e Develop recommendations for consideration on changes to Fees and Charges to ensure preferred mix between ratepayer and user funding of specific services

b. Other Plans

NIL

IMPLICATIONS**a. Policy and Procedural Implications**

NIL

Works and Infrastructure

Report No. WI96/2019

Works and Infrastructure



b. Financial Implications

The fees and charges have been categorised to cover the cost of Council providing the services where applicable.

c. Legislative Implications

Sections 705 and 706 of the *Local Government Act 1993* state that public notice must be given for a period of at least 28 days of the proposed change and any public submissions must be concerned by Council before determining the matter notified and this had occurred.

The *New Tax System (Goods and Services Tax) Act 1999 (GST Act)* deals with the application of the GST to Learn to Swim programs.

d. Risk Implications

NIL

e. Environmental Implications

NIL

f. Other Implications

NIL

CONCLUSION

Fees and Charges in the Open Space & Community Facilities section have been reviewed and require update and/or amendment. The public exhibition of the proposed Fees and Charges is a legislative requirement of the *Local Government Act 1993*. The exhibition provides the community with an opportunity to offer feedback.

ENCLOSURES

There are no enclosures for this report

Works and Infrastructure
Report No. WI97/2019
Works and Infrastructure



SUBJECT: ***ADOPTION OF THE REVISED NAMING OF COUNCIL ASSETS POLICY***

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

SUMMARY

This report seeks Council's endorsement to adopt the revised Naming of Council Assets Policy.

RECOMMENDATION

That Council adopts the *Naming of Council Assets Policy*.

BACKGROUND

At its meeting held on 4 September 2019 Council considered report WI63/2019 and resolved (inter alia) to place the revised Naming of Council Assets Policy (Enclosure 1) on public exhibition for a period of 28 days and that a report on the outcomes of the exhibition be provided to Council prior to adopting the final Policy.

REPORT/PROPOSAL

Council, at its 2 October 2019 meeting resolved:

1. *That Council place the revised Naming of Council Assets Policy on public exhibition for a period of twenty eight (28) days and invite public submissions with the following amendments:-*
 - 4.3 *Add additional point "A 1 page fact sheet be supplied to applicants to simplify the process".*
 - 4.5 *Personal names, including those of persons still living, may be used for Council Assets e.g. amenities buildings, grandstands etc. however these features are not formally assigned by the GNB. Naming of these assets will be approved by resolution of Council following consultation with key internal and external stakeholders.*
 - 5.2 *Council will approve proposals to name smaller Council Assets e.g. amenities buildings, grandstands etc. following consultation with key internal and external stakeholders.*
 - 5.3 *Open Space & Community Facilities Team will consider proposals, undertake community engagement, consultation with relevant stakeholders and prepare a report for the elected Council's consideration for all Open Space & Community facilities and assets.*

Works and Infrastructure

Report No. WI97/2019

Works and Infrastructure



5.4 *Community & Cultural Engagement Team will consider proposals, undertake community engagement, consultation with relevant stakeholders and prepare a report for the elected Council's consideration for all Cultural facilities assets.*

2. *That a report on the outcomes of the exhibition be provided to Council prior to adopting the final Policy.*

A one page fact sheet has been developed (Enclosure 2) and this will be available on Council's website and also provided to applicants.

Council's revised Policy has been reviewed and updated in line with the GNB's Place Naming Policy, Guidelines for the Determination of Place Names, published in September 2018. It now better aligns with the GNB documents and provides a transparent and consistent approach to naming of Council assets.

The revised Policy was advertised from 28 October to 25 November seeking community feedback and no submissions were made to Council.

It must be noted that the exhibited version of the revised Policy contained an error regarding the naming of smaller Council Assets. Clause 5.2 of the revised policy states that the elected Council will approve proposals to name smaller Council Assets. e.g. amenities buildings, grandstands etc following consultation with key internal and external stakeholders. This was not reflected in Section 8 - Policy Authorisations which stated that the ELT would perform this function. Section 8 has since been updated to reflect the elected Council's role and re-exhibition of the Policy is not considered to be warranted due to the minor nature of the error.

OPTIONS

That Council adopts the revised Naming of Council Assets Policy.

CONSULTATION

The revised Naming of Council Assets Policy was placed on public exhibition for 28 days from 28 October to 25 November 2019 and no feedback was received.

STRATEGIC LINKS

a. Delivery Program

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

A connected, safe and creative community

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

Civic leadership and effective governance

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

Works and Infrastructure

Report No. WI97/2019

Works and Infrastructure



b. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

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

b. Financial Implications

Nil.

c. Legislative Implications

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

d. Risk Implications

Nil.

e. Environmental Implications

Nil

f. Other Implications

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

CONCLUSION

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

ENCLOSURES

- [1↓](#) Naming of Council Assets Policy
- [2↓](#) Naming of Council Assets - Fact Sheet

Cessnock City Council Naming of Council Assets Policy

Date Adopted **xx/xx/xxxx** Revision: **7**

1. POLICY OBJECTIVES

- 1.1. Council is committed to the naming of Council Assets. This policy outlines the method by which Council will assign a name to a Council Asset after an individual, group or organisation.

2. POLICY SCOPE

- 2.1. This policy applies to Council staff following receipt of a proposal to formally dedicate a Council Asset after an individual or organisation.

3. POLICY STATEMENT

- 3.1. The Geographical Names Board of NSW (GNB) has the role of assigning names to places and natural features and this policy was established to provide a consistent and transparent process in the naming of Council Assets, which is compliant with the GNB [Policy for Place Naming](#).

4. ASSESSMENT PROCESS

- 4.1. Requests for the naming of Council assets are to be made to Council in writing and comply with the GNB [Policy for Place Naming](#).
- 4.2. Where a Council Asset is to be named after a person, the person must have made a significant contribution to Council or the local community and meet the requirements prescribed in Clause 7 of the GNB [Policy for Place Naming](#).
- 4.3. Council will supply applicants with a place naming fact sheet.
- 4.4. Requests for the naming of Council Assets, including reserves under the management of Council must include the following information as a minimum:
- 4.4.1. Applicant's name and contact details (address, phone number, email etc.);
 - 4.4.2. Full name of the person the name commemorates;
 - 4.4.3. Proposed geographical name;
 - 4.4.4. Date of birth;
 - 4.4.5. Date of death;
 - 4.4.6. Association of the person with the asset to be named or reason for the choice of name;

- 4.4.7. Person's association with and main contribution(s) to Council and/or local community;
 - 4.4.8. If the application is for the dedication of a portion of land or piece of infrastructure (e.g. picnic shelter, park furniture), a suitable site map of the area;
 - 4.4.9. Copy of committee resolution or minutes where the Applicant is a community group or committee (where applicable).
- 4.5. Where the proposal is to name a Council owned reserve, a report including a staff recommendation will be submitted to the elected Council for approval and referral to the GNB. The GNB will then consider the proposed name in accordance with the relevant policy and guidelines and advertise the proposal in the local media, also inviting public submissions. The GNB will consider any public submissions and advise Council of the outcome of the application.
- 4.6. Personal names, including those of persons still living, may be used for Council Assets e.g. amenities buildings, grandstands etc. however these features are not formally assigned by the GNB. Naming of these assets will be approved by a resolution of Council following consultation with key internal and external stakeholders.
- 4.7. If a named building, etc. is demolished through the passage of time or as a result of accident or natural disaster, Council is not obliged to retain the use of that name in any replacement or new asset.
- 4.8. Council reserves the right to withdraw the name of a Council asset if it is considered inappropriate for the name to remain.

5. RESPONSIBILITIES

- 5.1. **The elected Council** will decide on whether naming proposals shall proceed to the GNB for consideration.
- 5.2. **The elected Council** will approve proposals to name smaller Council Assets e.g. amenities buildings, grandstands etc. following consultation with key internal and external stakeholders.
- 5.3. **Open Space & Community Facilities Team** will consider proposals, undertake community engagement, consultation with relevant stakeholders and prepare a report for the elected Council's consideration for all Open Space & Community facilities and assets.
- 5.4. **Community & Cultural Engagement Team** will consider proposals, undertake community engagement, consultation with relevant stakeholders and prepare a report for the elected Council's consideration for all Cultural facilities assets.
- 5.5. **Compliance, monitoring and review**
- 5.5.1. Manager Open Space and Community Facilities is responsible for the compliance, monitoring and review of this policy.
- 5.6. **Records management**

5.6.1. Staff must maintain all records relevant to administering this policy in accordance with Council's [Records Management Policy](#).

6. POLICY DEFINITIONS

Applicant	A person or agency who applies to Council to consider naming a Council Asset (or part thereof). This is the person/agency Council will liaise with regarding the matter including requests for additional information and/or response on what action was taken in relation to the matter.
Council	means Cessnock City Council.
Council Asset	Includes sportsgrounds, parks, reserves, passive recreation areas community halls, cultural facilities, childcare facility, pre-school or other Council owned building (or part thereof). Council Assets can also include picnic shelters, park furniture, amenities buildings, grandstands, and rooms within buildings or other infrastructure.

7. POLICY ADMINISTRATION

Business Group	Works and Infrastructure
Responsible Officer	Manager Open Space and Community Facilities
Associated Procedure (if any)	Naming of Council Assets Procedure (DOC2019/091166)
Policy Review Date	Three years from date of adoption unless legislated otherwise
File Number / Document Number	DOC2019/090370 Previously DOC2013/029153
Relevant Legislation	Section 5 of the <i>Geographical Names Act 1966</i> (NSW)
Relevant desired outcome or objectives	<p>A connected, safe & creative community</p> <p>Objective 1.1: Promoting social connections</p> <p>Objective 1.2: Strengthening Community Culture</p> <p>Civic leadership and effective governance</p> <p>Objective 5.1: Fostering and supporting community leadership</p> <p>Objective 5.2: Encouraging more community participation in decision making</p> <p>Objective 5.3: Making Council more responsive to the community</p>
Related Policies / Protocols / Procedures	<ul style="list-style-type: none">▪ Records Management Policy▪ Naming of Council Assets Procedure▪ Naming of Council Assets Application Form (DOC2019/108736)▪ Naming of Council Assets Fact Sheet (DOC2019/123576)

8. POLICY AUTHORISATIONS

No.	Authorised Function	Authorised Business Unit / Role(s)
1	Assessing proposals for the naming of Council Assets to be presented to the elected Council.	Open Space & Community Facilities Team Community & Cultural Engagement Team
2	Approving proposals for the naming of smaller Council Assets.	Elected Council
3	Endorsing proposals for the naming of Council Assets to be forwarded to the GNB for consideration, public exhibition and gazettal.	Elected Council

9. POLICY HISTORY

Revision	Date Approved / Authority	Description Of Changes
7	28 October 2019	Periodic Review (draft Policy for public exhibition)
6	19 March 2014 (PM25/2014 - 823)	Adoption of the new Policy including other park assets as exhibited.
5	22 January 2014 (PM1/2014 – 736)	Draft Policy recommending the inclusion of other park assets into the Policy
4	18 September 2013 (PM91/2013 – 581)	Periodic Review
3	1 September 2009	Periodic Review
2	5 March 2003 (DC&RS 26/2003 – 781)	Periodic Review
1	14 May 1997 (DS&CS 49/1997 – 496)	Establishment of the Policy



FACT SHEET

NAMING OF COUNCIL ASSETS

Council seeks to recognise outstanding achievement in the community by commemoratively naming relevant Council assets. Acts of bravery, community service and exceptional accomplishment by both individuals and groups are grounds for this recognition.

Council assets can include sportsgrounds, parks, reserves, community halls, cultural and childcare facilities or other Council owned buildings. Assets can also include picnic shelters, park furniture, amenities buildings, grandstands, and rooms within buildings.

The Geographical Names Board of New South Wales (GNB) has the role of assigning names to places and natural features. Council's adopted Naming of Council Assets Policy is aimed at ensuring community input, giving all interested parties a say in a naming decision and to align with the GNB's requirements for information and consultation.

Steps to Name a Council Asset

1. Requests for the naming of Council assets are to be made to Council in writing and must comply with the GNB [Policy for Place Naming](#).

5. Where the proposal is not supported by Council, the applicant will be advised of Council's decision.

2. Personal names, including those of persons still living, may be used for Council Assets e.g. amenities buildings, grandstands etc. however these features are not formally assigned by the GNB. Naming of these assets will be approved by a resolution of Council following consultation with key internal and external stakeholders.

3. Where the proposal is to name a Council owned reserve, a report including a staff recommendation will be submitted to the elected Council for consideration.

4. Where the proposal is supported by Council, Council will prepare a naming application for consideration by the GNB (where applicable).

6. Requests for the naming of Council Assets, including reserves under the management of Council must include the following information as a minimum:

- a. Applicant's name and contact details (address, phone number, email etc.);
- b. Full name of the person the name commemorates;
- c. Proposed geographical name;
- d. Date of birth & death (where applicable) of the person the name commemorates;
- e. Association of the person with the asset to be named or reason for the choice of name;
- f. Person's association with and main contribution(s) to Council and/or local community;
- g. If the application is for the dedication of a portion of land or piece of infrastructure (e.g. picnic shelter, park furniture), a suitable site map of the area;
- h. Copy of committee resolution or minutes where the Applicant is a community group or

Useful link – [Naming of Council Assets Policy](#) (hyperlink to be inserted)

Further Information on Council's Policy for the Naming of Council Assets can be found at www.cessnock.nsw.gov.au or call Council's Customer Service Team on 4993 4100.

DOC2019/123576

Works and Infrastructure
Report No. WI98/2019
Works and Infrastructure



SUBJECT: ***INFRASTRUCTURE GRANTS PROGRAM NOVEMBER 2019 ROUND***

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

SUMMARY

The purpose of this report is to gain Council's approval to submit an application for the Miller Park Community Hub under the November 2019 Round of the NSW Government's Infrastructure Grants Program 2019/2020.

RECOMMENDATION

1. That Council endorses the submission of an application for the Miller Park Community Hub under the November 2019 Round of the Infrastructure Grants Program.
2. That if the application is successful, Council contributes up to \$121,200 in co-contribution funding from the funds reserved for potential leverage against grant funding opportunities.

BACKGROUND

On 13 August 2019 Councillor Memo advised Councillors that officers would make application to the November 2019 Round of Infrastructure Grants for the implementation of items identified in the Miller Park Masterplan, namely a community shelter and barbecue.

Applications for this round of Infrastructure Grants close on 16 December 2019 and the purpose of this report is to seek Council's endorsement to lodge a funding application and allocate funds as detailed in the report.

REPORT/PROPOSAL

Infrastructure Grants Program

The NSW Government offers grants to communities across NSW to support the building, renovation and fit-out of infrastructure. Funding is available for sport, recreation, arts and cultural infrastructure, as well as projects that assist communities with essential infrastructure and disaster readiness. Infrastructure Grants are made possible by reinvesting a rebate on gaming machine profits from the state's registered clubs, known as the Clubgrants Category 3 Fund.

Eligible applicants

Only one application per organisation per Round is permitted and applicants must have an ABN and be responsible for operating and/or maintaining the infrastructure. Infrastructure that is accessible and available to the general public the majority of the time is considered to be beneficial.

Applications

Works and Infrastructure

Report No. WI98/2019

Works and Infrastructure



Applications for sport and recreation projects can seek up to \$300,000 and are to be completed online. They must be for projects in NSW, include letters of support, detailed budgets and timeframes and local government applicants are required to match the funding amount requested.

Assessment process

Applications are assessed by subject matter experts against the following four criteria:

Merit

They consider to what extent the project:

- has a clear vision
- will provide high quality public and/or social outcomes
- includes implementation strategies for evaluating and measuring results
- introduces needed facilities or will enhance the usage of existing facilities.

Engagement

They consider to what extent the project:

- has strategies for ongoing engagement of the community, participants and/ or audience
- considers the needs and expectations of targeted groups and community, and identifies how these needs will be met
- provides capacity building within the relevant sector in NSW
- supports employment or includes the involvement and development of volunteers.

Viability

To assess the viability of a project, they consider to what extent the project:

- is well-planned with appropriate approvals and risk management in place
- has realistic timelines to complete within two years
- will be delivered by an organisation with appropriate administration, management and governance expertise and financial stability
- has strategic partnerships and collaborations across the sector
- has secured future operations and maintenance plans.

Timeframe

Projects must be completed within two years.

The November 2019 Round opens on Monday, 18 November 2019 and closes at 5pm (AEDT) on Monday, 16 December 2019.

There is a March 2020 Round which opens on Monday 16 March 2020 and closes at 5pm (AEDT) on Monday, 6 April 2020.

Works and Infrastructure

Report No. WI98/2019

Works and Infrastructure



Suitable Cessnock City Council Project

Miller Park Masterplan Implementation – Community Hub

Scope

In line with the adopted Miller Park Masterplan the scope of this project is to construct a community shelter incorporating seating and electric BBQs.

Rationale

The project has been identified by the community and included in the Miller Park Masterplan and it meets the funding criteria.

Estimated Cost (exc GST)

The schedule of rates in the Masterplan for a new large shelter, barbecue and picnic settings totals \$192,400. Site establishment, authority fees, engineering plans, contingency and project management has been estimated to be in the order of \$50,000. The estimated cost of the project is \$242,400 and Council's co-contribution will be \$121,200. It is proposed that this be allocated from the Grant Funding Leverage Reserve.

As per report CC106/2019 presented to Council at its meeting of 20 November 2019, there is \$795,450 reserved to match future grant funding opportunities.

OPTIONS

Preferred option

- 1 That Council endorses the submission of one application under the November 2019 Round of the Infrastructure Grants Program.
- 2 That if the application is successful Council contributes up to \$121,200 in co-contribution funding from the funds reserved for potential leverage against grant funding opportunities.

CONSULTATION

The Community Hub at Miller Park has been a priority for various community groups in Branxton for a number of years. The notion was formalised and included in the Miller Park Masterplan in 2018, where key users, as well as local community groups, were engaged and participated in the Masterplan development.

Council's Recreation & Community Facilities Planner and Finance Business Partner & Services Accountant assisted with composing this report.

STRATEGIC LINKS

a. Delivery Program

This report links with the following Key Objectives of the Delivery Program;

Community Objective 1.1 - 'Promoting social connections'
Community Objective 1.2 – 'Strengthening Community Culture'

Works and Infrastructure

Report No. WI98/2019

Works and Infrastructure



Community Objective 2.3 – 'Increasing Tourism Opportunities & Visitation in the Area'
Community Objective 3.2 - 'Better Utilisation of Existing Open Space'

b. Other Plans

- Health and Well-being Plan 2017-2021
- Recreation and Open Space Strategic Plan 2018
- Miller Park Masterplan 2018

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

The Infrastructure Grants Program is a matching funds program for sport and recreation projects valued between \$100,000 and \$300,000.

The total cost of the Miller Park Community Hub is in the order of \$242,400. A Council allocation of \$121,200 will be required from the Grant Funding Leverage Reserve should the application be successful.

c. Legislative Implications

Nil

d. Risk Implications

Nil

e. Environmental Implications

Nil

f. Other Implications

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

CONCLUSION

Council has an opportunity to make application under a funding program to potentially receive funds to support the undertaking of recreation and community projects within the Cessnock LGA.

Works and Infrastructure

Report No. WI98/2019

Works and Infrastructure



The Miller Park Community Hub satisfies the requirements of the grant opportunity detailed in this report and it is considered appropriate to lodge an application.

ENCLOSURES

There are no enclosures for this report.

Works and Infrastructure
Report No. WI99/2019
Works and Infrastructure



SUBJECT: *WASTE LEVY EXEMPTION - AREAS EFFECTED BY FIRE*
RESPONSIBLE OFFICER: *Environmental & Waste Services Manager - Michael Alexander*

SUMMARY

This report is to inform Council of proposed actions to provide assistance to residents that have suffered damage to property as a result of recent bushfires in North Rothbury and Greta.

RECOMMENDATION

1. That Council waives the fees to dispose of waste generated as a result of bushfire events declared in AGRN 871 Natural Disaster Declaration to assist affected residents of North Rothbury and Greta.
2. That Council notifies affected residents in North Rothbury and Greta advising them of the opportunity to dispose of eligible waste at no cost.

BACKGROUND

Notification has been received from the NSW Environment Protection Authority (EPA) that exemption from the NSW waste levy would be provided (upon request) to waste management facilities that receive waste generated as a result of the bushfire events declared under the AGRN 871 Natural Disaster Declaration.

The waste levy exemption only applies to waste generated as a result of declared NSW bushfire events. The exemption is valid for waste generated over the period 31 August 2019 to 29 February 2020 (inclusive).

REPORT/PROPOSAL

The bushfires within NSW over the past few weeks has resulted in a State of Emergency being declared by the NSW Premier from 11 November for seven days.

Many areas have suffered and continue to suffer significantly from the bushfires and /or continued threat of ember attacks or changeable and unpredictable weather conditions.

With the exception of two fires on 12 November 2019 at North Rothbury and Greta the Cessnock LGA has not encountered any significant events to date. Both fires encountered on 12 November 2019 were contained relatively quickly and as a result reported property damage was minimal.

In recognition of the impact upon residents caused by the recent fires, the NSW EPA has issued an exemption to the NSW waste levy for waste facilities that receive waste generated as a result of the bushfire events declared in the AGRN 871 Natural Disaster Declaration. The approval is effective from 31 August 2019 and will be valid through to 29 February 2020.

Works and Infrastructure

Report No. WI99/2019

Works and Infrastructure



Council received exemption approval on 20 November 2019. The exemption means that Council will not have to pay the waste levy on this material as part of its monthly contribution payment.

To assist those affected by the bushfire the waste levy cost should be removed from waste disposal charges for eligible waste materials. However, Council does not have adopted fees and charges for waste disposal costs without the waste levy component. Therefore it is recommended that all waste disposal fees for eligible waste be waived.

From a governance perspective, the EPA conditions require that records must be kept of the types and amounts of waste disposed of under this exemption, including waste facility receipts (weighbridge records). Council will be required report materials disposed of under the exemption via the monthly Section 88 (Protection of Environmental Operations Act 1993) return.

The existing software utilised at the facility is capable of recording and reporting material that has resulted from each of the abovementioned fire events. A dedicated customer code has been established within the weighbridge software system to accurately measure material brought to site using the exemption.

Verification that the Natural Disaster Exemption is being appropriately used will include proof of address that the waste is generated from an affected area and an inspections of materials presented on site. Residents will be required to contact Council for approval to have any waste materials delivered by a contractor. Waste cannot be delivered to Greta Transfer Station under the exemption as systems to appropriately manage the materials are not available at this site.

A similar approach has been utilised in past to control disaster management responses.

OPTIONS

N/A

CONSULTATION

NSW Environment Protection Authority (EPA)

STRATEGIC LINKS

a. Delivery Program

Objective 3.3 Better Waste Management and Recycling

b. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

The operation of the Cessnock Waste Management Centre (CWMC) falls under the licensing regime administered by the NSW EPA and as such is liable for the NSW waste levy. The levy is accounted monthly via the Section 88 return.

The current software at the (weighbridge) facility is capable of recording and reporting the volume of material that is classified as exempt.

b. Financial Implications

The financial implications are expected to be minor as there are a limited number of properties that were affected by the bushfires and there was no significant property damage reported. The waste levy exemption will also lessen the financial implication to Council.

c. Legislative Implications

Under Clause 21 of the *Protection of Environmental Operations (Waste) Regulation 2014* (Waste Regulation), the EPA has approved the exemption from the waste levy for waste generated as a result of the recent bushfire events declared in the AGRN 871 Natural Disaster Declaration.

d. Risk Implications

Risk is minimised with the existing software capability to record the volume of material received. Further risk mitigation is achieved by the area and description provided by the EPA.

The CWMC operators will also verify the origin through the normal request of proof of address and nature of material.

e. Environmental Implications

The bushfires experienced throughout NSW in recent weeks has resulted in significant private property loss, in addition to loss of native flora and fauna.

The exemption from the NSW Waste Levy for the disposal of waste generated as a result of the bushfire events will assist those in time of need.

f. Other Implications

Nil

CONCLUSION

The exemption from the NSW waste levy for the disposal of waste generated as a result of bushfire events declared in the AGRN 871 Natural Disaster Declaration has been approved by the NSW EPA.

Works and Infrastructure

Report No. WI99/2019

Works and Infrastructure



In waiving the remaining waste disposal charge for eligible waste, rather than publicly exhibiting a new fee to accommodate the waste levy exemption, Council can provide immediate assistance to affected residents in time of need.

ENCLOSURES

There are no enclosures for this report

Works and Infrastructure
Report No. WI100/2019
Works and Infrastructure



SUBJECT: *BUILDING BETTER REGIONS FUND - ROUND FOUR*

RESPONSIBLE OFFICER: *Works and Operations Manager - Geoffrey Bent*

SUMMARY

The report seeks Council's approval to submit a grant application under the Australian Government's Building Better Regions Fund; Infrastructure Projects Stream, Round four – Drought Support.

RECOMMENDATION

1. That Council endorses the submission of an application under the Building Better Regions Fund: *Infrastructure Projects Stream, Round Four – Drought Support* for the Branxton to Greta Cycleway project,
2. That Council allocates a co-contribution of \$650,000 (25%) from within Council operational funding for cycleways, the grant funding leverage reserve and potential loans to fund the project, should the grant be successful.

BACKGROUND

The Building Better Regions Fund (BBRF) supports the *Australian Government's commitment to create jobs, drive economic growth and build stronger regional communities into the future.*

In Round Four, the Infrastructure Projects Stream is inviting applications for shovel-ready projects delivering jobs, driving economic growth and building up drought-affected regional communities. The Australian Government, as part of a broader package of support for drought-affected communities, will target projects that support communities and regions affected by drought. The program is competitive and must meet a range of eligibility and merit criteria and applications are competitive with other grant applications submitted from across Australia.

As part of the application process, applicants are required to indicate whether their project will be delivered in a location affected by drought and provide evidence supporting claims of economic and employment decline as a result of drought

The purpose of this report is to outline the application process and eligibility and assessment criteria for the BBRF Round Four, and to seek Council's endorsement to lodge an application under the Infrastructure Projects Stream.

Works and Infrastructure
Report No. WI100/2019
Works and Infrastructure



REPORT/PROPOSAL

Program Outcomes

Through the BBRF the Australian Government is expecting to achieve the following outcomes in drought-affected regions and targeting projects that will benefit communities affected by drought:

- create jobs;
- have a positive impact on economic activity, including Indigenous economic participation through employment and supplier-use outcomes;
- enhance community facilities;
- enhance leadership capacity;
- encourage community cohesion and sense of identity.

Not all projects will be able to contribute to each desired outcome, however collectively the projects will meet the BBRF desired outcomes.

Application Process

To be considered applications under the Infrastructure Projects Stream must be received by:

- 5pm local time on 19 December 2019.

Local government bodies are eligible to submit for investment-ready projects which have:

- confirmed co-funding (this excludes in kind contributions);
- identified all required regulatory and/or development approvals;
- can demonstrate robust planning;
- can commence within 12 weeks of signing the funding agreement.

To be considered all eligibility criteria must be met.

Eligibility & Assessment Criteria

Eligibility Requirements

Applicants must comply with all of the following to be considered eligible for the BBRF program:

- Be a legal entity with an ABN;
- An organization that is one of the following:
 - Local Government body as defined by the Local Government (Finance Assistance) Act 1995 or;
 - A not for profit organization that has been established for at least two years;
- Seek a grant of at least \$20,000 and up to a maximum of \$10M (dependent upon the funding stream);
- For most projects grant funding will be up to either 50% or 75% of your eligible project costs, depending on exemptions.
- Provide evidence confirming the matching funding intended;
- Deliver a benefit to the region beyond the period of project completion;

Works and Infrastructure

Report No. WI100/2019

Works and Infrastructure



- Meet the report requirements of the fund;
- Meet all legislation and regulations relating to the project.

As part of the application process, projects will be required to provide evidence the project will take place in a drought-affected location.

Assessment Requirements

To be competitive, an application must address each of the four merit criteria in the application and scoring is applied to each criteria. The nature and size of the project will determine the amount of information required:

1. Economic benefit (15 points)
2. Social benefit (10 points)
3. Value for money (5 points)
4. Project delivery (5 points)

In line with the program objectives and intended outcomes, the Infrastructure Projects Stream will support investment ready projects for new infrastructure, or the upgrade or extension of existing infrastructure, that provide economic and social benefits to regional and remote areas.

Exceptional circumstances co-funding exemption

The program has exceptional circumstance provisions where organisations have limited capacity to meet the co-funding requirement.

An application for an exemption must be submitted providing evidence demonstrating the exceptional circumstances and demonstrate how the project outcomes would be maintained into the future. If an exemption is not granted an application under the program will be ineligible.

The following should be noted:

- Exemptions will only be granted in very limited circumstances
- If an exemption is not granted your application will be ineligible and there will be no opportunity to resubmit your application in the same funding round
- All applications, including those granted an exemption, will be assessed against each of the merit criteria. Applications without co-funding may receive a lower score against the 'value for money' criterion (merit criterion 3)
- You are encouraged to leverage cash contributions, community partnerships and in-kind contributions, even if you seek an exemption, to strengthen your application and increase your score against the 'value for money' criterion.

Exceptional circumstances may include:

- Drought and/or disaster declaration
- Limited financial capacity of the local council
- Impact of industry decline
- Significant recent change in population or community demographics.

Works and Infrastructure**Report No. WI100/2019****Works and Infrastructure**

The co-funding required from Cessnock City Council is on a 50:50 basis, however, Council will submit a case for exceptional circumstances to reduce co-contribution requirements to 25% on the basis of limited financial capacity and impact of industry decline.

Suitable Projects

Council has previously considered a number of large scale projects in the Cessnock LGA that are deemed suitable for grant funding opportunities, these projects include:

No.	Project Name	Successful Grant	Project Status
1.	Upgrade of links to the Hunter Expressway (HEX)	\$4.456 million – Restart NSW – Fixing Country Roads Round Two	<ul style="list-style-type: none"> Roadwork construction in Progress
2.	Frame Drive Bridge	\$2 million - Federal Government Bridges Renewal Program 2016	<ul style="list-style-type: none"> Bridge construction in progress
3.	Fosters Bridge, Mulbring (Sandy Creek Road)	\$2.2 million - Federal Government Bridges Renewal Program 2016	<ul style="list-style-type: none"> Design in Progress Works Due to Commence 2017/18
4.	Cessnock Airport Upgrade	-	<ul style="list-style-type: none"> Unsuccessful EOI submission - Hunter Infrastructure Investment Fund (HIIF) – 2016 Unsuccessful EOI submission – Resources for Regions (R4R) – 2017 Pending submission with the NSW Growing Local Economies Fund - 2019
5.	Wollombi Road, Millfield	\$600,000 – Regional Road Repair Program	<ul style="list-style-type: none"> Roadwork Stages 1,2, 3, 4 & 5 complete Stage 6 to be undertaken as part of Council's 2017-21 Delivery Plan
6.	Great North Road, Bucketty	\$835,000 – Black Spot Funding (Lemmings Cnr) \$100,000 - Great North Rd Road Safety Audit	<ul style="list-style-type: none"> Road work complete Audit complete
7.	The Pinch – Wollombi Road, Pelton	-	<ul style="list-style-type: none"> Unsuccessful EOI submission - Resources for Regions – 2014 - 15
8.	Broke, Hermitage, Old North and Deasys Roads, with cycleways	\$8.6 million – Resources for Regions (Broke & Hermitage Roads only)	<ul style="list-style-type: none"> Road work complete Information Bay construction in progress

Works and Infrastructure

Report No. WI100/2019

Works and Infrastructure



9.	Branxton to Greta Cycleway	-	<ul style="list-style-type: none"> Unsuccessful EOI submission - Hunter Infrastructure Investment Fund (HIIF) – 2016 Unsuccessful EOI submission – Resources for Regions (R4R) - 2017
10.	Cessnock to Kurri Kurri – HEX Cycleway	-	<ul style="list-style-type: none"> Unsuccessful EOI submission - Hunter Infrastructure Investment Fund (HIIF) – 2016 Unsuccessful EOI submission – Resources for Regions (R4R) - 2017
11.	Cessnock CBD Revitalisation Project (A Staged Project - Includes Bridges Hill Playground Stage 1)	\$950,000 - Stronger National Regions Fund	<ul style="list-style-type: none"> Playground in progress CBD in progress
12.	Lomas Lane Bridge, Nulkaba	\$285,000 – Roads 2 Recovery Funding	<ul style="list-style-type: none"> Bridge completed
13.	Abbotsford Bridge, Bellbird	-	<ul style="list-style-type: none"> Bridge in progress under agreement with developer
14.	Richmond Vale Rail Trail Cycleway	-	<ul style="list-style-type: none"> Feasibility Study in Progress Unsuccessful EOI – Restart NSW – Regional Growth – Environment and Tourism Fund
15.	Old North Road, Rothbury	-	<ul style="list-style-type: none"> Unsuccessful EOI submission - Resources for Regions – 2015 & 2016
16.	Bridges Hill, Convent Hill and East End Oval Upgrade	-	<ul style="list-style-type: none"> Stage 1 of Bridges Hill Playground included in Cessnock CBD Revitalisation Project (National Stronger Regions) Progressed to next stage of Resources for Regions (R4R) - 2017
17.	Hunter Valley Wine Country Tourist Signage implementation	\$1,250,000 – Federal Government Building Better Regions Fund Round 1 and Restart NSW – Regional Growth – Environment and Tourism Fund	<ul style="list-style-type: none"> Stage 1 complete Stage 2 in progress

Works and Infrastructure

Report No. WI100/2019

Works and Infrastructure



18.	Paynes Crossing Bridge	\$667,700 – Federal Governments Bridges Renewal Program and \$660,000 Fixing Country Roads	• Design complete
19.	Whittings Bridge	\$437,525 – Federal Governments Bridges Renewal Program	• Bridge complete
	Total	\$23,065,225	

Note: Roads and bridge projects do not deliver the intended outcomes of merit based competitive funding connected to job creation and economic stimulation and generally not eligible to be funded through programs such as BBRF.

In assessing the suitability of each of the above projects against the criteria set for BBRF Round Four, Council officers have determined that the following project is shovel ready, and considered suitable for submission:

- **Branxton to Greta Cycleway** (number 9 in the table).

Council has prepared a robust Business Case and Benefit to Cost Ratio for this project with reinforces the competitive merit of this submission. The following provides a brief description of the project including a current project estimate.

Scope

Council have committed to construct the cycleway between Greta and Branxton in the Hunter Region which will comprise the construction of a 3.3km long by 2.4m wide, off-road concrete shared cycleway on the northern side of the New England Highway. The cycleway construction will also include way-finding signage with user friendly pedestrian crossings. The design has been completed and ready to be issued for construction.

Finalisation of the detailed design will also require consultation with RMS; however, sufficient detail is available to consider this project “Shovel Ready”.

Drought – Affectedness Criteria

Cessnock LGA does not meet the criteria for BBRF’s Australian Government’s Drought Communities Programme, but does meet the drought-affected location requirement.

The NSW Department of Primary Industries provides a Combined Drought Indicator (CDI). The CDI has five drought levels (in order of Drought-Affectedness), including Non Drought, Recovering, Drought Affected, Drought and Intense Drought. Cessnock LGA is currently experiencing a combination of Drought Affected and Drought, there is a section of the northern fringe towards Branxton which is rated Intense Drought. Fortunately the intensity is not as great as is being experienced in other parts of NSW.

Water restrictions are currently in place as active capacity of the Hunter’s water storage is 43% at 2 December 2019.

Works and Infrastructure

Report No. WI100/2019

Works and Infrastructure



Estimated Cost: Construction

The current estimate for this project is \$2.6 M (excluding memorials and tree plantings).

Council Co-contribution of 25%

With the total project cost for the cycle way assessed as **\$2.6M**, Council would need to provide a co-contribution of **\$650,000 (25%)** from within Council operational funding for cycle ways, and the grant funding leverage reserve and potential loans to fund the project.

The funding to be sourced from the BBRF program under this scenario would be **\$1.95M (75% of total project cost)**.

Project Benefits

This project is anticipated to deliver a range of benefits for the local community, visitors and Council. In particular direct benefits over the life of the asset are expected to include:

- improved health outcomes through an uptake of active travel, and
- increased expenditure in retail and food service businesses located in both Greta and Branxton (due to increased visitation by residents cycling for recreational purposes).

Economic Outcomes

Anticipated economic benefits relate to:

- Growing the tourism offering
- Business growth

Investment in the provision of the Branxton to Greta Cycleway project will have significant economic benefits that will flow on to other sectors of the economy. From a direct injection of \$2.6 million, it is estimated that the demand for intermediate goods and services would rise by \$1.416 million. These industrial effects include multiple rounds of flow-on effects, as servicing sectors increase their own output and demand for local goods and services, in response to the direct change to the economy.

Output

The increases in direct and indirect output would typically correspond to the creation of jobs in the economy. Corresponding to this change in employment would be an increase in the total of wages and salaries paid to employees. A proportion of this expenditure is captured in the local economy. The consumption effects under this scenario are estimated at \$0.436 million.

Total output, including all direct, industrial and consumption effects is estimated to increase by up to \$4.452 million. This represents an output multiplier effect of 1.712.

Works and Infrastructure

Report No. WI100/2019

Works and Infrastructure



Employment

From a direct increase in output of \$2.6 million, it is anticipated that 4 jobs will be created for the planning and construction phase of the project. From this direct expansion in the economy, flow on industrial effects in terms of local purchases of goods and services are anticipated, and therefore it is estimated that these indirect impacts would result in the gain of a further 4 jobs, with another 1 job being created as a result of additional consumption in the local economy.

Total employment, including all direct, industrial and consumption effects is estimated to increase by up to 9 jobs. This represents an employment multiplier effect of 2.250.

Wages and Salaries

From a direct investment of \$2.6 million, it is estimated that direct wages and salaries would increase by \$0.420 million. From this direct expansion in the economy, flow-on industrial effects in terms of local purchases of goods and services are anticipated, and it is estimated that these indirect impacts would result in the gain of a further 4 jobs and a further increase in wages and salaries of \$0.303 million. This represents a direct wages and salaries multiplier effect of \$1.723.

In addition, the direct and indirect output and the corresponding creation of jobs in the economy are expected to result in an increase in the wages and salaries paid to employees. A proportion of these wages and salaries are typically spent on consumption and a proportion of this expenditure is captured in the local economy. The consumption effects under this scenario are expected to further boost employment in sectors such as retail and services therefore further increasing wages and salaries by \$0.101 million.

Total wages and salaries, including all direct, industrial and consumption effects is estimated to increase by up to \$0.824 million. This represents a total wages and salaries multiplier effect for this project of 1.963.

Impact – Value-Added

From direct, industrial and consumer effects, the expansion in the economy of purchases and goods, boost to jobs and increases in salaries and wages are estimated to increase total value-added by up to a further \$1.574 million. This represents a value-added multiplier effect of 1.943.

Benefit to Cost Ratio

Preliminary cost benefit analysis, incorporating project costs (capital and ongoing) and expected benefits at a 4 per cent discount rate, estimates that for every dollar of costs associated with the Branxton to Greta Cycleway the local government area of Cessnock will benefit by up to \$1.24.

Works and Infrastructure

Report No. WI100/2019

Works and Infrastructure**Cost Benefit Ratios**

NPV Discount Rate	Cost	Benefit	Cost Benefit Ratios
4%	\$2,753,784	\$3,425,443	1 : 1.24
7%	\$2,522,565	\$2,194,147	1 : 0.87
10%	\$2,343,741	\$1,494,327	1 : 0.64

The Benefit to Cost Ratio has been prepared by REMPLAN.

OPTIONS

Nil

CONSULTATION

Identification of the listed major infrastructure projects and the prioritisation of those considered eligible for nomination under BBRF, involved consultation with the following stakeholders:

- Director Works & Infrastructure
- Strategic Asset Planning Manager
- Infrastructure Manager
- Infrastructure Project Engineer
- Acting Economic Development Manager
- Economic Development Officer
- Open Spaces & Community Facilities Manager
- Strategic Recreation & Facilities Planner
- REMPLAN

STRATEGIC LINKS**a. Delivery Program**

The two major projects recommended for BBRF broadly align with the following Delivery Plan Objectives;

Community Objective 1.1 - 'Promoting social connections';

Community Objective 2.1 - 'Diversifying Local Business Options';

Community Objective 2.3 - 'Increasing Tourism Opportunities & Visitation in the Area';

Community Objective 3.2 - 'Better Utilisation of Existing Open Space';

Community Objective 4.1 - 'Better transport links'.

b. Other Plans

Hunter Regional Transport Plan (2014)

Hunter Strategic Infrastructure Plan (2013)

Hunter Economic Infrastructure Plan (2013)

Community Strategic Plan (2013)

Cessnock Cycling Strategy (2016)

Hunter Valley Wine Country Signage Strategy (2016)

Cessnock CBD Masterplan (2012)

Convent Hill, Bridges Hill Park and East End Oval Masterplan (2016)

Works and Infrastructure

Report No. WI100/2019

Works and Infrastructure



Draft Bridges Hill Park, Regional Playground Design.
Draft Recreation Open Space Strategic Plan (2017)

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

The BBRF is a dollar for dollar funding program. If Council is successful with either or both of its applications, it will be required to provide matching funds as detailed in the report.

c. Legislative Implications

Nil

d. Risk Implications

That Council is not willing to make an application under BBRF Round Four foregoing the opportunity of securing external funds to undertake significant infrastructure projects.

e. Environmental Implications

Nil

f. Other Implications

Nil

CONCLUSION

Council has an opportunity to make applications under BBRF to potentially receive external funds to support the delivery of the Branxton to Greta Cycleway as the most suitable project for submission.

If Council is successful it will need to contribute a co-contribution of funds as detailed in the report.

ENCLOSURES

There are no enclosures for this report

Notices Of Motion

Report No. BN31/2019

General Manager's Unit



NOTICES OF MOTION No. BN31/2019

SUBJECT: *MAITLAND ROAD ROUNDABOUT*

COUNCILLOR: *Ian Olsen*

MOTION

That Council considers the roundabout at the intersection of Maitland Road, Old Maitland Road and Gallagher Street in the development of the implementation program related to the Traffic and Transport Strategy.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 11 December 2019.

RATIONALE

The intersection is heavily used with the school on the corner, traffic utilising the Refuse Centre, Council depot and local residents. It is a dangerous corner that needs improvements and a roundabout would assist in slowing traffic entering Cessnock as well as allowing safer access for all users.

SOURCE OF FUNDING:

Traffic improvements

DELIVERY PROGRAM:

Safer communities and improved traffic flow.

Sgd: Ian Olsen

Date: 8 November 2019

ENCLOSURES

There are no enclosures for this report

Notices Of Motion

Report No. BN32/2019

General Manager's Unit



NOTICES OF MOTION No. BN32/2019

SUBJECT: *NULKABA SCHOOL SAFETY*

COUNCILLOR: *Ian Olsen*

MOTION

That the General Manager investigates the safety around the Nulkaba Public School at times of drop off and pick up of children and design a plan that can improve the safety for all students and pedestrians, and that the General Manager bring this back to Council within 6 months for ratification and finding funds to complete any improvements recommended.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 11 December 2019.

RATIONALE

The residents and parents of Nulkaba have highlighted a dangerous area for children and parents when dropping off and picking up their children at school. The school has grown over the years and it is important to make sure we have a safe network of roads and parking around all schools.

SOURCE OF FUNDING:

Traffic improvements.

DELIVERY PROGRAM:

Safer communities and improved traffic flow.

Sgd: Ian Olsen

Date: 8 November 2019

ENCLOSURES

There are no enclosures for this report

Correspondence

Report No. CO30/2019

Corporate and Community Services



SUBJECT: *WESTON FIRE AND RESCUE STATION*

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

RECOMMENDATION

That the correspondence from the Member for Cessnock, Clayton Barr MP, in regards to the Weston Fire and Rescue Station be noted.

At its Ordinary Meeting of 23 October 2019 Council considered report BN26/2019 – Weston Fire and Rescue Station and 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.***

A response has been received from Mr Clayton Barr, MP, State Member for Cessnock advising that he has forwarded Council's letter to the Hon David Elliott, MP, Minister for Police and Emergency Services.

A copy of the correspondence is provided for Councils information.

ENCLOSURES

- [1](#) Response from Clayton Barr MP, Member for Cessnock



Clayton Barr, MP

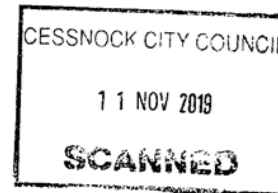
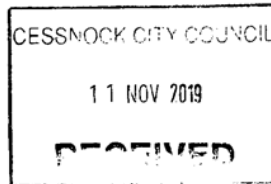
STATE MEMBER FOR THE ELECTORATE OF CESSNOCK



Our Ref: CB3-CessnockCityCouncil-Eme-20191104-0503

4 November 2019

Ms Lotta Jackson
General Manager
Cessnock City Council
PO Box 152
CESSNOCK NSW 2325



Lotta
Dear Ms Jackson

Thank you for providing a copy of the Council's recent letter to the NSW Minister for Police and Emergency Services, the Hon David Elliott MP.

After reading the Council's letter, I note that at the meeting held 23 October 2019, Council unanimously resolved that the General Manager writes to the Minister for Police and Emergency Services 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.
- 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 a RFS facility.
- Review which improves conditions and incentives for retaining retained fire fighters.

Accordingly, I have forwarded Council's letter to the Hon David Elliott, MP, Minister for Police and Emergency Services, seeking consideration of the issues that Council has raised.

I shall contact you again once I have received a response to my representations.

Yours sincerely

CLAYTON BARR, MP
State Member for the Electorate of Cessnock
Shadow Minister for Water
Shadow Minister for Innovation, Science and
Tertiary Education
Shadow Minister for the Hunter

118 Vincent Street (PO Box 242), Cessnock NSW 2325

P (02) 4991 1466 | 1300 550 114 F (02) 4991 1103 E cessnock@parliament.nsw.gov.au

Country Labor - *Thinking outside of the City*