



10 May 2022

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, 18 May 2022 at 6.30pm, for the purposes of transacting the undermentioned business.

**AGENDA:**

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- (1) **ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS**
- (2) **OPENING PRAYER**
- (3) **RECEIPT OF APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE**
- (4) **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**  
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- (8) **CONSIDERATION AND ADOPTION OF ALL REPORTS BY ENGLOBO**
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**(18) REPORT OF THE CONFIDENTIAL SESSION OF THE ORDINARY COUNCIL MEETING ON 18 MAY 2022**

‡ - 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 16 September 2020. 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***

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**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 20 APRIL 2022, COMMENCING AT  
6.30PM**

**PRESENT:** His Worship the Mayor, Councillor J Suvaal (in the Chair) and Councillors Jurd, Hawkins, Burke, Moores, Watton, Sander, Grine, Hill.

**IN ATTENDANCE:** Acting General Manager (Director Corporate and Community Services)  
Acting Director Planning and Environment (Strategic Planning Manager)  
Acting Director Corporate and Community Services (Human Resources Manager)  
Director Works and Infrastructure  
Acting Development Services Manager (Team Leader Development Services)  
Economic Development & Tourism Manager  
Information Technology Manager  
Chief Finance and Administration Manager  
Help Desk Support Officer  
Corporate Governance Officer

*The Mayor acknowledged the sudden passing of Mrs Christine Olsen, wife of Councillor Ian Olsen and offered Councils condolences.*

*The Mayor also acknowledged the passing of former Mayor of Cessnock, the Hon. Bob Brown AM, and offered Councils condolences.*

*A minutes silence was held as a mark of respect.*

**LEAVE OF  
ABSENCE:**

**MOTION**

**Moved:** Councillor Burke  
**Seconded:** Councillor Hawkins

56

**RESOLVED** that the Leave of Absence previously submitted by Councillors Jackson, Dunn and Paynter be noted.

That a Leave of Absence be granted to Councillor Olsen for the period 19 April 2022 to 8 May 2022.

**FOR**

**AGAINST**

Councillor Suvaal  
Councillor Moores  
Councillor Burke  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Watton  
Councillor Jurd

**Total (9)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**MINUTES:**

**MOTION**

**Moved:** Councillor Sander  
**Seconded:** Councillor Moores

57

**RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 16 March 2022, as circulated, be taken as read and confirmed as a correct record.

**FOR**

**AGAINST**

Councillor Suvaal  
Councillor Moores  
Councillor Burke  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Watton  
Councillor Jurd

**Total (9)**

**Total (0)**

**CARRIED UNANIMOUSLY**

## **DISCLOSURES OF INTEREST**

### **DISCLOSURES OF INTEREST NO. DI3/2022**

**SUBJECT: DISCLOSURES OF INTEREST**

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#### **RECOMMENDATION**

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

**WI26/2022 - Minutes of the Community Engagement, Awards and Grants Committee** – Councillor Burke declared a Non pecuniary Interest – Less Than Significant Conflict for the reason that he is a sponsor of one of the recipients. Councillor Burke 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 will not affect the way he votes.

**PE19/2022 - Development Application 8/2020/20942/1 Proposing the Phased Construction of an Animal Boarding and Training Establishment for One-Hundred (100) Dogs - 1 Neath Road, Neath** – Councillor Hill declared a Non Pecuniary Interest – Significant conflict for the reason that the applicant is a work colleague/close acquaintance. Councillor Hill advised that he would leave the Chamber and take no part in discussion and voting.

**PE24/2022 - Draft Local Planning Framework for the Cessnock LGA Vineyards District** – Councillor Hawkins declared a Pecuniary Interest for the reason that his family own property within the Vineyards District. Councillor Hawkins advised that he would leave the Chamber and take no part in discussion and voting.

## PETITIONS

### ADDRESS BY INVITED SPEAKERS

The following people addressed the meeting of Council:

Speakers	For / Against	Report	Page No.	Duration
Mr Simon Rofe	Against	PE20/2022 - Development Application 8/2021/21319/1 proposing Phased Development - Phase 1: Use of Existing Open Air Structure as Function Centre, Change of Use of Existing Shed to Amenities Building, and Construction of Storage Shed Phase 2: Enclosure of Open Air Function Centre  469 Lovedale Road, Lovedale	171	3 mins

#### EXTENSION OF TIME

**Moved:**

Councillor Hawkins

**Seconded:**

Councillor Sander

58

#### RESOLVED

That an extension of 1 minute be granted to Mr Rofe to complete his presentation.

#### FOR

#### AGAINST

Councillor Suvaal  
Councillor Moores  
Councillor Burke  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Watton  
Councillor Jurd

**Total (9)**

**Total (0)**

**CARRIED UNANIMOUSLY**

Mr Stephen Sefton	Against	PE20/2022 - Development Application 8/2021/21319/1 proposing Phased Development - Phase 1: Use of Existing Open Air Structure as Function Centre, Change of Use of Existing Shed to Amenities Building, and Construction of Storage Shed Phase 2: Enclosure of Open Air Function Centre  469 Lovedale Road, Lovedale	171	3 mins
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**EXTENSION OF TIME**

**Moved:**  
**Seconded:**

Councillor Hawkins  
Councillor Sander

59

**RESOLVED**

**That an extension of 1 minute be granted to Mr Sefton to complete his presentation.**

**FOR**

Councillor Suvaal  
Councillor Moores  
Councillor Burke  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Watton  
Councillor Jurd

**Total (9)**

**AGAINST**

**Total (0)**

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE20/2022**

**SUBJECT: DEVELOPMENT APPLICATION 8/2021/21319/1 PROPOSING PHASED DEVELOPMENT - PHASE 1: USE OF EXISTING OPEN AIR STRUCTURE AS FUNCTION CENTRE, CHANGE OF USE OF EXISTING SHED TO AMENITIES BUILDING, AND CONSTRUCTION OF STORAGE SHED PHASE 2: ENCLOSURE OF OPEN AIR FUNCTION CENTRE**

**469 LOVEDALE ROAD, LOVEDALE**

**MOTION**

60

**RESOLVED**

**Moved:** Councillor Moores

**Seconded:** Councillor Sander

1. That:

- (i) Development Application No. 8/2021/21319/1 proposing a phased development comprising Phase 1: use of existing open air structure as function centre, change of use of existing shed to amenities building, and construction of storage shed and Phase 2: enclosure of open air function centre at Lot 1, DP1176752, 469 Lovedale Road, Lovedale 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:
  - The proposal is permitted in the RU4 zone under the provisions of the *Cessnock Local Environmental Plan 2011*;
  - The proposal is consistent with the objectives of the RU4 zone under the provisions of the *Cessnock Local Environmental Plan 2011*;
  - The proposal is generally compliant with the relevant provisions under Cessnock Development Control Plan 2010, with any variations considered to be acceptable;
  - The proposal does not result in any unacceptable adverse impacts on the natural and built environment;
  - The proposal will not result in any unacceptable adverse social or economic impacts;
  - The site is considered suitable and appropriate within the rural landscape setting with minimal impacts on the surrounding locality; and
  - The proposal is considered to maintain the public interest.
- (iii) In considering community views, the following is relevant:
  - The issues and concerns raised by the community regarding noise impacts, traffic impacts, environmental impacts, and amenity impacts have been taken into consideration in the assessment of the application and the determination addresses the community's concerns.

- (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.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
<b>Total (9)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## CONDITIONS OF CONSENT

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### STATEMENT OF REASONS:

Pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*, the reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:

- The proposal is a permitted land use in the RU4 – Primary Production Small Lots zoned under Cessnock Local Environmental Plan 2011.
- The proposal is consistent with the objectives of the RU4 – Primary Production Small Lots zoned under Cessnock Local Environmental Plan 2011.
- The proposal incorporates adequate measures to ensure the development does not result in any adverse impacts on the social and economic locality.
- The proposal is suited to the site, having regard to its zoning, dimensions and overall area.
- The proposed development is considered to maintain the public interest.

### CONSIDERATION OF SUBMISSIONS

Pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*, in respect of considering community views, the following is relevant:

- Suitable conditions of consent have been imposed to ensure the development will not adversely affect the amenity of surrounding properties including noise amelioration measures and operational constraints.



## **SCHEDULE 1**

Within twelve (12) months from the date of determination the proponent shall submit the following information/documentation, to the satisfaction of Council:

- Provide documentary evidence that formal legal access is obtained from Lovedale Road to the property 469 Lovedale Road, Lovedale.

This consent will not operate until the applicant satisfies Council that the matter/s listed above have been complied with. Upon satisfactory evidence being provided that the matter/s listed above have been satisfied, Council will give notice to the applicant of the date from which the consent operates.

**Note:** Pursuant to section 4.53 of the *Environmental Planning and Assessment Act 1979*, this consent will lapse if the Applicant fails to satisfy the Council as to the matters listed in this deferred commencement condition within twelve (12) months from the date of determination.

## **SCHEDULE 2**

### **CONDITIONS OF CONSENT APPLICABLE AFTER SATISFACTION OF DEFERRED COMMENCEMENT CONDITION IN SCHEDULE 1**

#### **TERMS OF CONSENT**

**This is a two (2) phased development with the conditions under headings for Phase 1 and Phase 2 applying to the phases respectively. Phase 2 is reliant upon the completion of the Phase 1.**

<b>All Phases</b> <b>Conditions under this heading apply to all phases of the development</b>
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#### **1. Approved Plans and Documents**

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

<b>Plan Reference</b>	<b>Drawn By</b>	<b>Dated</b>
Context Plan Sheet No. DA00 of 16 Drawing No. 1542-A201 Revision E	ACM Landmark	01.06.2021
Overall Site Plan Sheet No. DA01 of 16 Drawing No. 1542-A201 Revision E	ACM Landmark	01.06.2021
Part Site Plan A Sheet No. DA02 of 16 Drawing No. 1542-A201 Revision E	ACM Landmark	01.06.2021
Part Site Plan D Sheet No. DA03 of 16 Drawing No. 1542-A201	ACM Landmark	01.06.2021

Revision E		
Part Site Plan C Sheet DA04 of 16 Drawing No. 1542-A201 Revision E	ACM Landmark	01.06.2021
Function Centre Plan Sheet DA05 of 16 Drawing No. 1542-A201 Revision E	ACM Landmark	01.06.2021
North Function Plan Sheet No. DA06 of 16 Drawing No. 1542-A201 Revision E	ACM Landmark	01.06.2021
East Function Sheet No. DA07 of 16 Drawing No. 1542-A201 Revision E	ACM Landmark	01.06.2021
South Function Sheet No. DA08 of 16 Drawing No. 1542-A201 Revision E	ACM Landmark	01.06.2021
West Function and Materials Sheet No. DA09 of 16 Drawing No. 1542-A201 Revision E	ACM Landmark	01.06.2021
Amenities Floor Plan, Loft Floor Plan Sheet No. DA10 of 16 Drawing No. 1542-A201 Revision E	ACM Landmark	01.06.2021
Amenities Elevations Sheet No. DA11 of 16 Drawing No. 1542-A201 Revision E	ACM Landmark	01.06.2021
Shed Plan and Materials Sheet No. DA12 of 16 Drawing No. 1542-A201 Revision E	ACM Landmark	01.06.2021
North and East Shed Elevation Sheet No. DA13 of 16 Drawing No. 1542-A201 Revision E	ACM Landmark	01.06.2021
South and West Shed Elevation Sheet No. DA14 of 16 Drawing No. 1542-A201 Revision E	ACM Landmark	01.06.2021
Phasing Plan Sheet No. DA15 of 16 Drawing No. 1542-A201 Revision E	ACM Landmark	01.06.2021
Streetscape Perspective Sheet No. DA16 of 16 Drawing No. 1542-A201 Revision E	ACM Landmark	01.06.2021

Binet Family Wines Chapel Drawing No. 106718 Sheets 1 and 2 of 2 Revision 3	Alfabs	26.10.2020
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Document Title	Prepared By	Dated
Noise Assessment Project No. 202024R- verii_Aug21	Spectrum Acoustics	August 2021

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

## 2. **Separate Approval for Signs**

A separate DA for any proposed signs must be submitted to and approved by Council prior to the erection or display of any such signs.

## 3. **CC, PC & Notice Required**

In accordance with the provisions of Section 6.6 and 6.7 (cf previous Section 81A) of the *EP&A Act 1979* construction works approved by this consent must not commence until:

- a) A CC has been issued by a Certifier (being Council or a registered certifier); and
- b) A PC has been appointed by the person having benefit of the development consent; and
- c) If Council is not the PC, notify Council no later than two (2) days before building work commences as to who is the appointed PC; 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*.

## 5. **Access and Facilities for People with a Disability**

The development is to be provided with access and facilities for people with disabilities in accordance with the provisions of the Disability (Access to Premises – Buildings) Standard 2010.

## 6. **Operating Hours and Function Frequency**

The following operating hours and frequency must be adhered to:

- a) No more than three (3) events are to be held each month.
- b) The function centre is to only operate between the hours of 10am to 10:30pm.

- c) The use of the amenities building must only be used in conjunction with the function centre operations.

**7. Occupant Capacity**

The capacity of the function centre and associated amenities building must not exceed 100 patrons at any one time.

**8. Prohibition of Functions in Storage Shed**

Functions or events are strictly prohibited within the storage shed. The storage shed is to only used for storage and rural purposes.

**9. Restriction of Parking and Stopping in Right of Way**

The applicant must ensure at all times that vehicles do not park in the public road reserves or the right of way as defined by DP1176752 and DP810564.

**10. Patron Management**

The person having benefit of the consent, shall ensure sufficient security is made available at all times to monitor and control patron activity, including unnecessary noise, and to ensure patrons enter and exit the premises in an orderly manner.

**11. Private Water Supply – Safe Supply**

If the proposed 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.

**PRIOR TO COMMENCEMENT OF WORKS**

**The following conditions are to be complied with prior to the commencement of works on the subject site:**

**12. PC Signage and Contact Details**

Prior to the commencement of works, a sign must be erected in a prominent position on the site on which the proposal is being carried out. The sign must state:

- a) Unauthorised entry to the work site is prohibited
- b) The name of the principal contractor (or person in charge of the site) and a telephone number on which that person may be contacted at any time for business purposes and including outside working hours
- c) The name, address and telephone number of the *PC* for the work

Any such sign must be maintained while the work is being carried out, but must be removed when the work has been completed.

### **13. 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.

### **14. S138 Roads Act 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.

### **15. Toilet Facilities**

Toilet facilities are to be provided prior to works commencing, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must be a sewage management facility approved by the NSW Department of Health and/or Council, and operate in an environmentally responsible manner, free of nuisance or offence, and be appropriately serviced.

### **16. 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. In the event that existing services are required to be relocated the proprietor shall make application to obtain any necessary approval from the relevant service authority prior to commencement of any works.

## **DURING WORKS**

**The following conditions are to be complied with during works.**

### **17. 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.

### **18. Construction Noise**

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*.

**19. Approved Plans Kept On Site**

A copy of the approved plans must be kept on site for the duration of site works and be made available upon request.

**20. Site is Securely Fenced**

The area of construction work must be appropriately secured and fenced at all times during works.

**21. Erosion and Sediment Controls**

The control of erosion, and the prevention of silt discharge into drainage systems and waterways, will be necessary in accordance with Council's "Engineering Requirements for Development", and Landcom's Soils and Construction Manual - April 2004. Erosion control measures are to be implemented prior to the commencement of any earthworks, and shall be maintained until satisfactory completion and restoration of site earthworks, including revegetation of all exposed areas.

**22. Waste Management**

Rubbish generated from the development is to be suitably contained on site at all times. No rubbish shall be stockpiled in a manner which facilitates the rubbish to be blown off site.

**23. Bushfire Protection**

The following bush fire protection measures are to be implemented at the commencement of building works, and maintained for the life of the development:

a) Water and Utilities

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

- i) The provision of water, electricity and gas shall comply with Table 7.4a of *Planning for Bush Fire Protection 2019*.
- ii) A 20,000 litre water supply tank (manufactured from concrete or metal) shall be provided for fire fighting purposes. A Rural Fire Service standard 65mm metal Storz outlet with a ball valve shall be fitted to the outlet within the 'Inner Protection Area' or the non-hazard side away from the structure.
- iii) Supply pipes from the tank to the ball valve shall have the same bore size to ensure flow volume.
- iv) All associated fittings to the tank shall be non-combustible.
- v) A hardened ground surface for Rural Fire Service truck access shall be provided within 4m of the water supply.
- vi) Unobstructed access to the water supply shall be provided at all times.
- vii) Tanks located on the hazard side of a building shall be provided with adequate shielding for the protection of fire fighters.

- viii) All exposed water pipes external to the building shall be metal, including any fittings.
- ix) A minimum 5hp or 3kW petrol or diesel-powered pump shall be provided for connection to the water supply and shielded against bush fire attack. A hose of minimum 19mm internal diameter with reel for fire fighting shall be provided for connection to the pump.
- x) Reticulated or bottled gas shall be installed and maintained in accordance with AS/NZS 1596-2014. Gas cylinders are to be kept clear of all flammable materials to a distance of 10m and are to be shielded on the hazard side. Connections to and from gas cylinders are to be metal. All above-ground gas service pipes shall be metal, including and up to any outlets. Polymer-sheathed flexible gas supply lines are not to be used.

d) Access

The intent of measures is to provide safe operational access on property access roads for emergency services personnel in suppressing a bush fire, and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

- i) Access shall comply with Table 7.4a of *Planning for Bush Fire Protection 2019*.

## ONGOING USE

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

### 24. Outdoor Lighting

All outdoor lighting must not detrimentally impact upon the amenity of other premises and adjacent dwellings and road reserve, and must comply with, where relevant, AS 1158.3:2005 *Lighting for roads and public spaces – Pedestrian Area (Category P) lighting – Performance* and design requirements and AS 4282:1997 *Control of the obtrusive effects of outdoor lighting*.

### 25. Flood Lighting

Flood lighting on any building, along pathways or in the carpark is strictly prohibited at all times.

### 26. Driveways to be Maintained

All access crossings and driveways shall be maintained in good order for the life of the development.

### 27. 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.

An annual report shall be submitted to Council, for the three (3) years following issue of the OC, certifying that the landscaping works have been satisfactorily maintained.

## **28. Noise Complaints**

Where a noise complaint is received by Council from a place of different occupancy and the noise source is proven by a Council Officer to be non-compliant, the Council may employ a consultant to measure noise emanating from the property, and to recommend (if necessary) appropriate actions to ensure compliance.

The consultant must be a member of the Australian Acoustical Society, Engineers Australia, or the Association of Australian Acoustical Consultants. The cost of such appointment and associated work shall be borne by the applicant, who shall also ensure the recommendations of the acoustic consultant are implemented.

## **29. Maximum Occupancy**

A sign must be displayed in a prominent position in the building stating the maximum number of persons, as specified in the development consent, that are permitted in the building.

## **30. Food Premises**

The food premises is to be placed upon Council's food inspection register and may be subject to regular Council inspections as per Council's *Routine Inspection Program*.

## **31. Plan of Management**

The *Plan of Management* is to be a working document, kept onsite and provided to Council Officers for review, upon request.

## **32. Validation Report**

A *Validation Report* must be obtained from a suitably qualified acoustic consultant, within three (3) months after the development commences operation. The report must be submitted to Council within 28 days of the noise measurements. It must verify compliance with the recommendations within the *Noise Assessment* as submitted by Spectrum Acoustics, dated August 2021. Noise measurements must be conducted in accordance with the guidelines contained in the Environment Protection Authority's *Noise Policy for Industry*.

Any recommendations contained in the validation report must be implemented in accordance with the report to the satisfaction of Council.



**PHASE 1**  
**Use of Existing Structure as Function Centre;**  
**Alterations and Additions to Existing Shed to Create Amenities Building;**  
**And Construction of Storage Shed**

**PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

**The following conditions are to be complied with, to the satisfaction of the Certifier, prior to issue of a Construction Certificate.**

**33. 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.

**34. Cessnock Section 7.12 Levy Development Contributions Plan**

A total monetary contribution of \$5,991.79 is to be paid to Council, pursuant to Section 7.12 of the *EP&A Act 1979*, such contribution is to be paid prior to the issue of any CC.

- i) This condition is imposed in accordance with the provisions of *Cessnock Section 7.12 Levy Contributions Plan 2017 (as amended)*. A copy of the document is available on Council's website at [www.cessnock.nsw.gov.au](http://www.cessnock.nsw.gov.au) or may be inspected at Council's Customer Services Section, Administration Building, Vincent Street Cessnock.
- ii) 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 time of actual payment in accordance with the Consumer Price Index. Indexation of contributions for payment occurs quarterly.

Any party intending to act on this consent should contact Council prior to the date of payment to determine the indexed amount payable.

**35. Plan of Management for Premises**

A *Plan of Management* is to be lodged and approved by Council prior to the issue of a CC. The *Plan of Management* is to include, but not be limited to, noise management issues as follows:

- a. checklist of actions for control of/routine monitoring of noise generated at the venue;
- b. a documented complaint process and response procedures;
- c. a register for the documenting of complaints received, details of investigation and corrective actions undertaken;
- d. details of staff responsible for noise control; and
- e. noise management training records of new staff.

### *Noise Control Actions to be included within the Plan of Management*

- Any marquees set up for wedding receptions should be located to the north of the function centre such that speakers for any entertainment can be positioned within 10m of the building.
- Any food vans should be located on the driveway to the east of the function centre. Food vans should be oriented such that the noise source on the van faces to the east, away from the closest receivers. This recommendation may be ignored if there is documentation that the van has an accurately determined sound power level of less than 88 dB(A) Leq.
- If it is impractical to orient the van away from receivers, temporary shielding must be erected in the noise path (line of sight) between the van and receiver. Any temporary shielding must be capable of acting as an acoustic barrier constructed of material with minimum surface density of 15kg/m<sup>2</sup>. It must be solid from ground level to a height that effectively breaks the line of sight between the noise source and the receiver.
- Mobile cool rooms can be located anywhere near the function centre.
- There is to be an event manager on site for wedding receptions and this person will be responsible for ensuring the music/PA system is turned off by 10:00pm and that guests leave the premises in a prompt and orderly manner;
- Prior to booking the venue the hirer should be made aware of the requirement to limit noise emissions to an appropriate level;
- Entertainment at the venue must cease by 10.30pm;
- All entertainment must set up in a marquee with speakers facing to the north;
- Staff at the venue should be made aware of the need to maintain noise at acceptable levels and also of the consequences of non-compliance with this recommendation;
- Where possible the bass noise component of the entertainment (125Hz and below) should be monitored and kept at low levels. By way of practical explanation this means that the bass guitar and drum noise should be kept down. It is, typically, the low frequency noise which can be the cause of complaint in relation to noise from entertainment venues; and
- The entertainment cannot include subwoofers or electric drum kits.

The Plan of Management is to be submitted to Council prior to the issuing of a *Construction Certificate*.

### **36. Noise Management Plan**

Prior to issue of the CC, the applicant shall engage a suitably qualified acoustic consultant to prepare a "*Noise Management Plan*" for submission to and approval by Council. This plan shall contain the following details at a minimum:

- (i) (Confirmation that an event manager will be in attendance at each function for its duration to ensure the orderly behaviour of guests.
- (ii) The erection of signage in the carpark reminding patrons and staff that the site is located within a rural environment and that noise levels are to be kept to a minimum.
- (iii) Formulation and implementation of a complaints handling register detailing the following (at a minimum):
  - Name of the person responsible for the overall management of the site and their contact telephone number (landline in the event of no mobile coverage);
  - Confirmation that the phone of the person responsible for the overall management of the site will remain available/switched on during any event held on the site
  - Details of each complainant including name, address, contact details, time and nature of the complaint;
  - Action undertaken to address the complaint;
  - Follow up contact with the complainant to advise of outcome of action taken to address the complaint; and
  - Implementation of any relevant actions to ensure similar issues do not re-occur.

### **37. Smoke Alarms**

The smoke alarm system must be installed on or near the ceiling in accordance with Part 3.7.2.3 of the *BCA*. The smoke alarm system must be connected to the mains electrical power supply and must have a stand-by (battery backup) power supply.

Plans demonstrating compliance with this requirement is to be submitted to, and approved by, the Certifier prior to the issue of a CC.

### **38. Accessibility Management Plan**

An Accessibility Management Plan must be prepared for the proposed 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 Certifier as complying with the BCA and AS's prior to the issue of a CC.

### **39. Food Premises**

The construction and operation of the food premises shall comply with all applicable legislation, regulation and standards including:

- a) *Food Act 2003*
- b) *Food Regulation 2015*
- c) *Food Standards Australia and New Zealand – Food Standards Code 2003*
- d) AS 4674-2004 for Design, Construction and Fit out of Food Premises
- e) AS 1668.2-2002 – The use of ventilation and air conditioning in buildings

f) *BCA*.

Details submitted in association with the CC application are to demonstrate compliance with this requirement, and shall include the following:

- a) a separate floor and sectional plan detailing:
  - i) the kitchen/cafe area floor, wall, and ceiling surface finishes
  - ii) location of the required handwash basin/s and cleaning sinks/s
  - iii) location of dry and cold storage areas,
  - iv) fit-out details for the kitchen and servery, including proposed refrigeration and cooking equipment
  - v) designated cupboard or locker for the storage of staff clothing and personal belongings
  - vi) location of the bar area.

The details are to be approved by the Certifier as satisfying this requirement prior to the issue of a CC.

**40. 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 Certifier prior to the issue of a CC.

**41. Mechanical Exhaust System**

Details of any proposed mechanical exhaust systems, detailing compliance with the relevant requirements of Clause F4.12 of the *BCA* and *AS 1668 Parts 1 and 2* (including exhaust air quantities and discharge location points) are to be provided to the Certifier prior to the issue of a CC.

**42. Garbage Room**

Details and location of the proposed garbage room are to be provided to the Certifier prior to the issue of a CC. Rooms used for the storage of garbage, and rooms used for the washing and storage of garbage receptacles, are to be constructed of solid material, cement rendered and trowelled to a smooth even surface, and subject to the following requirements:

- a) The floor must be impervious material coved at the intersection with the walls, graded and drained to an approved floor waste within the room
- b) Garbage rooms must be vented to the external air by natural or mechanical ventilation

Such details must be approved by the Certifier as satisfying this requirement prior to the issue of a CC.

#### **43. BCA Upgrade of Existing Building**

Pursuant to Clause 94 of the *Environmental Planning & Assessment Regulation 2000*, the existing shed shall be upgraded as follows to comply with the *BCA* and adopted *AS*:

- a) Comply with the performance requirements relevant to the building's intended use as a public building (amenities building):-
  - i) Section C of the *BCA* 2019;
  - ii) Section D of the *BCA* 2019;
  - iii) Section E of the *BCA* 2019;
  - iv) Section F of the *BCA* 2019.

Plans and specifications demonstrating compliance with these requirements are to be submitted to and approved by the certifier prior to issue of a *CC* for this building.

#### **44. Structural Adequacy of Existing Building**

Pursuant to the provisions of Clause 94 of the *Environmental Planning & Assessment Regulation 2000*, the structural adequacy of the existing shed for its intended use as a public building (amenities building) is to be assessed by a professional engineer.

A report from the engineer detailing the structural adequacy of the building for its proposed use is to be submitted to and approved by the certifier prior to issue of a *CC* for this building.

#### **45. Local Traffic Committee Approval**

Any application involving the installation of, or amendment to, regulatory signage, linemarking 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 an *CC*, and subsequent Section 138 Roads Act Approval.

#### **46. Car Parking – Commercial/Industrial**

The design of the vehicular access and off street parking facilities must comply with, but not be limited to *AS 2890.1-2004 Parking Facilities – Off-Street Car Parking*, *AS 2890.2-2002 Parking Facilities – Off-Street commercial vehicles facilities*, and *AS 2890.3-1993 Parking Facilities – Bicycle parking facilities*. Details demonstrating compliance with these Standards are to be included on the plans submitted in association with a *CC* application.

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

#### **47. Parking – Delivery Vehicles**

A separate off-street loading/unloading facility with capacity to accommodate the largest delivery vehicle likely to deliver goods to and from the premises shall be provided for all loading and unloading of vehicles wholly within the property. Such facility shall be constructed clear of the car parking area and driveways.

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

#### **48. Disabled Car Parking Spaces**

A total of one (1) 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 Certifier 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.

#### **49. Parking – Minimum Requirement**

Onsite car parking shall be provided for a minimum of twenty eight (28) vehicles and 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 Certifier as satisfying this requirement prior to the issue of a CC.

#### **50. Road - Fees**

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

Final bond amounts will be levied on accurate dimensions contained within the engineering plans.

- a) Road fees - engineering plan checking and supervision in accordance with Councils adopted fees and charges current at the time of payment.
- b) Road fees – PC supervision in accordance with Councils adopted fees and charges current at the time of payment.

The fees shall be payable prior to the issue of a CC / *Section 138* for the Construction Works and shall be in accordance with Council's adopted fees and charges current at the time of payment.

#### **51. Road – Engineering Requirements**

All driveways, access corridors and car parking areas are to be designed in accordance with AS2890.1 & AS2890.2 - Parking Facilities.

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

## **52. Roadworks**

The registered proprietors 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 the release of the S138 Roads Act Approval.

- a) Construct a Channalised Right turn (CHR(s)) and Auxillary left turn (AUL(s)) in accordance with Austroads Guide to Traffic Management Part 6: Intersections. Interchanges and Crossings.
- b) Construct drainage works as necessary.

## **53. Stormwater – Discharge (General)**

The applicant shall collect all roof and stormwater runoff from the impervious areas on site, and any other drainage entering the site, and discharge it to Council's satisfaction in accordance with Council's 'Engineering Requirements for 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 Certifier as satisfying this requirement prior to the issue of the CC.

## **54. Access Roads**

The registered proprietors shall provide details of an all-weather access road from the property boundary to the proposed development. The access road will need to be constructed to 4m wide, 100mm thick pavement with 1m wide clear verges either side. 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 Certifier as satisfying this requirement prior to the issue of a CC.

## **55. 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](http://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.

## **56. Landscaping Plan**

The applicant shall prepare, to Council's Ecologists satisfaction, a landscaping plan which, upon Council approval, will be incorporated into this application. Landscaping will be undertaken and maintained in accordance with that landscaping plan. The Landscaping Plan must be submitted to, and approved by Council's Ecologist prior to the issue of a CC.

## **57. Accessible toilet facilities**

Prior to the issue of the CC, plans and details of the accessible toilet(s) complying with the relevant Australian Standards, the Building Code of Australia (National Construction Code) and with regard to the *Disability Discrimination Act 1992*, shall be provided to and approved by the PC.

## **PRIOR TO COMMENCEMENT OF WORKS**

**The following conditions are to be complied with prior to the commencement of works on the subject site:**

## **58. 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 PC 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 TfNSW 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.

#### **59. Road - Bonds**

The applicant shall pay the following:-

- a) A performance and maintenance bond of a minimum of \$1000 or 5% of the contract construction costs, whichever is greater. To be held by council for a period of 12 months.

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.

The bond shall be payable prior to the issue of a *Section 138* approval.

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 practical completion for the development, the Council may pay the balance to the Chief Commissioner of State Revenue under the *Unclaimed Money Act 1995*.

#### **PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

**The following conditions are to be complied with, to the satisfaction of the Principal Certifier, prior to issue of an Occupation Certificate (as specified within the condition):**

##### **60. Parking – Completion**

Car parking areas shall be completed prior to the issue of an OC.

##### **61. Parking – Loading Facility Requirement**

Loading/unloading facilities shall be constructed prior to the issue of an OC.

##### **62. Disabled Access/Parking**

The proposed development shall be provided with vehicular access and parking for the disabled in accordance with *AS 1428.1* and *AS 2890.6*. The access shall be provided prior to issue of an OC.

### **63. Completion of Road Works**

Prior to the issue of an OC, the PC must ensure that all approved road, 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.

### **64. Drainage Works**

All drainage works required to be undertaken in accordance with this consent shall be completed prior to issue of an OC for the development.

### **65. Food Premises**

Council must be notified that the premises is being used for the preparation, manufacture, or storage of food for sale, and an inspection of the completed fit out is to be conducted by Council prior to the issue of an OC.

### **66. Inspection for On-Site Sewage Management**

Prior to the use of the premises for the purposes approved by this consent, and prior to the issue of an OC, a satisfactory final inspection report from the Council must be received by the PCA verifying that the associated on-site wastewater management system has been supplied and installed in accordance with the approval under Section 68 of the Local Government Act 1993.

### **67. Certification of Fire Services**

The buildings must comply with the fire safety provisions applicable to the approved use. The applicant shall provide Council and the Fire Commissioner with a copy of the Final Fire Safety Certificate and the Fire Safety Schedule relating to the required fire safety measures, in accordance with Division 4 of the *Environmental Planning and Assessment Regulation 2000* prior to occupation of the buildings or issue of an OC.

The Final Fire Safety Certificate and the Fire Safety Schedule are to be prominently displayed in the buildings.

### **68. BCA Upgrade of Existing Building**

The BCA upgrade requirements for the shed conversion to an amenities building, as required by conditions of this consent are to be completed and certified prior to issue of an OC.

## PHASE 2

### Enclosure of Open Air Function Centre

#### PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

##### 69. Amended Plans Required

The plans submitted in association of the CC application must incorporate the following amendments:

- a) Engineering plans detailing the structural adequacy of the function center frame and roof to support necessary loads to enable the enclosure of the structure.

The plans must be submitted to and approved by the Certifier as satisfying these required amendments prior to the issue of the CC.

##### 70. Structural Engineers Report

A certificate prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of the frame of the function centre and its ability to withstand the proposed additional, or altered structural loads, must be provided to the Certifier prior to the issue of a CC.

##### 71. Smoke Alarms

The smoke alarm system must be installed on or near the ceiling in accordance with Part 3.7.2.3 of the BCA. The smoke alarm system must be connected to the mains electrical power supply and must have a stand-by (battery backup) power supply.

Plans demonstrating compliance with this requirement is to be submitted to, and approved by, the Certifier prior to the issue of a CC.

##### 72. Upgraded Windows

All windows associated with the function centre is to achieve a minimum RW30 rating and detailed on the CC plans. The PC is to verify compliance with this condition prior to the issue of the CC for the enclosure of the function centre.

#### PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions are to be complied with, to the satisfaction of the Principal Certifier, prior to issue of an Occupation Certificate (as specified within the condition):

##### 73. Certification of Fire Services

The building must comply with the fire safety provisions applicable to the approved use. The applicant shall provide Council and the Fire Commissioner with a copy of the Final Fire Safety Certificate and the Fire Safety Schedule relating to the required

fire safety measures, in accordance with Division 4 of the *Environmental Planning and Assessment Regulation 2000* prior to occupation of the building or issue of an OC.

The Final Fire Safety Certificate and the Fire Safety Schedule are to be prominently displayed in the building.

#### **74. 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 PC prior to issue of an OC.

### **ADVISORY NOTES**

#### **A. 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.

#### **B. “DIAL BEFORE YOU DIG” DIAL 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](http://www.dialbeforeyoudig.com.au)

#### **C. 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*.

#### **D. Responsibility for Other Consents/Agreements**

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

#### **E. Commonwealth Environment Protection and Biodiversity Conservation Act 1999**

- a) The *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter, or Commonwealth land, without an approval from the Commonwealth Environment Minister.
- b) This application has been assessed in accordance with the *New South Wales Environmental Planning & Assessment Act, 1979*. The determination of this assessment has not involved any assessment of the application in accordance with the Commonwealth legislation. It is the applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need, or otherwise, for Commonwealth approval,

and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

**F. 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.

**G. Impact of Below Ground (Sub-surface) Works – Non-Aboriginal Relics**

If any archaeological relics are uncovered during the course of the work, all works shall cease immediately in that area, and the OEH Heritage Branch shall be contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the *NSW Heritage Act 1977*, may be required before further works can continue in that area.

**G. 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.

Mr Simon Fowler	Against	PE21/2022 - Development Application 8/2021/21548/1 - Alterations to an existing dwelling and change of use of the existing dwelling to an attached secondary dwelling - 33 Water Street, Mulbring	247	3 mins
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*Mr Fowler withdrew his request to address Council.*

### **PLANNING AND ENVIRONMENT NO. PE21/2022**

**SUBJECT: DEVELOPMENT APPLICATION 8/2021/21548/1 - ALTERATIONS TO AN EXISTING DWELLING AND CHANGE OF USE OF THE EXISTING DWELLING TO AN ATTACHED SECONDARY DWELLING - 33 WATER STREET, MULBRING**

**MOTION**      **Moved:** Councillor Hill      **Seconded:** Councillor Hawkins  
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#### **RESOLVED**

That Report PE21/2022 be deferred until the next available Ordinary Council Meeting, if required, to allow for further discussion between the proponent and council regarding onsite sewage management options. Should an option for on-site wastewater disposal, to the satisfaction of Council Offices, be agreed upon, that the application can be approved under delegation.

<b>FOR</b>	<b>AGAINST</b>
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Councillor Suvaal  
Councillor Moores  
Councillor Burke  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Watton  
Councillor Jurd

**Total (9)**

**Total (0)**

**CARRIED UNANIMOUSLY**

Mr Brian Hones	Against	PE22/2022 - Development Application 8/2021/21939/1 Proposing a 336 lot subdivision to occur in 3 phases - 33 Government Road, Cessnock	264	3 mins
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**EXTENSION OF TIME**

**Moved:**

Councillor Hawkins

**Seconded:**

Councillor Sander

62

**RESOLVED**

**That an extension of 1 minute be granted to Mr Hones to complete his presentation.**

**FOR**

Councillor Suvaal  
Councillor Moores  
Councillor Burke  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Watton  
Councillor Jurd

**Total (9)**

**AGAINST**

**Total (0)**

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE22/2022**

**SUBJECT: DEVELOPMENT APPLICATION 8/2021/21939/1 PROPOSING A 336 LOT SUBDIVISION TO OCCUR IN 3 PHASES**

**33 GOVERNMENT ROAD, CESSNOCK**

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**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander

**1. That:**

- (i) Development Application No. 8/2021/21939/1 proposing a 336 lot subdivision to occur in 3 phases at Lot 33, DP 1004648, 33 Government Road Cessnock, be refused pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, for the reasons contained in this report.
- (ii) The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:

  - Insufficient information has been submitted in order to undertake a full assessment of the development; and
  - The proposal is inconsistent with the provisions of Chapter D.1 Subdivision guidelines of the Cessnock Development Control Plan 2010.
- (iii) In considering community views, the following is relevant:

  - The application was publicly exhibited in accordance with Council's Community Participation Plan resulting in one (1) submission being received.
  - The issues raised in the submission may be relevant to the proposal, however, insufficient information has been submitted to enable a comprehensive assessment of the application. Accordingly, it has not been possible to draw informed conclusions as to the relevance of the issues identified by the objector.
- (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.**



Councillor Hawkins  
Councillor Jurd

***RESOLVED***

**FOR**

**Total (5)**

Councillor Moores  
Councillor Burke  
Councillor Grine  
Councillor Sander

**Total (4)**

This is Page 37 of the Agenda of the Ordinary Council Meeting of the Cessnock City Council to be held on 18 May 2022

Mr Stephen Sefton	Against	WI25/2022 - Minutes of Cessnock Local Traffic Committee Meeting held 21 March 2022	623	3 mins
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**EXTENSION OF TIME**

**Moved:**

Councillor Hawkins

**Seconded:**

Councillor Sander

64

**RESOLVED**

**That an extension of 1 minute be granted to Mr Sefton to complete his presentation.**

**FOR**

**AGAINST**

Councillor Suvaal  
Councillor Moores  
Councillor Burke  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Watton  
Councillor Jurd

**Total (9)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI25/2022**

**SUBJECT: MINUTES OF CESSNOCK LOCAL TRAFFIC COMMITTEE MEETING  
HELD 21 MARCH 2022**

---

**MOTION**                      **Moved:**    Councillor Burke                      **Seconded:**    Councillor Hawkins

65

**RESOLVED**

1.      That the Minutes of the Cessnock Local Traffic Committee Meeting of 21 March 2022 be adopted as a resolution of the Ordinary Council.
  - i.        TC11/2022 - That Council authorises the temporary regulation of traffic on various roads within the Cessnock Local Government Area, for the Magic Ride charity cycle event in accordance with the Various Roads Cessnock LGA \_ Traffic Control Plans.
  - ii.       TC13/2022 - That Council authorises the temporary regulation of traffic on Lovedale Road, Wilderness Road and Talga Road, Lovedale for the Lovedale Long Lunch in accordance with Various Roads Lovedale \_ Lovedale Long Lunch Traffic Control Plans.
  - iii.      TC15/2022 - That Council authorises installation of signage and line marking on Oakey Creek Road, Pokolbin, in accordance with the Oakey Creek Road Pokolbin \_ Signage & Line Marking Diagram.
2.      That Council notes that item TC12/2022 - temporary regulation of traffic on Paynes Crossing Road, Wollombi for the Wollombi Public Holiday Markets events in accordance with the Paynes Crossing Road Wollombi \_ Traffic Control Plan, was determined under delegated authority by the Mayor, as outlined in a separate report to Council CC26/2022 Decisions Made Under Delegated Authority.
3.      That Council notes that Item TC14/2022 - installation of signage and line marking on McDonalds Road and Palmers Lane, Pokolbin, in accordance with the McDonalds Road Pokolbin \_ Signage & Line Marking Diagram, was determined under delegated authority by the Mayor, as outlined in a separate report to Council CC26/2022 Decisions Made Under Delegated Authority.

**FOR**

Councillor Suvaal  
Councillor Moores  
Councillor Burke  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins

**Total (7)**

**AGAINST**

Councillor Watton  
Councillor Jurd

**Total (2)**

**CARRIED**

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

**MOTION**  
66

**Moved:** Councillor Burke

**Seconded:** Councillor Grine

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

GMU11/2022	Minutes of the Audit and Risk Committee meeting held 23 February 2022 .....	116
PE23/2022	Proposed Amendments to the Cessnock Local Environmental Plan 2011 to include Agritourism and Optional Clause for Farm Gate Premises .....	292
CC21/2022	Additional Special Rate Variation .....	402
CC23/2022	Adoption of Records Management Policy .....	436
CC25/2022	Minutes of the Strategic Property & Community Facilities Committee meeting held 30 March 2022 .....	456
CC26/2022	Donations under Section 356 - Rates Subsidy Policy .....	460
‡ CC27/2022	Decisions Made Under Delegated Authority .....	464
‡ CC28/2022	Disclosures of Interests in Written Returns .....	472
‡ CC29/2022	Bi-Annual Compliments and Complaint Handling Report - July - December 2021 .....	475
‡ CC30/2022	Investment Report - March 2022 .....	482
‡ CC31/2022	Resolutions Tracking Report .....	490
CC32/2022	Draft Councillors Expenses and Facilities Policy .....	527
WI14/2022	Tender T2022-06 Millfield Skatepark Extension.....	553
‡ WI16/2022	Regional Recycling Solution .....	569
‡ WI17/2022	Frame Drive & Gingers Lane Roadworks .....	572
WI23/2022	Main Road LED Replacement Program.....	611
WI24/2022	Heavy Vehicle Safety & Productivity Program for Camp Road, Greta .....	618

**Council adopt the recommendations as printed for those items.**

**FOR****AGAINST**

Councillor Suvaal  
Councillor Moores  
Councillor Burke  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Watton  
Councillor Jurd

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

## **MAYORAL MINUTES**

### **MAYORAL MINUTES NO. MM5/2022**

**SUBJECT: SUPPORT FOR HART ROAD, NORTHERN RAMPS - HUNTER EXPRESSWAY**

---

**MOTION**      **Moved:**      Councillor Suvaal

67

**RESOLVED**

1.      That Council supports the fast tracking of the Hart Road Northern Ramps infrastructure additions to the Hunter Expressway, to support the increase of permanent local jobs within our Local Government Area.
2.      That Council writes to the Prime Minister, Federal Leader of Opposition, Premier Perrottet and State Leader of Opposition Chris Minns, in support of fast-tracking this project, at no cost to Council.

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
<b>Total (9)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**MAYORAL MINUTES NO. MM6/2022**

**SUBJECT: MINUTES OF THE ORGANISATION AND GENERAL MANAGERS  
REVIEW COMMITTEE MEETING HELD ON 9 MARCH 2022**

---

**MOTION**      **Moved:**    Councillor Suvaal

68

**RESOLVED**

**That the Minutes of the Organisation and General Managers Review Committee of 9 March 2022 be adopted as a resolution of the Ordinary Council.**

<b>FOR</b>	<b>AGAINST</b>
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Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	

**Total (9)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**MAYORAL MINUTES NO. MM7/2022**

**SUBJECT: AMENDMENTS TO THE ORGANISATIONAL AND GENERAL  
MANAGER'S PERFORMANCE REVIEW COMMITTEE CHARTER AND  
MEMBERSHIP**

---

**MOTION**      **Moved:**    Councillor Suvaal

69

**RESOLVED**

1.      That Council amends the Organisational and General Manager's Performance Review Committee and Charter to update the membership of the committee to include the Mayor and five (5) Councillors.
2.      That Council appoints the Mayor, Councillor's Dunn, Paynter, Olsen, Grine and Burke as members of the Committee.

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
<b>Total (9)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



**MAYORAL MINUTES NO. MM8/2022**

**SUBJECT: AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - FEDERAL ELECTION FUNDING CAMPAIGN**

---

**MOTION**            **Moved:**    Councillor Suvaal

70

**RESOLVED**

1. That Council supports the national funding priorities of the Australian Local Government Association (ALGA), which would contribute an estimated \$6.46 billion per year to Australia's GDP and create 43,444 jobs; and
2. That Council agrees to support and participate in the Australian Local Government Association's advocacy for their endorsed national funding priorities by writing to the local Federal Member(s) of Parliament, all known election candidates in local Federal electorates and the President of the Australian Local Government Association to:
  - a. express support for ALGA's funding priorities;
  - b. to advise that Council's priority local projects and programs that could be progressed with the additional financial assistance from the Federal Government being sought by ALGA are as outlined in the Greater Cessnock Infrastructure Priorities and Cessnock City Council Economic Growth Agenda documents; and the Hart Road Northern Ramps Hunter Expressway as outlined in MM5/2022.
  - c. seek funding commitments from the members, candidates and their parties for these identified local projects and programs.

*Councillor Watton left the meeting, the time being 7.22pm*

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Jurd	
<b>Total (8)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

*Councillor Watton returned to the meeting, the time being 7.24pm*

## ***MOTIONS OF URGENCY***

### ***MOTIONS OF URGENCY NO. MOU3/2022***

***SUBJECT: MOTIONS OF URGENCY***

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NIL

## **GENERAL MANAGER'S UNIT**

### **GENERAL MANAGER'S UNIT NO. GMU10/2022**

**SUBJECT:      EXPRESSION OF INTEREST T2022-03 BRANXTON RV PARK**

---

**MOTION              Moved:**      Councillor Sander              **Seconded:**      Councillor Burke

71

#### **RESOLVED**

1.    That Council endorses Campervan & Motorhome Club of Australia LTD as the preferred applicant to manage Branxton RV Park subject to community consultation;
2.    That Council gives public notice of the Branxton RV Park Management proposal for a period of 28 days;
3.    That Council provides public notice of the intention to engage Campervan & Motorhome Club of Australia LTD as the Branxton RV Park Manager subject to consideration of submissions received; and
4.    That the General Manager negotiate a licence agreement for Branxton RV Park Management after considering the public submissions received.

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
<b>Total (9)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**GENERAL MANAGER'S UNIT NO. GMU11/2022**

**SUBJECT: MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD 23 FEBRUARY 2022**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Grine  
72  
**RESOLVED**

**That the Minutes of the Audit and Risk Committee Meeting held 23 February 2022 be adopted as a resolution of the Ordinary Council.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
<b>Total (9)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **PLANNING AND ENVIRONMENT**

### **PLANNING AND ENVIRONMENT NO. PE19/2022**

**SUBJECT: DEVELOPMENT APPLICATION 8/2020/20942/1 PROPOSING THE PHASED CONSTRUCTION OF AN ANIMAL BOARDING AND TRAINING ESTABLISHMENT FOR ONE-HUNDRED (100) DOGS**

**1 NEATH ROAD, NEATH**

---

*Councillor Hill declared a Non Pecuniary Interest – Significant conflict for the reason that the applicant is a work colleague/close acquaintance. Councillor Hill left the chamber and took no part in discussion and voting.*

*Councillor Hill left the meeting, the time being 7.26pm*

**MOTION**      **Moved:** Councillor Moores      **Seconded:** Councillor Sander  
73  
**RESOLVED**

1. That:

- (i) Development Application No. 8/2020/20942/1 proposing phased construction of an animal boarding and training establishment for one hundred (100) dogs at 1 Neath Road, Neath 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 matters contained within any relevant State Environmental Planning Policies 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 relevant objectives of the RU2 zone;
  - The proposal has been assessed against the requirements of the Cessnock Development Control Plan 2010 and is consistent with the prescriptive provisions;
  - The proposal incorporates adequate measures to ensure the development does not result in any adverse impacts on the social and economic locality;
  - Satisfactory measures are proposed with respect to the nature and capacity of infrastructure. The development includes the upgrading of the road network within the vicinity of the development which will improve drainage and road safety;

- The proposal incorporates adequate measures to ensure the development does not result in any adverse impacts in respect of noise and odour by proposing strict operational measures, and suitable waste management practices;
- The proposal is suited to the site, having regard to its zoning, dimensions and overall area; and
- The proposal is in the public interest as the development will result in increased employment opportunities.

(iii) In considering community views, the following is relevant:

- Pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*, in respect of considering community views, the following is relevant:
  - Council officers have assessed the development application in accordance with Section 4.15 *Environmental Planning and Assessment Act 1979*, *Biodiversity Conservation Act 2016*, *State Environmental Planning Policies*, *Cessnock Local Environmental Plan 2011* and *Cessnock DCP 2010*.
  - Impacts on property value are not a consideration of Council under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

(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

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
<b>Total (8)</b>	<b>Total (0)</b>

**CARRIED UNANMOUSLY**

## CONDITIONS OF CONSENT

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### STATEMENT OF REASONS:

Pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*, the reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:

- There are no matters contained within any relevant State Environmental Planning Policies 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 relevant objectives of the RU2 zone;
- The proposal has been assessed against the requirements of the Cessnock Development Control Plan 2010 and is consistent with the prescriptive provisions;
- The proposal incorporates adequate measures to ensure the development does not result in any adverse impacts on the social and economic locality;
- Satisfactory measures are proposed with respect to the nature and capacity of infrastructure. The development includes the upgrading of the road network within the vicinity of the development which will improve drainage and road safety;
- The proposal incorporates adequate measures to ensure the development does not result in any adverse impacts in respect of noise and odour by proposing strict operational measures, and suitable waste management practices.
- The proposal is suited to the site, having regard to its zoning, dimensions and overall area
- The proposal is in the public interest as the development will result in increased employment opportunities and positive economic impacts.

### CONSIDERATION OF SUBMISSIONS:

Pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*, in respect of considering community views, the following is relevant:

- Council Officers have assessed the development application in accordance with Section 4.15 *Environmental Planning and Assessment Act 1979*, *Biodiversity Conservation Act 2018*, *State Environmental Planning Policies*, *Cessnock Local Environmental Plan 2011* and *Cessnock DCP 2010*.
- Impacts on property value are not a consideration of Council under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

## **SCHEDULE 1**

### **TERMS OF CONSENT**

#### **PHASES**

ALL PHASES  
PHASE ONE (1) CONDITIONS  
PHASE TWO (2) CONDITIONS  
PHASE THREE (3) CONDITIONS

#### **CONDITION NUMBERS**

1 – 44 (including Advisory Conditions A – G)  
45 - 62  
63  
64

#### **ALL PHASES**

These conditions apply to all phases of the proposed development.

### **CONDITIONS OF CONSENT**

#### **1. General Terms of Approval**

All General Terms of Approval issued by Natural Resources Access Regulator (NRAR) dated 31 May 2021 shall be complied with prior, during and at the completion of the development, as required.

The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.

The General Terms of Approval include the following:

- a) Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the *Water Management Act 2000*.
- b) A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents relating to Development Application 8 2020 20942 1 provided by Council to Natural Resources Access Regulator.  
  
B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.

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

#### **2. Approved Plans and Documents**

Development must be carried out strictly in accordance with DA No. 8/2020/20942/1 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

<b>Plan Reference</b>	<b>Drawn By</b>	<b>Dated</b>
Title: Site Plan Project No.: 1920303 Drawing No.: 1 of 6 Amended: 29.07.21	EcoDimensions	29.07.21



Title: Floor Plans Section Project No.: 1920303 Drawing No.: 4 of 6 Amended: 29.07.21 (as amended in red)	EcoDimensions	29.07.21
Title: Roof Plan, Isolation Kennels, Training Centre Project No.: 1920303 Drawing No.: 5 of 6 Amended: 29.07.21 (as amended in red)	EcoDimensions	29.07.21
Title: Elevations Project No.: 1920303 Drawing No.: 6 of 6 Amended: 29.07.21 (as amended in red)	EcoDimensions	29.07.21

Document Title	Prepared By	Dated
Management Plan LUV A BULL PETS – PET Motel	Un-authored	Undated
Noise Impact Assessment Proposed Animal Boarding & Training Facility Report No. 18-2235-R1 Prepared for Perception Planning Pty Ltd	Reverb Acoustics	September 2018
Statement of Environmental Effects for a Animal Boarding and Training Establishment Version: 2	Perception Planning	17 November 2020
Response to Request for Information	Perception Planning	21 January 2021
Response to Request for Information	Perception Planning	3 March 2021
Response to Request for Information	Perception Planning	4 June 2021

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

### 3. Separate Approval for Signs

A separate DA for any proposed signs additional to those approved as part of this consent must be submitted to and approved by Council prior to the erection or display of any such signs.

### 4. CC, PC & Notice Required

In accordance with the provisions of Section 6.6 and 6.7 (cf previous Section 81A) of the *EP&A Act 1979* construction works approved by this consent must not commence until:

- a) A CC has been issued by a Certifier (being Council or a registered certifier); and
- b) A PC has been appointed by the person having benefit of the development consent; and

- c) If Council is not the *PC*, notify Council no later than two (2) days before building work commences as to who is the appointed *PC*; 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.

## **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

**The following conditions are to be complied with, to the satisfaction of the Certifier, 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. Car Parking – Commercial/Industrial**

The design of the vehicular access and off street parking facilities must comply with, but not be limited to *AS 2890.1-2004 Parking Facilities – Off-Street Car Parking*, *AS 2890.2-2002 Parking Facilities – Off-Street commercial vehicles facilities*, and *AS 2890.3-1993 Parking Facilities – Bicycle parking facilities*. Details demonstrating compliance with these Standards are to be included on the plans submitted in association with a CC application.

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

### **7. Stormwater – Discharge (General)**

The applicant shall collect all roof and stormwater runoff from the impervious areas on site, and any other drainage entering the site, and discharge it to Council's satisfaction in accordance with Council's 'Engineering Requirements for 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 Certifier as satisfying this requirement prior to the issue of the CC.

### **8. Temporary Marking of Asset Protection Zone**

Evidence that boundaries of the Asset Protection Zone have been marked using temporary protective fencing or brightly coloured tape must be provided to Council's Ecologist prior to the CC being issued.

### **9. Exterior Lighting Generally**

Prior to the issue of a CC, submit to Council for approval a proposed exterior lighting plan. Design and position all exterior/outdoor lighting, to minimise and detrimental impact upon the amenity of other premises, adjacent dwellings and the road reserve, and in accordance with the relevant provisions of:-

- AS 4282:1997 Control of the obtrusive effects of outdoor lighting.

## **10. Crime Prevention Through Design**

It is recommended that the following Crime Prevention Through Environmental Design (CPTED) principles be incorporated into the building.

- a) Installation of 24 hour CCTV and associated signage indicating that CCTV surveillance is in 24 hour operation;
- b) Access control systems for reception area and staff only access areas (including kennels);
- c) Lighting is required to be designed in accordance with the Australian and New Zealand *Lighting Standard AS 1158.4.2005 & AS4282*. A lighting maintenance policy should be established. Security lighting should be installed in and around the building, and such shall not impact on any adjoining premises. The lighting should be vandal resistant - especially external lighting

In the event these recommendations are implemented, plans and details submitted in association with the CC application are to reflect this. The plans and details must be approved by the Certifier 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**

## **11. Demolition Proposed**

All demolition works are to be carried out in accordance with AS 2601-2001 "Demolition of structures", with all waste being removed from the site. Hazardous waste such as asbestos cement sheeting etc, should be handled, conveyed and disposed of in accordance with guidelines and requirements from NSW Workcover Authority. Disposal of asbestos material at Council's Waste Depot requires prior arrangement for immediate landfilling.

## **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 PC 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 TfNSW 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. PC Signage and Contact Details**

Prior to the commencement of works, a sign must be erected in a prominent position on the site on which the proposal is being carried out. The sign must state:

- a) Unauthorised entry to the work site is prohibited
- b) The name of the principal contractor (or person in charge of the site) and a telephone number on which that person may be contacted at any time for business purposes and including outside working hours
- c) The name, address and telephone number of the *PC* for the work

Any such sign must be maintained while the work is being carried out, but must be removed when the work has been completed.

#### **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.

#### **15. S138 Roads Act 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.

#### **16. Protection of Trees to be Retained**

The area beneath the canopies of the trees to be retained within the Asset Protection Zone, as shown in the Site Plan by EcoDimensions dated 29 July 2021, must be fenced prior to the commencement of works. The fencing must encompass the maximum possible area covered by the drip line of the canopy, and must remain in place until the completion of building works. The fencing should be a minimum of 1.8 metres high chain-link or welded mesh fencing. The fencing is to be maintained for the duration of the building works.

Services should be located to avoid disturbing tree roots. Trenches required for the installation of services should be located outside of the fenced area.

All areas within the perimeter of the safety fencing are to be covered with woodchip mulch to a depth of 100mm. All steep gradients unable to be effectively covered with mulch are to be protected with hessian cloth to be kept at a moisture level sufficient to ensure the preservation of tree root systems.

Tree protection signage is required to be attached to each tree protection zone, displayed in a prominent position.

#### **17. Nominated Location of Waste**

The location and facilities for the collection, storage and disposal of waste generated within the premises shall be submitted to the *PC*, prior to the commencement of works.

#### **18. Soil and Water Management Plan Implemented**

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.

#### **19. Toilet Facilities**

Toilet facilities are to be provided prior to works commencing, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must be a sewage management facility approved by the NSW Department of Health and/or Council, and operate in an environmentally responsible manner, free of nuisance or offence, and be appropriately serviced.

## **20. 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. In the event that existing services are required to be relocated the proprietor shall make application to obtain any necessary approval from the relevant service authority prior to commencement of any works.

## **21. Road - Bonds**

The applicant shall pay the following:-

- a) A performance and maintenance bond of a minimum of \$1000 or 5% of the contract construction costs, whichever is greater. To be held by council for a period of 12 months.

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.

The bond shall be payable prior to the issue of a *Section 138* approval.

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 practical completion for the development, the Council may pay the balance to the Chief Commissioner of State Revenue under the *Unclaimed Money Act 1995*.

## **DURING WORKS**

**The following conditions are to be complied with during works.**

## **22. 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.

## **23. Site is Securely Fenced**

The site must be appropriately secured and fenced at all times during works.

## **24. Construction Noise**

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*.

## **25. Construction Vehicles**

Construction material and vehicles shall not be placed on public footpaths. The use of footpaths or roadways shall be undertaken in accordance with the prevailing kerbside restrictions, the Australian Road Rules and Council's Parking Code.

## **26. Implementation of Soil and Water Management Plan**

The requirements of the Soil and Water Management Plan must be maintained at all times during the works, and any measures required by the Soil and Water Management Plan shall not be removed until the site has been stabilised.

Materials from the site are not to be tracked into the road by vehicles entering or leaving the site. At the end of each working day, any dust/dirt or other sediment shall be swept off the road and contained on the site, and not washed down any stormwater pit or gutter.

The sediment and erosion control measures are to be inspected daily, and defects or system failures are to be repaired as soon as they are detected.

## **27. Erosion and Sediment Controls**

The control of erosion, and the prevention of silt discharge into drainage systems and waterways, will be necessary in accordance with Council's "Engineering Requirements for Development", and Landcom's Soils and Construction Manual - April 2004. Erosion control measures are to be implemented prior to the commencement of any earthworks, and shall be maintained until satisfactory completion and restoration of site earthworks, including revegetation of all exposed areas.

## **28. 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.

## **29. Building Materials On Site**

All building materials, plant and equipment are to be placed on the building site. Building materials, plant and equipment (including water closets), are not to be placed on footpaths, roadways, public reserves, etc.

## **30. Bushfire Protection**

The following bush fire protection measures are to be implemented at the commencement of building works, and maintained for the life of the development:

### **a) Asset Protection Zones**

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

At the commencement of building works, and in perpetuity, the property around the proposed works including kennels, reception/office, training facility and catering/grooming building shall be managed as an inner protection area (IPA) for a distance of 15 metres in accordance with Appendix 4 of *Planning for Bush*

b) Water and Utilities

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

- i) The provision of water, electricity and gas shall comply with Table 7.4a of *Planning for Bush Fire Protection 2019*.
- ii) A minimum 20,000 litre capacity static water supply tank (manufactured from concrete or metal) shall be provided for fire fighting purposes shall be provided on the site. A Rural Fire Service standard 65mm metal Storz outlet with a ball valve shall be fitted to the outlet within the 'Inner Protection Area' or the non-hazard side away from the structure.
- iii) Supply pipes from the tank to the ball valve shall have the same bore size to ensure flow volume.
- iv) All associated fittings to the tank shall be non-combustible.
- v) A hardened ground surface for Rural Fire Service truck access shall be provided within 4m of the water supply.
- vi) Unobstructed access to the water supply shall be provided at all times.
- vii) Tanks located on the hazard side of a building shall be provided with adequate shielding for the protection of fire fighters.
- viii) All exposed water pipes external to the building shall be metal, including any fittings.
- ix) A minimum 5hp or 3kW petrol or diesel-powered pump shall be provided for connection to the water supply and shielded against bush fire attack. A hose of minimum 19mm internal diameter with reel for fire fighting shall be provided for connection to the pump.
- x) Reticulated or bottled gas shall be installed and maintained in accordance with AS/NZS 1596-2014. Gas cylinders are to be kept clear of all flammable materials to a distance of 10m and are to be shielded on the hazard side. Connections to and from gas cylinders are to be metal. All above-ground gas service pipes shall be metal, including and up to any outlets. Polymer-sheathed flexible gas supply lines are not to be used.

c) 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:

- i) New construction is to comply with Section 3 (excluding Section 3.5) and Section 9 (BAL FZ) Australian Standard AS3959-2018 *Construction of buildings in bush fire-prone areas* or NASH Standard (1.7.14 updated) *National Standard for Steel Framed Construction in Bush Fire Areas* –



2014 as appropriate and Section 7.5 of *Planning for Bush Fire Protection 2019*.

d) Access

The intent of measures is to provide safe operational access on property access roads for emergency services personnel in suppressing a bush fire, and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

- i) Access shall comply with Table 7.4a of *Planning for Bush Fire Protection 2019*.

e) Landscaping

The intent of measures is for landscaping to be designed and managed to minimise flame contact and radiant heat to buildings, and the potential for wind-driven embers to cause ignitions. To achieve this, the following conditions shall apply:

Landscaping to the site is to comply with Table 7.4a and Appendix 4 of *Planning for Bush Fire Protection 2019* and the NSW Rural Fire Service's document *Standards for Asset Protection Zones*.

**31. Floor Level Certification**

The floor level of the proposed building shall be certified by a registered surveyor.

The floor level shall be certified as being not less than RL 34.65m Australian Height Datum (AHD).

The evidence shall be submitted to the *PC* prior to construction works proceeding beyond floor level stage.

**32. Protective Fencing**

All tree protection fencing and signage as required by Condition 16 must remain in place until completion of construction works.

**33. Temporary Marking of Asset Protection Zone**

The fencing or tape marking the boundaries of the Asset Protection Zone must remain in place until completion of construction works.

**34. Clearing of Development Footprint**

During construction works all vehicles must be washed before entering the site to prevent the spread of exotic species.

**PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

**The following conditions are to be complied with, to the satisfaction of the Principal Certifier, prior to issue of an Occupation Certificate (as specified within the condition):**

### **35. Acoustic Report Recommendations Complied With**

A certificate must be submitted to and approved by Council's Environmental Health team 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.

### **36. Acoustic Testing**

Prior to the issue of an OC, acoustic testing must be conducted by a consultant who is a member of the Australian Acoustical Society, Engineers Australia, or the Association of Australian Acoustical Consultants, to verify that recommendations of the acoustic assessment will be achieved when the development is operational.

### **37. Inspection for Onsite Sewage Management**

Prior to the use of the premises for the purposes approved by this consent, and prior to the issue of an OC, a satisfactory final inspection report from the Council must be received by the PC, verifying the associated onsite wastewater management system has been supplied and installed in accordance with the approval under Section 68 of the *Local Government Act 1993*.

### **38. Certification of Electrical Fittings**

All electrical fittings and electrical outlets are to be installed and certified by a registered surveyor as being not less than 500mm above the 100 year Average Recurrence Interval flood level. The fittings / outlets are to therefore be installed at a level of RL 34.37m Australian Height Datum or higher. The certification shall be submitted to the PC prior to issue of an OC.

## **ONGOING USE**

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

### **39. Hours of Operation**

The animal boarding and training establishment shall operate for the approved purpose 24 hours a day, 7 days a week. However the hours for which persons from the public will be able to access the premise for the drop-off and pick-up of animals will be restricted to the following hours:

#### Drop-off and Collection of Animals

Monday – Friday: 8:00am to 11:00am and 3:00pm to 5:00pm

Saturday: 9:00am to 1pm

Sunday: Closed

#### Exercise Yards

Daily: 8am to 5pm

#### Servicing

All servicing including deliveries and waste collection are to occur outside of the Drop-off and Collection times.

#### **40. Outdoor Lighting**

All outdoor lighting must not detrimentally impact upon the amenity of other premises and adjacent dwellings and road reserve, and must comply with, where relevant, *AS 1158.3:2005 Lighting for roads and public spaces – Pedestrian Area (Category P) lighting – Performance* and design requirements and *AS 4282:1997 Control of the obtrusive effects of outdoor lighting*.

#### **41. Loading to Occur on Site**

All loading and unloading operations are to be carried out wholly within the site, and not from the footpath or roadway for the life of the development.

#### **42. 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.

#### **43. Road – Advice**

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

#### **44. Operational Plan of Management**

The Operational Plan of Management is to remain current and enforced whilst ever the property is operated for the purpose of consent 8/2021/20942. A copy is to be kept on site and made available upon request by a Council Officer.

The applicant is to maintain an Operational Plan of Management for the animal boarding and training establishment which incorporates at the minimum the following:

- Compliance with the requirements of the NSW Animal Welfare Code of Practice No. 5 – Dogs and Cats in Animal Boarding Establishments,
- A method for recording details of excessively noisy dogs boarded at the establishment; to include date and time and length of noise disturbance and methods utilised to limit the ongoing noise disturbance.

### **ADVISORY NOTES**

#### **A. 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.

**B. “DIAL BEFORE YOU DIG” DIAL 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](http://www.dialbeforeyoudig.com.au)

**C. 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*.

**D. Responsibility for Other Consents/Agreements**

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. Impact of Below Ground (Sub-surface) Works – Non-Aboriginal Relics**

If any archaeological relics are uncovered during the course of the work, all works shall cease immediately in that area, and the OEH Heritage Branch shall be contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the *NSW Heritage Act 1977*, may be required before further works can continue in that area.

**G. 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.

### **PHASE ONE (1)**

Construction of Fifteen (15) Boarding Kennels, Four (4) Exercise Yards, Kitchen/Grooming Building, Reception Building, Access and Car Parking for Ten (10) Vehicles, Loading/Unloading Space, Boundary Fencing and Installation of Wastewater Management System.

## **CONDITIONS OF CONSENT**

### **45. Approved Plans and Documents**

Development must be carried out strictly in accordance with DA No. 8/2020/20942 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

<b>Plan Reference</b>	<b>Drawn By</b>	<b>Dated</b>
Title: Phasing Plan (Phase One (1)) (as amended in Red) Drawing No.: 3 of 6 Project No: 1920303 Amended: 29.07.21	EcoDimensions	29.07.21

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

## **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

**The following conditions are to be complied with, to the satisfaction of the Certifier, prior to issue of a Construction Certificate.**

### **46. Disabled Car Parking Spaces**

A total of one (1) 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 Certifier 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.

### **47. Parking – Delivery Vehicles**

A separate off-street loading/unloading facility with capacity to accommodate the largest delivery vehicle likely to deliver goods to and from the premises shall be provided for all loading and unloading of vehicles wholly within the property. Such facility shall be constructed clear of the car parking area and driveways.

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

#### **48. Parking – Minimum Requirement**

Onsite car parking shall be provided for a minimum of ten (10) vehicles and 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 Certifier as satisfying this requirement prior to the issue of a CC.

#### **49. Roadworks**

The registered proprietors of the land shall construct the following for the full frontage of Lot 122 for a distance of approximately 55m 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 the release of the S138 Roads Act Approval.

- a) Construct kerb and gutter allowing for a lane width of 4m from the road centreline
- b) Construct road shoulder
- c) Place two (2) coat hot bitumen seal on road shoulder
- d) Topdress and turf footpath
- e) Construct necessary drainage works
- f) Construct two (2) concrete driveways
  - One (1) accessing the dwelling
  - One (1) accessing the boarding kennels, offset to opposite link road
- g) Install sightboard directly opposite link road (between Cessnock Road and Neath Road).

#### **50. Stormwater – Detention Requirement**

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 onsite 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 Certifier as satisfying this requirement prior to the issue of a CC.

## **51. Road - Fees**

The applicant shall lodge payment of fees as follows:-

- a) Road fees - engineering plan checking and supervision in accordance with Councils adopted fees and charges current at the time of payment
- b) Road fees – PC supervision in accordance with Councils adopted fees and charges current at the time of payment
- c) A performance and maintenance bond of a minimum of \$1000 or 5% of the contract construction costs, whichever is greater. To be held by Council for a period of 12 months.

The fees shall be payable prior to the issue of a *CC / Section 138* for the Civil Works and shall be in accordance with Council's adopted fees and charges current at the time of payment.

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.

The bond shall be payable prior to the issue of a Section 138 approval.

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 practical completion for the development, the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

## **52. Access Road**

The registered proprietors shall provide details of an all-weather access road from the property boundary to the proposed development. The access road will need to be constructed to 4m wide, 100mm thick pavement with 1m wide clear verges either side.

A provision for stormwater crossing the access is to be considered in the design.

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 Certifier as satisfying this requirement prior to the issue of a CC.

## **53. 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](http://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.

#### **54. Dam Dewatering Plan**

Prior to the issue of CC, the applicant must prepare, submit to Council and obtain approval for a Dam Dewatering Plan for the existing farm dam that will be removed as a result of the proposal. The Dam Dewatering Plan must address the dewatering process for the removal of the dam. Details of the dewatering process are to include, but are not limited to; the proposed method of water disposal, schedule of works relating to the draining and filling of the dam, proposed method for capturing and rescuing fauna, proposed relocation sites for fauna, protocol for injured fauna and environmental protection measures (i.e. sediment and erosion control and weed control).

#### **55. Cessnock Section 7.12 Levy Development Contributions Plan**

A total monetary contribution of \$9,486.30 is to be paid to Council, pursuant to Section 7.12 of the *EP&A Act 1979*, such contribution is to be paid prior to the issue of any CC.

- i) This condition is imposed in accordance with the provisions of *Cessnock Section 7.12 Levy Contributions Plan 2017 (as amended)*. A copy of the document is available on Council's website at [www.cessnock.nsw.gov.au](http://www.cessnock.nsw.gov.au) or may be inspected at Councils' Customer Services Section, Administration Building, Vincent Street Cessnock.
- ii) 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 time of actual payment in accordance with the Consumer Price Index. Indexation of contributions for payment occurs quarterly.

Any party intending to act on this consent should contact Council prior to the date of payment to determine the indexed amount payable.

### **PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

**The following conditions are to be complied with, to the satisfaction of the Principal Certifier, prior to issue of an Occupation Certificate (as specified within the condition):**

#### **56. Roads – Concrete Crossing**

The registered proprietors shall construct and maintain a concrete access crossing from the kerb and gutter in Neath Road to the property boundary, in accordance with Council's "Engineering Requirements for Development" and AS 2890.1. A S138 Roads Act Approval is required from Council prior to any construction commencing within the road reserve. The access crossing is required to be constructed prior to the issue of an OC for the whole of the building. Where a Partial OC is issued the crossing shall be completed within six (6) months from the date of the Partial OC.

Construction of the crossing will require inspections to be undertaken by Council. The applicant shall pay Council engineering site supervision fees in accordance with Council's current Fees & Charges, prior to the inspections being undertaken.

The initial fee will facilitate approval of the application and one (1) construction inspection (steel and formwork inspection).



A final inspection will be required upon completion of the driveway and restoration of all disturbed footway areas. (A separate fee will be required to be paid when the final inspection is booked.) Should further inspections become necessary as a result of unsatisfactory or defective works, additional inspection fees will be charged in accordance with Council's current Fees & Charges.

The applicant is to advise Council at least 48 hours prior to inspection of works within the footpath and/or road reserve.

**57. Parking – Completion**

Car parking areas shall be completed prior to the issue of an OC.

**58. Road – Access Completion**

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.

**59. Drainage Works**

All drainage works required to be undertaken in accordance with this consent shall be completed prior to issue of an OC for the development.

**60. Inspection for Onsite Sewage Management**

Prior to the use of the premises for the purposes approved by this consent, and prior to the issue of an OC, a satisfactory final inspection report from the Council must be received by the PC, verifying the associated onsite wastewater management system has been supplied and installed in accordance with the approval under Section 68 of the *Local Government Act 1993*.

**61. Waste Disposal**

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

**62. Trade Waste Disposal**

Prior to the issue of an OC and/or commencement of the use, whichever is earlier, of the building 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.

### **PHASE TWO (2)**

Construction of Forty (40) Boarding Kennels, Landscaping and Demolition of Existing Structures and Kennels.

## **CONDITIONS OF CONSENT**

### **63. Approved Plans and Documents**

Development must be carried out strictly in accordance with DA No. 8/2020/20942 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

<b>Plan Reference</b>	<b>Drawn By</b>	<b>Dated</b>
Title: Landscape Plan Drawing No: 2 of 6 Project No: 1920303 Amended: 29.07.21	EcoDimensions	29.07.21
Title: Phasing Plan (Phase Two (2)) (as amended in Red) Drawing No.: 3 of 6 Project No: 1920303 Amended: 29.07.21	EcoDimensions	29.07.21

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

### **PHASE THREE (3)**

Construction of Forty-Five (45) Boarding Kennels, Four (4) Exercise Yards, Office Building, Storage Building and Training Centre Building. The demolition of existing animal boarding structure.

## **CONDITIONS OF CONSENT**

### **64. Approved Plans and Documents**

Development must be carried out strictly in accordance with DA No. 8/2020/20942 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

<b>Plan Reference</b>	<b>Drawn By</b>	<b>Dated</b>
Title: Phasing Plan (Phase Three (3)) (as amended in Red) Drawing No.: 3 of 6 Project No: 1920303 Amended: 29.07.21	EcoDimensions	29.07.21

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

**PLANNING AND ENVIRONMENT NO. PE23/2022**

**SUBJECT: PROPOSED AMENDMENTS TO THE CESSNOCK LOCAL ENVIRONMENTAL PLAN 2011 TO INCLUDE AGRITOURISM AND OPTIONAL CLAUSE FOR FARM GATE PREMISES**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Grine  
74  
**RESOLVED**

1. That Council advises the Department of Planning and Environment that it agrees to the inclusion of *agritourism* as permitted with consent in Zone RU2 Rural Landscape and Zone RU4 Primary Production Small Lots.
2. That Council advises the Department of Planning and Environment that it agrees to the inclusion of optional clause 5.24, relating to *farm gate premises*, in the *Cessnock Local Environmental Plan 2011*, subject to:
  - *cellar door premises* being excluded from the operation of the clause;
  - 200 square metres being the maximum gross floor area of a *farm gate premises*; and
  - 50, being the maximum number of visitors to a *farm gate premises* at any one time.

**FOR**

Councillor Suvaal  
Councillor Moores  
Councillor Burke  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Watton  
Councillor Jurd  
**Total (9)**

**AGAINST**

**Total (0)**

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE24/2022**

**SUBJECT: DRAFT LOCAL PLANNING FRAMEWORK FOR THE CESSNOCK  
LGA VINEYARDS DISTRICT**

---

*Councillor Hawkins declared a Pecuniary Interest for the reason that his family own property within the Vineyards District. Councillor Hawkins left the Chamber and took no part in discussion and voting.*

*Councillor Hawkins left the meeting, the time being 7.27pm*

*Councillor Hill returned to the meeting, the time being 7.27pm*

**MOTION**            **Moved:**    Councillor Burke            **Seconded:**    Councillor Grine  
75

**RESOLVED**

1.    That Council requests a Gateway determination in respect of the Cessnock Vineyards District Planning Proposal from the NSW Department of Planning and Environment, pursuant to the *Environmental Planning and Assessment Act 1979*.
2.    That Council requests authorisation under Section 3.31 of the *Environmental Planning and Assessment Act 1979* to act as the local plan-making authority to make the Local Environmental Plan.
3.    That Council undertakes consultation with public authorities and the community as determined by the Gateway determination.
4.    That Council exhibits the Draft Cessnock Vineyards District Local Character Statement and Development Control Plan with the Planning Proposal.
5.    That Council receives a report back on the Planning Proposal and draft local planning framework, following public exhibition.

**FOR**

**AGAINST**

Councillor Suvaal  
Councillor Moores  
Councillor Burke  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Watton  
Councillor Jurd

**Total (8)**

**Total (0)**

**CARRIED UNANIMOUSLY**

*Councillor Hawkins returned to the meeting, the time being 7.29m*

**PLANNING AND ENVIRONMENT NO. PE25/2022**

**SUBJECT: PLANNING PROPOSAL 18/2022/2 - COMPREHENSIVE LEP REVIEW  
- RURAL ZONES**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Grine  
76

**RESOLVED**

1. That Council requests a Gateway determination for the RU2 Rural Landscape Zone, RU3 Forestry Zone and RU5 Village Zones Planning Proposal from the NSW Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
2. That Council requests authorisation under Section 3.31 of the *Environmental Planning and Assessment Act 1979* to act as the local plan-making authority to make the Local Environmental Plan.
3. That Council undertakes consultation with public authorities and the community as determined by the Gateway determination.
4. That Council receives a report back on the Planning Proposal and draft local planning framework, following public exhibition.

**FOR**

**AGAINST**

Councillor Suvaal  
Councillor Moores  
Councillor Burke  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Watton  
Councillor Jurd  
**Total (9)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE26/2022**

**SUBJECT: PLANNING PROPOSAL 18/2020/3/1 - COMPREHENSIVE LEP  
REVIEW - SPECIAL PURPOSE ZONES**

---

*Councillor Jurd left the meeting, the time being 7.30pm*

**MOTION**            **Moved:**    Councillor Burke            **Seconded:**    Councillor Grine  
77

**RESOLVED**

1.    That Council requests a gateway determination for the Special Purposes Planning Proposal from the NSW Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
2.    That Council requests authorisation under Section 3.31 of the *Environmental Planning and Assessment Act 1979* to act as the local plan-making authority to make the Local Environmental Plan.
3.    That Council undertakes consultation with public authorities and the community as determined by the Gateway determination.
4.    That Council receives a report back on the Planning Proposal and draft local planning framework, following public exhibition.

**FOR**

**AGAINST**

Councillor Suvaal  
Councillor Moores  
Councillor Burke  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Watton  
**Total (8)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**PLANNING AND ENVIRONMENT NO. PE27/2022**

**SUBJECT: EMPLOYMENT LAND ZONE REFORMS**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander

78

**RESOLVED**

1. That Council notes the changes proposed by the Department of Planning and Environment's employment land-use zone reforms.
2. That Council endorses the proposed changes to the Cessnock Local Environmental Plan 2011 be exhibited by the Department of Planning and Environment.
3. That Council endorses the changes to the Cessnock Local Environmental Plan 2011 proceed, if no unresolvable submissions are received by the Department relating to the Cessnock Local Environmental Plan 2011 during the exhibition period.
4. That Council receives an additional report outlining any unresolvable submissions if received by the Department relating to the Cessnock Local Environmental Plan 2011 during the exhibition period.

**FOR**

**AGAINST**

Councillor Suvaal  
Councillor Moores  
Councillor Burke  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Watton  
**Total (8)**

**Total (0)**

**CARRIED UNANIMOUSLY**

## **CORPORATE AND COMMUNITY**

### **CORPORATE AND COMMUNITY NO. CC21/2022**

**SUBJECT:     ADDITIONAL SPECIAL RATE VARIATION**

---

**MOTION           Moved:**     Councillor Burke                    **Seconded:**     Councillor Grine

79

#### **RESOLVED**

1.     That Council applies for a special variation of 1.8% under section 508(2) of the *Local Government Act 1993* and;
2.     That the special variation to be a permanent special variation under section 508(2) of the Act; and
3.     That Council notes that the expected additional income from the 1.8% special variation is \$762,000 for the 2022-23 financial year; and
4.     That Council notes that the special variation is required to:
  - a.   Meet the increased costs of the council, particularly in materials and fuel;
  - b.   Maintain assets to agreed condition; and
  - c.   For Council to meet future needs as outlined in Council's Integrated Planning and Reporting documents, particularly the Long Term Financial Plan.
  - d.   Fund the majority of the Roads and Park increases.
5.     That Council has considered the impact on ratepayers and the community for 2022-23 and future years and considers this additional cost to be reasonable.

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
<b>Total (9)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



**CORPORATE AND COMMUNITY NO. CC22/2022**

**SUBJECT: REVISED DRAFT CODE OF MEETING PRACTICE 2022**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander

80

**RESOLVED**

1. That Council place the Draft Code of Meeting Practice on public exhibition for 28 days.
2. That Council adopts the proposed general order of business for Council meetings as outlined in this report.
3. That a briefing with Councillors be held during the exhibition period prior to the Code of Meeting Practice being presented to Council for adoption.
4. That the Order of Business be amended to swap the Prayer and Acknowledgement of Traditional Owners.

**FOR**

**AGAINST**

Councillor Suvaal  
Councillor Moores  
Councillor Burke  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Watton

**Total (8)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC23/2022**

**SUBJECT: ADOPTION OF RECORDS MANAGEMENT POLICY**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Grine

81

**RESOLVED**

**That Council adopts the revised Records Management Policy.**

<b>FOR</b>	<b>AGAINST</b>
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Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	

**Total (9)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC24/2022**

**SUBJECT: COMMUNITY & CULTURAL PRECINCT**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Grine

82

**RESOLVED**

1. That Council receives the report and notes the information.
2. That a workshop be held with Councillors to define the desired outcome with respect the potential development of a Community and Cultural Precinct surrounding the Cessnock Performing Arts Centre (CPAC).

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
<b>Total (8)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC25/2022**

**SUBJECT: MINUTES OF THE STRATEGIC PROPERTY & COMMUNITY FACILITIES COMMITTEE MEETING HELD 30 MARCH 2022**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Grine  
83

**RESOLVED**

1. That the Minutes of the Strategic Property and Community Facilities Committee of 30 March 2022 be adopted as a resolution of the Ordinary Council.
2. That in relation to Report SPOR2/2022 Property Matter - Lot 18 Section 46 DP 758002 - 62 Cessnock Street, Aberdare, Council resolves that:-
  - Works be carried out as per the Council resolution 21 April 2021 Report No. CC24/2021.
  - The sale for all lots excluding 62 Cessnock Street continue as per the resolution of Council.
  - A meeting be held with the Aberdare pre-school with discussions including financial capabilities, lease arrangement and purchase options.
  - Following the meeting a report come back to the Committee outlining the following:
    - Outcomes from the meeting.
    - Any land which is owned by Council that is occupied by pre-schools.
    - Financial implications of similar land held within Council's assets register for land and buildings.

**FOR**

**AGAINST**

Councillor Suvaal  
Councillor Moores  
Councillor Burke  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Watton  
Councillor Jurd  
**Total (9)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC26/2022**

**SUBJECT: DONATIONS UNDER SECTION 356 - RATES SUBSIDY POLICY**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Grine

84

**RESOLVED**

1. That Council applies a 50% Rates Subsidy for the following Assessments in accordance with the Rates Subsidy Policy effective for the 2022-23 rating year.

Assessment	Organisation	Location
5173	Cessnock Masonic Hall	Cessnock
17178	Country Womens Association	Cessnock
59204	Cessnock Homing Pigeon Club	Cessnock
123596	Trustees Masonic Hall	Paxton
139378	Weston Pre-School	Weston
158337	Cessnock Clay Target Gun Club	Cessnock
176263	Greta Pre-School Kindergarten	Greta
197467	Cessnock Rifle Club Inc	Cessnock
198655	Aberdare Pre-School	Aberdare
252916	Richmond Vale Preservation Co-op Society	Kurri Kurri
275529	Cessnock Pistol Club	Cessnock
286674	Branxton Preschool	Branxton

2. That Council does not apply a rates subsidy for the 2022-23 rating year for the following assessments as the organisations did not return the required documentation to allow for assessment as per the Rates Subsidy Policy.

Organisation	Location	Comments
Returned Services Men & Literary Inst	Branxton	Documentation not returned
Kurri Kurri Early Childhood Centre	Kurri Kurri	Documentation not returned

3. That the General Manager write to each applicant advising of Council's decision according to the Rates Subsidy Policy.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
<b>Total (9)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC27/2022**

**SUBJECT: DECISIONS MADE UNDER DELEGATED AUTHORITY**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Grine

85

**RESOLVED**

That Council notes that between the March and April 2022 Council meetings the Mayor under delegated authority exercised the following decision of Council:

- Local Traffic Committee Meeting Item TC14/2022, that Council authorises installation of signage and line marking on McDonalds Road and Palmers Lane, Pokolbin, in accordance with the McDonalds Road Pokolbin – Signage & Line Marking Diagram – DA 8 2018 917 2.
- Local Traffic Committee Meeting Item TC12/2022, 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 \_ Traffic Control Plan.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
<b>Total (9)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC28/2022**

**SUBJECT: DISCLOSURES OF INTERESTS IN WRITTEN RETURNS**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Grine

86

**RESOLVED**

That Council notes the tabling of the Disclosures of Interests in written returns received from designated persons and Councillors within 3 months of being elected as Councillors by the General Manager in accordance with Council's Code of Conduct.

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
<b>Total (9)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC29/2022**

**SUBJECT: BI-ANNUAL COMPLIMENTS AND COMPLAINT HANDLING REPORT - JULY - DECEMBER 2021**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Grine  
87

**RESOLVED**

**That Council notes the Bi-annual Compliments and Complaint Handling Report for the period 1 July to 31 December 2021.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
<b>Total (9)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



**CORPORATE AND COMMUNITY NO. CC30/2022**

**SUBJECT: INVESTMENT REPORT - MARCH 2022**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Grine

88

**RESOLVED**

That Council receives the Investment Report for March 2022 and notes that:

- Investments are held in accordance with Council's Investment Policy, which is in accordance with the Ministerial Investment Order.
- Council's month end cash and investments balance was \$71,700,559.

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
<b>Total (9)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC31/2022**

**SUBJECT: RESOLUTIONS TRACKING REPORT**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Grine

89

**RESOLVED**

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

<b>FOR</b>	<b>AGAINST</b>
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Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	

**Total (9)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC32/2022**

**SUBJECT: DRAFT COUNCILLORS EXPENSES AND FACILITIES POLICY**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Grine

90

**RESOLVED**

1. That Council adopts the Councillor Expenses and Facilities Policy 2022.
2. That Council revokes the Councillor Expenses and Facilities Policy 2020.

**FOR**

**AGAINST**

Councillor Suvaal  
Councillor Moores  
Councillor Burke  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Watton  
Councillor Jurd

**Total (9)**

**Total (0)**

**CARRIED UNANIMOUSLY**

## **WORKS AND INFRASTRUCTURE**

### **WORKS AND INFRASTRUCTURE NO. WI13/2022**

**SUBJECT: APPOINTMENT OF DELEGATES AND REPRESENTATIVES - LOWER HUNTER ZONE DISTRICT LIAISON COMMITTEE**

---

**MOTION**      **Moved:** Councillor Sander      **Seconded:** Councillor Grine  
91

#### **RESOLVED**

1. That Council nominates Councillor Jackson as the representative and Councillor Jurd as the alternate to the Lower Hunter Zone District Liaison Committee.
2. That the General Manager write to the Manager – Lower Hunter Zone – NSW Rural Fire Service to advise who will be Council's representative(s).

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
<b>Total (8)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI14/2022**

**SUBJECT: TENDER T2022-06 MILLFIELD SKATEPARK EXTENSION**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Grine

92

**RESOLVED**

**That Council accepts the tender (T2022-06) from Revolution Action Sports Concepts Pty Ltd for the lump sum of \$256,446.30 (including GST) for the Millfield Skatepark Extension.**

<b>FOR</b>	<b>AGAINST</b>
------------	----------------

Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	

**Total (9)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI15/2022**

**SUBJECT: RICHMOND VALE RAIL TRAIL**

---

**MOTION**      **Moved:** Councillor Grine      **Seconded:** Councillor Hill

93

**RESOLVED**

1. That Council place the Richmond Vale Rail Trail – Stockrington to Kurri Kurri Review of Environmental Factors on Public Exhibition for a 6 week period and invite public submissions.
2. That a report on the outcomes of the exhibition period be provided to Council prior to Council endorsing the Richmond Vale Rail Trail – Stockrington to Kurri Kurri Review of Environmental Factors.

*Councillor Jurd returned to the meeting, the time being 7.36pm*

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
<b>Total (9)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI16/2022**

**SUBJECT: REGIONAL RECYCLING SOLUTION**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Grine

94

**RESOLVED**

**That Council notes the EOI for a Regional Recycling Solution.**

<b>FOR</b>	<b>AGAINST</b>
------------	----------------

Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	

**Total (9)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI17/2022**

**SUBJECT:     FRAME DRIVE & GINGERS LANE ROADWORKS**

---

**MOTION**            **Moved:**     Councillor Burke            **Seconded:**     Councillor Grine

95

**RESOLVED**

**That Council notes the information contained within the report regarding roadworks at Frame Drive and Gingers Lane.**

<b>FOR</b>	<b>AGAINST</b>
------------	----------------

Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	

**Total (9)**

**Total (0)**

**CARRIED UNANIMOUSLY**



**WORKS AND INFRASTRUCTURE NO. WI18/2022**

**SUBJECT: COOPER AND CHARLTON STREETS CESSNOCK INTERSECTION**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander

96

**RESOLVED**

**That the report be deferred.**

<b>FOR</b>	<b>AGAINST</b>
------------	----------------

Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	

**Total (9)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI19/2022**

**SUBJECT: KERLEW STREET, NULKABA**

---

**MOTION**                      **Moved:**    Councillor Burke                      **Seconded:**    Councillor Grine

97

**RESOLVED**

1.      That Council notes the refusal of consent from Transport for NSW (TfNSW) for the installation of the proposed intersection treatment at Kerlew and Occident Streets, Nulkaba as recorded in WI6/2022 Minutes of Cessnock Local Traffic Meeting held 21 February 2022.
2.      That Council requests TfNSW to provide as a matter of urgency the refusal letter detailing the reasons for their decision.
3.      That Council request a meeting with TfNSW and Clayton Barr, Member for Cessnock in regards to the refusal of the proposed intersection treatment at Kerlew St and Occident St.
4.      That Council has no obligation or plans to undertake works at the intersection of Wine Country Drive and Kerlew St which is a State Road intersection.
5.      That a report come back to Council detailing the outcomes of the meetings and requests.
6.      That Council remains committed to supporting the Nulkaba communities preferred preference for Option 3 for the intersection of Kerlew and Occident Streets which isolates the Correctional Centre traffic from the local road network.

**FOR**

**AGAINST**

Councillor Suvaal  
Councillor Moores  
Councillor Burke  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Watton  
Councillor Jurd

**Total (9)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI20/2022**

**SUBJECT: UPGRADE WORKS ON OLD MAITLAND ROAD SAWYERS GULLY**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Grine

98

**RESOLVED**

1. That Council notes the information contained within the report regarding road safety and design, land matters, schedule, timeframes, cost estimate and budget.
2. That Council contacts the grant provider and seeks to renegotiate the terms of the project to undertake works available within the current grant funded amount.
3. That Council commits the current allocated funds of \$724,085.00 to fund the detailed design and associated land acquisitions for the full unsealed section of Old Maitland Road.
4. That Council actively seeks further grant funding to complete the full scope of works required to upgrade Old Maitland Road, including adding it to the letter to Federal Candidates for the electorates of Hunter and Paterson as outlined in Dot Point 2 of MM8/2022.

**FOR**

**AGAINST**

Councillor Suvaal  
Councillor Moores  
Councillor Burke  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Watton  
Councillor Jurd  
**Total (9)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI21/2022**

**SUBJECT: IMPLEMENTATION OF LGA SIGNAGE STRATEGY - ILLUMINATED SIGNAGE**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Hawkins  
99

**RESOLVED**

1. That the General Manager brings back a report outlining economic development opportunities with the possible purchase of the current illuminated signs and how Council may implement an Illuminated signage Strategy as a course of revenue.
2. That the report include detailed information around road laws and safety that might be impacted through this strategy.

**FOR**

Councillor Suvaal  
Councillor Burke  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Watton  
Councillor Jurd

**Total (8)**

**AGAINST**

Councillor Moores

**Total (1)**

**CARRIED**

**WORKS AND INFRASTRUCTURE NO. WI22/2022**

**SUBJECT: BUS SHELTER ADVERTISING**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Sander  
100  
**RESOLVED**

1. That the General Manager brings back a report outlining economic development opportunities available from Bus Shelter advertising.
2. That the report include detailed information around road laws and safety that might be impacted through this strategy.
3. That the report include how community organisations might better access the bus shelter signs for local promotion of events and programs.

FOR	AGAINST
Councillor Suvaal	Councillor Moores
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
<b>Total (8)</b>	<b>Total (1)</b>

**CARRIED**

**WORKS AND INFRASTRUCTURE NO. WI23/2022**

**SUBJECT: MAIN ROAD LED REPLACEMENT PROGRAM**

---

**MOTION**                      **Moved:** Councillor Burke                      **Seconded:** Councillor Grine

101

**RESOLVED**

1. That Council accepts Ausgrid's proposal for the accelerated replacement of 1,825 Ausgrid lights on main roads and on residential roads over the next three years through agreeing to Ausgrid's proposal to fund the accelerated replacement and to Council funding the residual value of the old lights.
2. That Council write to the Minister for Planning and Department of Planning and Environment on the community value of retaining the current scheme in an appropriate way moving forward.

**FOR**

**AGAINST**

Councillor Suvaal  
Councillor Moores  
Councillor Burke  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Watton  
Councillor Jurd  
**Total (9)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**WORKS AND INFRASTRUCTURE NO. WI24/2022**

**SUBJECT: HEAVY VEHICLE SAFETY & PRODUCTIVITY PROGRAM FOR CAMP ROAD, GRETA**

---

**MOTION**      **Moved:** Councillor Burke      **Seconded:** Councillor Grine  
102

**RESOLVED**

1. That Council endorses an application under the Heavy Vehicle Safety and Productivity Program for Camp Road, Greta.
2. That Council allocates the 20% co-contribution of \$300,000 for Camp Road, Greta from the Road Renewal Program in the 2022-23 Operational Plan.

**FOR**

**AGAINST**

Councillor Suvaal  
Councillor Moores  
Councillor Burke  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Watton  
Councillor Jurd  
**Total (9)**

**Total (0)**

**CARRIED UNANIMOUSLY**

## **WORKS AND INFRASTRUCTURE NO. WI26/2022**

**SUBJECT: MINUTES OF THE COMMUNITY ENGAGEMENT, AWARDS AND GRANTS COMMITTEE**

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*Councillor Burke declared a Non pecuniary Interest – Less Than Significant Conflict for the reason that he is a sponsor of one of the recipients. Councillor Burke remained in the Chamber and participated in discussion and voting.*

**MOTION**            **Moved:**    Councillor Sander            **Seconded:**    Councillor Watton  
103

### **RESOLVED**

1.     That the Minutes of the Community Engagement, Awards and Grants Committee of 6 April 2022 be adopted as a resolution of the Ordinary Council.
2.     That Council adopt the revised Community Engagement, Awards and Grants Committee Charter.
3.     That Council provides funds through the Schools Environment Dollar for Dollar Grants Program to:
  - Stanford Merthyr Infants School in the amount of \$500
  - Bees Nees Early Learning in the amount of \$200
  - Bellbird Public School in the amount of \$500
  - Laguna Public School in the amount of \$500
  - Kurri Kurri Public School in the amount of \$500
  - Goodstart Cessnock in the amount of \$200
4.     That the remaining Schools Environment Dollar for Dollar Grants budget of \$3,100 be applied to schools biodiversity programs to be run in conjunction with the Bushland Festival in September 2022.
5.     That the General Manager writes to all applicants advising the outcome of their application and thanking them for their contribution towards the enhancement of the local environment.
6.     That Council provides funds through the 2021-22 Community Facilities – Round 2 Dollar for Dollar Grant Scheme to:
  - Branxton Community Hall Section 355 Committee in the amount of \$4,087.
  - Cessnock Gem and Mineral Club Inc. in the amount of \$3,600.
7.     That the General Manager writes to all applicants advising them of the outcome of their application and thanking them for their ongoing support and commitment to the enhancement of Council's community facilities.
8.     That Council provides funds through the 2021-22 Sporting Facilities – Round 2 Dollar for Dollar Grant Scheme to:
  - Cessnock Dog Club in the amount of \$745.
  - Cessnock Minor Rugby League Football Club in the amount of \$6,496.
  - Cessnock Rugby League Football Club in the amount of \$13,200.
  - Kurri Kurri District Rugby league Football Club in the amount of \$2,533.



9. That Council transfers \$7,268 from the 2021-22 Community Facilities - Round 2 Dollar for Dollar Grant Scheme to the 2021-22 Sporting Facilities - Round 2 Dollar for Dollar Grant Scheme to offset the additional funding requests.
10. That the General Manager writes to all applicants advising the outcome of their application and thanking them for their ongoing support and commitment to the enhancement of Council's sporting facilities.
11. That Council provides funds through the Sustainable Communities - Tidy Towns Dollar for Dollar Program to:
  - Weston Tidy Towns in the amount of \$1,480.
  - North Rothbury Tidy Towns in the amount of \$4,003.
  - Hunter Region Landcare Network in the amount of \$2,798.50.
  - Kurri Kurri and district Preschool in the amount of \$1,800.50.
  - Sunnyfield in the amount of \$918.
12. That the General Manager writes to all applicants advising them of the outcome of the grant program and thanking them for their contribution towards the enhancement of the local environment.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
<b>Total (9)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN**

### **BUSINESS WITH NOTICE NO. BN15/2022**

**SUBJECT: PILOT JOB SHUTTLE PROGRAM (YOUTH)**

---

**MOTION**      **Moved:** Councillor Watton      **Seconded:** Councillor Hawkins

104

#### **RESOLVED**

That the General Manager prepare a report to Council outlining the implications, resourcing requirements, funding opportunities and processes necessary for a program to:

1. Liaise, and work alongside community-based organisations and businesses within our LGA, to develop and implement a Cessnock to Wine Country Pilot Job Shuttle Program;
2. Research appropriate, relevant grants that may assist in local businesses and organisations facilitating said Cessnock Pilot Job Shuttle Program.

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
<b>Total (9)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**BUSINESS WITH NOTICE NO. BN16/2022**

**SUBJECT: SAFETY HAND RAILS - BRIDGES HILL PARK**

---

**MOTION**      **Moved:** Councillor Moores      **Seconded:** Councillor Sander

105

**RESOLVED**

**That the General Manager determine the cost to fit and install a safety rail and ramp in the newly installed King Street steps, leading to Bridges Hill Park, so that the project can be included for consideration in the draft 2022-23 Operational Plan.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
<b>Total (9)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**BUSINESS WITH NOTICE NO. BN17/2022**

**SUBJECT: WORKING WITH CESSNOCK CORRECTIONAL CENTRE**

---

**MOTION**      **Moved:** Councillor Jurd      **Seconded:** Councillor Hawkins

106

**RESOLVED**

That the General Manager investigate and a report come back to Council on the use of the inmates from Cessnock Correctional Centre to assist with their rehabilitation back into the community and help the council staff with the ground maintenance on a needs basis so it doesn't affect any council staff. This could help staff with the large areas of lawn mowing and edging they are currently trying to keep at high standard.

<b>FOR</b>	<b>AGAINST</b>
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
<b>Total (9)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**BUSINESS WITH NOTICE NO. BN18/2022**

**SUBJECT: CESSNOCK LGA HALL BOOKING/MANAGEMENT**

---

**MOTION**                      **Moved:**    Councillor Watton                      **Seconded:**    Councillor Jurd

107

**RESOLVED**

That the General Manager prepare a report to council outlining the implications, resourcing requirements, funding opportunities and processes necessary to overhaul the current practices Cessnock City Council has adopted relating to hall bookings, maintenance and potential promotions. The following points are to be considered:

1. Adopt a more streamlined, user-friendly online system (potential to link in across platforms i.e. social media sites) enabling customers to clearly and efficiently make their hall selection and booking
2. Research appropriate grants and / or other funding streams that will enable new systems to be incorporated, updated and made relevant
3. Provide valid training, support and assistance where applicable for volunteers looking after council halls to help ensure standards are met across all halls (i.e. cleaning, maintenance, customer service etc.).
4. Estimation of costs to update to a new system.
5. Consultation to take place with the 355 Committees as to the current processes in place.

FOR	AGAINST
Councillor Suvaal	
Councillor Moores	
Councillor Burke	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Watton	
Councillor Jurd	
<b>Total (9)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**COUNCILLORS REPORTS**

NIL

*The Meeting Was Declared Closed at 8.10pm*

**CONFIRMED AND SIGNED** at the meeting held on 18 May 2022

.....**CHAIRPERSON**

.....**ACTING GENERAL MANAGER**

**Disclosures Of Interest**

**Report No. DI4/2022**

**Corporate and Community Services**



**SUBJECT:** ***DISCLOSURES OF INTEREST***

**RESPONSIBLE OFFICER:** ***Chief Finance Officer - Matthew Plumridge***

**RECOMMENDATION**

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

**SUMMARY**

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

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

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

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

**ENCLOSURES**

There are no enclosures for this report.

Motions of Urgency

Report No. MOU4/2022

Corporate and Community Services

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**SUBJECT:** *MOTIONS OF URGENCY*

**RESPONSIBLE OFFICER:** *Chief Finance Officer - Matthew Plumridge*

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**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.



Deferred Business

Report No. WI18/2022

Works and Infrastructure



**SUBJECT:** *COOPER AND CHARLTON STREETS CESSNOCK INTERSECTION*

**RESPONSIBLE OFFICER:** *Director Works and Infrastructure - David Moloney*

Council at its Ordinary meeting on 18/05/2022 resolved that the matter be deferred to a future meeting

### **SUMMARY**

This report provides information on the construction and condition of the intersection of Cooper and Charlton Streets in the Cessnock CBD.

### **RECOMMENDATION**

1. That Council notes the information contained within the report regarding the construction and condition of the Cooper and Charlton Street intersection.
2. That Council allocates \$100,000 in the 2022/2023 Operational Plan to fund the repairs to the intersection.

### **BACKGROUND**

The intersection of Cooper and Charlton Streets was constructed in 2019 as part of the Cessnock Civic Precinct Revitalization Program that also included installation of wayfinding signage, improved walking access from the CBD to Bridges Hill Park, upgrades to Bridges Hill playground, laneway upgrades, connection of Charlton Street between Hall Street and Snape Street, a pedestrian link from CBD to Wollombi Road and the installation of bike parking throughout the CBD. The remaining part of the project is a shared space at the rear of Cessnock Library and upgrade of the laneway between Workskill Australia and the National Australia Bank. Design and land matters for these works are presently being finalised.

At its meeting held on 16 February 2022, Council considered BN2/2022 and resolved as follows:-

1. *The General Manager bring a report back to council with the reasons for the major failure of the above intersection and a briefing be held prior.*
2. *The report is to contain the following information:-*
  - *Was the intersection built to council specifications?*
  - *Was there any pipe work under the road that caused the issue and if so a plan showing where this pipe works run to be provided with the report?*
  - *If it was pipes that caused the issue why wasn't this an issue prior to the works being completed?*
  - *How council plans to rectify the problem and when this will be done?*
  - *Estimated cost and timeframe to fix the problem?*

The information outlined in the report answers the questions raised above.

**Deferred Business**

**Report No. W118/2022**

**Works and Infrastructure**



***REPORT/PROPOSAL***

Intersection Specifications

The intersection was designed in accordance with Austroads, Australian Standards, Roads and Maritime Services Technical Directions and Council's Draft Engineering Guidelines formed part of the intersection specifications sought. As a minimum, the following standards and guidelines for designing each element of the works was specified:-

- Austroads - Guide to Traffic Management
- Austroads – Guide to Road Design
- Australian Standard – AS 1742 Manual of uniform traffic control devices
- Australian Standard – AS 1428.4.1 Design for access and mobility
- Australian Standard – AS 2890.5 and AS 2890.6-2009 Parking facilities
- NSW Legislation – Road transport (Safety and Traffic Management) Act 1999
- NSW Legislation – Road Rules 2008
- Roads and Maritime Services – Technical Direction Design and implementation of shared zones including provision for parking
- Cessnock City Council's - Draft Engineering Guidelines for Design 2014
- Cessnock City Council's - Draft Engineering Guidelines for Construction 2014

Pipework

There is pipe work under the road however it has not been found to have caused the issue.

Probable cause of the failure

Research undertaken of Council records found that the likely cause of the failure could be attributed to a number of factors. These include:

- The speed and angle at which vehicles hit the pavers travelling from Vincent Street towards Charlton Street;
- The large size of the pavers (600mm x 400mm) and susceptibility to cracking; and
- The composition of the bedding material that the pavers are laid on.

Speed cushions were installed in February 2020 as a means to slow down the traffic on approach and reduce the impact on the pavers and remedial repair works have been undertaken as required.

Rectification cost and timeframe

A brief for an independent assessment of the root cause of the issue and recommendations on rectification has been advertised. The brief seeks the following information:-

- Review of Council records on the matter
- Site inspection
- Geotechnical investigations
- Investigate the pavement layers thickness and materials properties
- Ascertain the root cause
- Suggest remedial measures
- Produce a report together with the recommendations

**Deferred Business**

**Report No. WI18/2022**

**Works and Infrastructure**



In recognition of the pavement failure \$100,000 has been included in the draft 2022/2023 Operational Plan to fund the repairs to the intersection. The exact scope, cost and timeframe for the repairs will be known once the independent investigation is complete.

In the interim, repairs will continue to be undertaken to ensure the road surface is safe and remains open to traffic.

**OPTIONS**

N/A

**CONSULTATION**

Project Manager  
Works & Operations Team Members

**STRATEGIC LINKS**

**a. Delivery Program**

This report links directly to accessible infrastructure, services and facilities, specifically Objective 4.2 – Improving the Road Network.

**b. Other Plans**

Cessnock Commercial Precinct Public Domain Plan & Implementation Plan

**IMPLICATIONS**

**a. Policy and Procedural Implications**

NIL

**b. Financial Implications**

The cost of the independent assessment has been covered within existing operational budgets.

There is no dedicated budget to fund major repairs this financial year, however if program savings are found as part of the March quarterly budget review, the works may be able to commence this financial year depending on the scope of works, contractor and availability of materials.

In recognition of the matter, \$100,000 has been included in the draft 2022/2023 Operational Plan to fund the repairs to the intersection.

**c. Legislative Implications**

Nil

Deferred Business

Report No. WI18/2022

Works and Infrastructure

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**d. Risk Implications**

Risk to Council will be reduced once the repairs have been completed.

**e. Environmental Implications**

N/A

**f. Other Implications**

Nil

**CONCLUSION**

The Councillor briefing was held on 6 April 2022 and information contained within the report explains the possible reasons for the pavement failure at the Cooper and Charlton Street intersection in the Cessnock CBD. Seeking an independent assessment on the matter will provide Council with a plan and costs to rectify the damaged pavers.

**ENCLOSURES**

There are no enclosures for this report.

General Manager's Unit  
Report No. GMU12/2022  
General Manager's Unit



**SUBJECT:** ***VISITOR ECONOMY GRANTS AND SPONSORSHIP PROGRAM***

**RESPONSIBLE OFFICER:** ***Economic Development & Tourism Manager - Tony Chadwick***

### **SUMMARY**

The purpose of this report is to seek Council's endorsement to create a Visitor Economy Grants and Sponsorship Program and Hunter Valley Destination Management Plan Implementation Program using the existing Tourism Related Activities budget allocation.

### **RECOMMENDATION**

1. That Council endorses the creation of the Visitor Economy Grants and Sponsorship Program with an annual budget allocation of \$50,000 from the existing Tourism Related Activities budget.
2. That Council endorses the Visitor Economy Grants and Sponsorship Program Guidelines.
3. That Council places unspent funds from the Visitor Economy Grants and Sponsorship Program into the Miscellaneous & Property Reserve (Tourism Related Projects Reserve).
4. That Council allocates an annual budget of \$47,600 from the existing Tourism Related Activities budget to implement actions from the Hunter Valley Destination Management Plan.
5. That the General Manager provides a report to Council every 12 months on the outcomes of the Visitor Economy Grants and Sponsorships Program.
6. That Council notes the savings achieved from 1 July 2022 from the Companion Management Agreement will also be allocated to the Miscellaneous & Property Reserve (Tourism Related Projects Reserve) at the end of each financial year.

### **BACKGROUND**

At its Ordinary Meeting of 22 September 2021, Council resolved (BN23/2021, resolution 1831):

1. *That the General Manager bring an annual report to Council, listing the projects and the amounts, funded by the \$97,600 allocated for Tourism Related Activities within the Operation Plan.*
2. *That any unspent money from the Tourism Related Activities be carried forward and added to the next years allocated allowance.*
3. *That a workshop be organised to develop guidelines for determining the tourism projects suitable for this funding.*

## General Manager's Unit

Report No. GMU12/2022

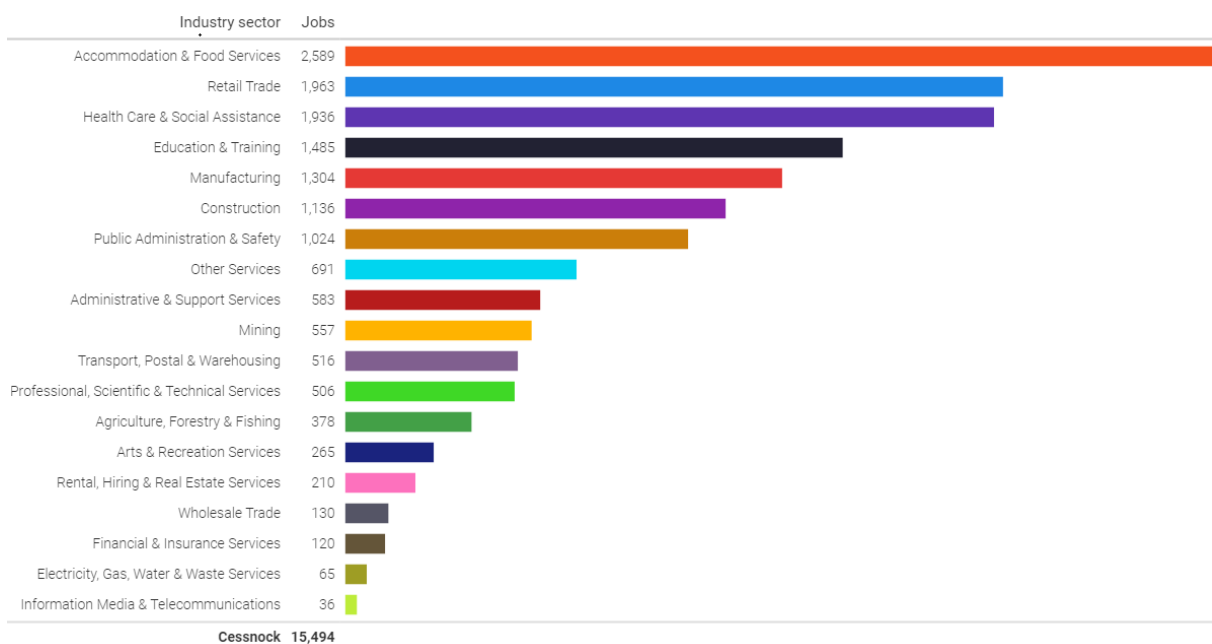
## General Manager's Unit



4. *That the General Manager provide a report on why the workshop wasn't carried out 5 years ago.*

This report addresses the above resolution by creating a process to manage the expenditure of Tourism Related Activities funding.

The visitor economy within the Cessnock Local Government Area (LGA) plays an important role in the employment of local residents and in generating significant economic output for the region. Accommodation and Food Services is our highest employing industry sector with 2,589 full time equivalent jobs and an annual economic output of \$474 million.



**Figure 1 - Cessnock LGA employment by industry sector (graph extracted from REMPLAN 2021 website)**

The Cessnock LGA receives 1.1 million visitors each year, with 58% being domestic day trippers, 41% domestic overnight travelers and 1% international travelers. Roy Morgan visitor device data shows that Monday to Thursday visitation is approximately 50% of the visitor numbers received during public holidays and 60% of normal weekend visitation.

This information shows that the accommodation industry has midweek capacity to attract more visitors. Attracting 10% more midweek visitors will result in 35,000 additional visitors, \$15 million in additional annual output and 103 new jobs. Opportunities to increase midweek visitation come from business events, conferences, weddings, sports tourism and recreational tourism.

The \$97,600 annual budget allocation for Tourism Related Activities provides Council with an opportunity to grow midweek visitation, to complete Hunter Valley Destination Management Plan actions and to improve physical or digital tourism related infrastructure.

General Manager's Unit

Report No. GMU12/2022

General Manager's Unit



At its Ordinary Meeting of 16 March 2022, Council resolved (PE17/2022, resolution 71):

1. ***That Council notes the arrangement with Maitland City Council for the period of the agreement.***
2. ***That any savings out of this agreement annually be put in the 2022 – 2023 Tourism Related Activity fund.***

This report notes that item 2 of the above resolution allocates savings achieved from the Companion Management Agreement to the Miscellaneous & Property Reserve (Tourism Related Projects Reserve) at the end of each financial year.

### **REPORT/PROPOSAL**

**Resolution 1831, Item 1 - That the General Manager bring an annual report to Council, listing the projects and the amounts, funded by the \$97,600 allocated for Tourism Related Activities within the Operation Plan.**

The following expenditure has occurred from the Tourism Related Activities Fund over the last two financial years:

- 2021/2022 Financial Year;
  - \$20,000 Hunter Valley Destination Management Plan Consultant, and
  - \$5,000 to attract NSW Golf Championship Qualifiers to the Hunter Valley.
- 2020/2021 Financial Year;
  - \$8,613 Hunter Valley Airshow 2021, and
  - \$50,000 AFC U17 Woman's Soccer Championship (Canceled COVID).

**Resolution 1831, Item 2 - That any unspent money from the Tourism Related Activities be carried forward and added to the next years allocated allowance.**

Unspent Tourism Related Activities funds will be transferred to the Miscellaneous & Property Reserve at the end of each financial year. The Miscellaneous & Property Reserve holds \$147,599 for Tourism Related Activities as at 31 December 2021. Unspent Tourism Related Activities funds from the 2021-22 financial year will be added to the Miscellaneous & Property Reserve at year end.

**Resolution 1831, Item 3 - That a workshop be organised to develop guidelines for determining the tourism projects suitable for this funding.**

On 9 March 2022, a Councillor Briefing was conducted by Council's Economic Development and Tourism Manager regarding the Tourism Related Activities Fund. Topics covered during the briefing included (Refer presentation DOC2021/147855):

- Background;
- Tourism Fund financial overview;
- How the Tourism Fund is governed;
- Tourism insights;
- Issues to consider when supporting Cessnock LGA tourism;
- Governance methods to manage the funding; and
- Next steps.

## General Manager's Unit

Report No. GMU12/2022

## General Manager's Unit



Following feedback at the briefing two visitor economy programs are proposed to be developed using the existing \$97,600 Tourism Related Activities budget allocation:

1. Hunter Valley Destination Management Plan Implementation Program; and
2. Visitor Economy Grants and Sponsorship Program.

#### Hunter Valley Destination Management Plan Implementation Program

The Hunter Valley Destination Management Plan (DMP) sets the vision, goals and actions to grow and strengthen the visitor experience within the Cessnock and Singleton LGAs. The DMP is a shared statement of intent to manage our destination over the short, medium and long term, articulating the strategic direction and intent of the different stakeholders, and identifies clear actions that are required to achieve the Plan.

A \$47,600 budget allocation within the Economic Development and Tourism Team budget will allow Hunter Valley Destination Management Plan priority actions to be delivered or progressed in a regular and systematic way. This budget allocation will allow visitor economy projects to be planned and delivered across multiple years, which will produce better outcomes for Council and the community.

#### Visitor Economy Grants and Sponsorship Program

The \$50,000 annual Visitor Economy Grants and Sponsorship Program is a targeted program aimed at growing the visitor economy in areas where opportunities exist and maximum benefits are achieved. Data shows that increasing the visitor's length of stay or encouraging overnight visitation provides the greatest economic benefit to the region. The program also recognises that at certain times of the year accommodation availability is limited and additional activities during these periods may have a negative benefit to the region by reducing customer satisfaction and driving up costs.

Economic Development Unit staff will oversee the Visitor Economy Grants and Sponsorship Program with independent oversight achieved via Council Reports and Council Resolutions. Grant and sponsorship applications will be reviewed and selected based on the assessment criteria shown in **table 1**.

**Table 1** - Visitor Economy Grants and Sponsorship Program assessment criteria

Weighting	Assessment Criteria Description
20%	Alignment to Council's adopted strategies and plans.
20%	Job creation within the Cessnock LGA.
20%	Value for money.
15%	The number of visitors, residents and businesses supported by the project, or the number of bed nights booked as a result of the project.
10%	How the project boosts visitation from Tuesday to Thursday during off-peak periods.
5%	Project co-contribution amount.
5%	Measures and key performance indicators provided by the applicant for the project.
5%	Acknowledgement for Council's support as part of the project.
<b>100%</b>	<b>Total</b>



General Manager's Unit

Report No. GMU12/2022

General Manager's Unit



The Visitor Economy Grants and Sponsorship Program will be open for applications from 1 to 31 August each year (round one). If funds remain available after round one, an additional secondary round of applications will be accepted from 1 to 28 February in the following calendar year.

Unspent funds from the annual Visitor Economy Grants and Sponsorship Program will be placed into the Miscellaneous & Property Reserve (Tourism Related Projects Reserve) at the end of each financial year.

**Resolution 1831, Item 4 - That the General Manager provide a report on why the workshop wasn't carried out 5 years ago.**

A search of Councils records could not determine reasons why the workshop was not conducted.

### **OPTIONS**

N/A

### **CONSULTATION**

Acting General Manager (Director Corporate & Community Services)  
Councillors  
Management Accountant  
Visitor Information Centre Coordinator  
Economic Development Officer  
Senior Legal and Governance Officer

### **STRATEGIC LINKS**

#### **a. Delivery Program**

This report aligns with the following Delivery Program 2017 – 2021 actions:

- A Sustainable and Prosperous Economy;
  - 2.1 Diversifying local business options,
  - 2.2 Achieving more sustainable employment, and
  - 2.3 Increasing tourism opportunities & visitation.

#### **b. Other Plans**

This report aligns with the following plans:

- A 20-Year Economic Vision for Regional NSW;
- Hunter Regional Economic Development Strategy 2018 – 2022; and
- Hunter Valley Destination Management Plan.

## **IMPLICATIONS**

### **a. Policy and Procedural Implications**

Nil

### **b. Financial Implications**

A \$97,600 annual budget allocation for tourism is held within the General Managers Budget under General Manager Admin / Tourism Related Projects. This report proposes to redistribute the existing funding allocation to the Economic Development and Tourism Team budget as follows:

1. \$47,600 Hunter Valley Destination Management Plan Implementation Program; and
2. \$50,000 Visitor Economy Grants and Sponsorship Program.

### **c. Legislative Implications**

Nil

### **d. Risk Implications**

<b>Risk</b>	<b>Risk Ranking</b>	<b>Proposed Treatment</b>	<b>Proposed Risk Ranking</b>
Reputation – Council fails to deliver projects that grow the visitor economy	C1 Low	Adopt the recommendation	D1 Low
Reputation – Council is unable to deliver assigned actions from the Hunter Valley DMP	C1 Low	Adopt the recommendation	D1 Low

### **e. Environmental Implications**

Nil

### **f. Other Implications**

Nil

## **CONCLUSION**

This report demonstrates the importance of the visitor economy to employment within the Cessnock LGA and that an opportunity exists to support and grow jobs through two Council run programs. The new programs take a strategic and targeted approach to supporting the visitor economy by funding the delivery of Hunter Valley DMP actions and boosting event activity in off peak periods.

This report seeks Council endorsement to establish the Hunter Valley Destination Management Plan Implementation Program and the Visitor Economy Grants and Sponsorship Program for the purpose of growing the visitor economy and creating local jobs.

General Manager's Unit  
Report No. GMU12/2022  
General Manager's Unit

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**ENCLOSURES**

[1](#) Draft Visitor Economy Grants and Sponsorship Program Guidelines



## Cessnock City Council Visitor Economy Grants and Sponsorship Program Guideline

Date Adopted **XX/XX/20XX** Revision: **X**

### 1. GUIDELINE OBJECTIVES

- 1.1. This guideline aims to provide a framework for seeking funding under Council's Visitor Economy (Tourism) Grants and Sponsorship Program.
- 1.2. The objectives of the fund is to support projects that grow the visitor economy throughout the Cessnock Local Government Area (**LGA**), achieving job growth and long term economic security for the community.
- 1.3. The funding is to provide measurable outcomes and economic benefit to the Cessnock LGA in line with the Hunter Valley Destination Management Plan and Council's goals set in the [Community Strategic Plan](#).

### 2. GUIDELINE SCOPE

- 2.1. This guideline applies to Visitor Economy Grants and Sponsorship Program applications for projects and events to take place within the Cessnock LGA.
- 2.2. Council will accept Visitor Economy Grants and Sponsorship Program applications between \$5,000 and \$25,000.
- 2.3. The total amount of funding available under the Visitor Economy Grants and Sponsorship Program will be determined annually by the elected Council and in line with the [Operational Plan](#) and [Delivery Program](#).
- 2.4. Council's Visitor Economy (Tourism) Grants and Sponsorship Program does not cover:
  - 2.4.1. General donations to charities, as these may be provided through other means;
  - 2.4.2. Activities that could be perceived as benefiting a political party or party political campaign;
  - 2.4.3. Waiving of fees for development applications, health inspections, health approvals, street closures and other approvals or statutory charges; and
  - 2.4.4. Financial assistance under the *Local Government Act 1993* (NSW) (**Act**).



### 3. ELIGIBILITY CRITERIA

Council will accept applications that meet all of the criteria noted below:

- 3.1. All funded activities are to be held within the Cessnock LGA;
- 3.2. The application form is to be completed in full;
- 3.3. The applicant is a legally constituted organisation, which has been created by law, such as an incorporated association or a company, limited by guarantee;
- 3.4. The applicant has an Australian Business Number (**ABN**),
- 3.5. The applicant is acting on their own behalf and not fundraising for another unnamed party;
- 3.6. The applicant has complied with all terms and conditions of any previous grant, support or sponsorship received from Council;
- 3.7. The applicant agrees to comply with all the terms set within the funding offer and/or agreement should the application be successful;
- 3.8. The applicant will obtain all regulatory approvals for the activities proposed; and
- 3.9. No program will be funded more than twice.

### 4. CATEGORIES OF FUNDING AVAILABLE

- 4.1. There are three categories of funding available within the Grants and Sponsorship Program:

- a) Visitor Economy Projects,
- b) Events and Conferences (business and leisure), and
- c) Sponsorships.

#### **Visitor Economy Projects**

- 4.2. Visitor Economy Projects are specific, planned activities that occur over a defined time frame and deliver a tangible outcome related to the visitor economy in the Cessnock LGA.

- 4.3. Outcomes and deliverables of such projects are to be definite and measurable.

#### **Events and Conferences**

- 4.4. An event or conference is one which will significantly raise the profile of the Cessnock LGA to visitors from outside the region and expect to draw at least 3,000 visitors to the event or result in 150 or more bed nights. The purpose of this category is to encourage businesses to hold an event or conference within the Cessnock LGA and in doing so attract overnight visitors to the region.

#### **Sponsorships**

- 4.5. Sponsorship funding is for other activities besides projects, major events or conferences.
- 4.6. A sponsorship prospectus or proposal should be attached to the application which describes the proposal benefits to Council and the community.



## 5. APPLICATION DATES

- 5.1. Each financial year, round one applications will be accepted from 1 – 31 August. If funds remain available after round one, an additional secondary round of applications will be accepted from 1 – 28 February in the following calendar year.
- 5.2. Funding applications received in round one will be assessed during September each year. Applicants will be notified of the outcome no later than 31 October each year.
- 5.3. Funding applications received in round two will be assessed during March each year. Applicants will be notified of the outcome no later than 30 April each year.

## 6. APPLICATION DETAILS

### *How to apply*

- 6.1. Applications must be made via the online application form located on the [Council Grants and Club Grants webpage](#).

For further information or clarification, contact Council's Economic Development Unit (EDU) by emailing [economic.development@cessnock.nsw.gov.au](mailto:economic.development@cessnock.nsw.gov.au) or calling 02 4993 6720.

### *Application information*

- 6.2. The accurate completion of the application form is the sole responsibility of the applicant. Council can only accept applications completed in full by the advertised closing date, on the prescribed application form.
- 6.3. Funding applications should make clear the requests for cash, with an actual value attributed to each of these components.
- 6.4. Each individual project or event is to have its own budget, which will itemise the level of funding requested under the grant and sponsorship within this funding program. Where possible quotations should be included to substantiate the costs.
- 6.5. The application must:
  - 6.5.1. Include applicant details;
  - 6.5.2. Specify the location of the project or event;
  - 6.5.3. Include a detailed description of the project or event;
  - 6.5.4. Outline strategic alignment to the Hunter Valley Destination Management Plan, the Greater Cessnock Jobs Strategy 2036 or Council's goals set in the [Community Strategic Plan](#);
  - 6.5.5. Demonstrate, with evidence, the cost component being covered by the applicant, if any;
  - 6.5.6. Outline the reason funding is needed to deliver the project or event;
  - 6.5.7. Outline the community and economic benefit realised if the requested funding is received; and
  - 6.5.8. Detail how the applicant will measure the success of the project or event.



### Application attachments

6.6. The following documentation needs to be attached to the application form:

Application Attachment:	Projects	Events	Sponsorships
Copies of current insurance policy confirming public liability cover and naming Cessnock City Council as an interested party (if successful)	✓	✓	✓
Detailed costings and quotations	✓	✓	✓
Evidence of co-contribution	If required	If required	If required
Detailed project management plan	Optional	N/A	N/A
Detailed event management plan	N/A	✓	Optional
Copies of necessary approvals	If required	✓	If required
Sponsorship proposal	If required	If required	✓
Risk management plan	Strongly encouraged	Strongly encouraged	Strongly encouraged

## 7. ASSESSMENT OF APPLICATIONS

### Assessment Criteria

7.1. Applications will be assessed against the following assessment criteria and weightings:

Weight	Assessment Criteria Description
20%	Alignment to Council's adopted strategies and plans.
20%	Job creation within the Cessnock LGA.
20%	Value for money.
15%	The number of visitors, residents and businesses supported by the project, or the number of bed nights booked as a result of the project.
10%	How the project boosts visitation from Tuesday to Thursday during off-peak periods.
5%	Project co-contribution amount.
5%	Measures and Key Performance Indicators (KPIs) provided by the applicant for the project.
5%	Acknowledgement for Council's support as part of the project.
100%	<b>Total</b>





### **Assessment Process**

- 7.2. Council's EDU will conduct a preliminary assessment of the applications to ensure they meet the eligibility criteria listed in clause 3.
- 7.3. Council's EDU will assess the applications against the assessment criteria provided in section 7.1. A score out of 100 will be documented against each application.
- 7.4. Council's EDU will make a funding recommendation to the elected Council for a decision by way of a Council report.
- 7.5. The elected Council will review the funding recommendations, determine the successful funding applications and the amounts by way of a Council resolution.
- 7.6. Applicants will be notified of the outcome in accordance with sections 8.1 and 8.2.

## **8. AGREEMENTS AND PAYMENTS**

### **Application Outcomes**

- 8.1. Successful projects will result in a written formal offer issued by Council's Economic Development and Tourism Manager or their delegate.
- 8.2. Unsuccessful applicants will be notified in writing.
- 8.3. Council's decisions are deemed final.

### **Agreements**

- 8.4. Prior to the release of any funding, successful applicants will be required to enter into a grant or sponsorship agreement with Council. Alternatively, terms of the funding may be set out in a letter of offer.
- 8.5. The agreement or letter of offer will itemise the approved amount, approved expenses, reporting milestones and a purchase order number for the successful applicant to raise an invoice which is to be made out to Council.
- 8.6. The agreement or letter of offer may include any specific conditions determined in the assessment process and other considerations made by Council.

### **Payments**

- 8.7. Payments will be made to successful applicants in accordance with the milestones agreed with the applicant as documented in the agreement or letter of offer.
- 8.8. For organisations registered for Goods and Services Tax (**GST**), Council will add GST to the payment amount where applicable.

## **9. KEEPING COUNCIL INFORMED**

- 9.1. Council must be advised if anything is likely to affect the project, event, sponsorship or organisation. This includes any key changes to the organisation or its business activities, particularly if they affect the ability to complete the project, carry on business and pay debts due.
- 9.2. Council must be informed of any changes to:
  - 9.2.1. Project scope;
  - 9.2.2. Contact details;
  - 9.2.3. Addresses; or
  - 9.2.4. Bank account details.





- 9.3. Should the organisation become aware of a breach of terms and conditions under the grant agreement then immediate contact must be made with Council.

## 10. ACQUITTAL REPORT

- 10.1. Successful applicants must provide a final acquittal report to Council within the timeframe specified in the agreement or letter of offer.
- 10.2. An acquittal report template will be provided to the applicant for completion.
- 10.3. Acquittal reports are to be sent to Council's Economic Development and Tourism Manager via email to [council@cessnock.nsw.gov.au](mailto:council@cessnock.nsw.gov.au). Reports are to include the following information:
- 10.3.1. Project or event income and expenditure;
  - 10.3.2. Evidence of how Council was acknowledged for the funding provided;
  - 10.3.3. Assessment of the benefits realised against the benefits anticipated or estimated in the application form; and
  - 10.3.4. Evidence of compliance with the terms and conditions of the agreement.

## 11. ROLES AND RESPONSIBILITIES

### ***Compliance, monitoring and review***

- 11.1. The Visitor Economy Grants and Sponsorship Program will be administered by Council's EDU in accordance with requirements of this guideline and the Act.
- 11.2. Council's Economic Development and Tourism Manager is responsible for ensuring that grants and sponsorships awarded do not exceed the budget allocated to the Visitor Economy Grants and Sponsorship Program.

### ***Reporting***

- 11.3. Council's EDU are responsible for drafting Council reports that provide funding recommendations, program outcomes, project status and expenditure details annually.

### ***Records management***

- 11.4. Staff must maintain all records relevant to administering this guideline in accordance with Council's Records Management Policy.

### ***Privacy and personal information protection***

- 11.5. Council is committed to safeguarding the privacy of individuals.
- 11.6. The personal information collected and received in relation to Council's Visitor Economy (Tourism) Grants and Sponsorship Program will be used to administer this program, and in accordance with Council's [Privacy Management Plan](#) and [Privacy Statement](#) which can be found on Council's website.
- 11.7. This program involves the allocation of funding which means that transparency and openness is crucial to the administration of the program. Personal information collected for the purpose of this program may be disclosed to the general public in addition to any Council Official responsible for the facilitation of the program.
- 11.8. The supply of personal information is voluntary however if you do not supply required information, Council may not be able to process your application.



- 11.9. Personal information collected and received will be kept in Council's Information Management System in accordance with the relevant legislation. Council's address is 62-78 Vincent Street, Cessnock NSW 2325.
- 11.10. Individuals may access, correct or update their personal information by visiting Council's website, contacting Council's Privacy Contact Officer on 4943 4100 or by sending an email to [council@cessnock.nsw.gov.au](mailto:council@cessnock.nsw.gov.au).

### Complaints

- 11.11. Complaints regarding any aspect of the Visitor Economy Grants and Sponsorship Program are to be lodged in accordance with Council's Complaints Handling policy.
- 11.12. When a complaint is lodged it is first assessed by administrative staff to determine the nature of the complaint and the appropriate Council Official to consider the matter.
- 11.12.1. This assessment can occur prior to the specified addressee receiving the complaint unless a complaint is clearly marked confidential.
- 11.13. If you wish to make a complaint regarding the handling of your personal information this should be lodged as a privacy complaint in accordance with Council's [Privacy Management Plan](#).
- 11.14. Complaints lodged in accordance with Council's Complaints Handling policy may still be assessed and deemed to be a privacy complaint.
- 11.14.1. Such deemed privacy complaints will be referred to the appropriate Council Official and dealt with in accordance with Council's Privacy Management Plan.

## 12. GUIDELINE DEFINITIONS

<b>Bed nights</b>	means the number of rooms or beds booked for overnight stays at Cessnock LGA accommodation providers
<b>Council</b>	means Cessnock City Council
<b>Council Officials</b>	means any councillor, member of staff of council, administrator, council committee member, delegate of council and council adviser



### 13. GUIDELINE ADMINISTRATION

<b>Business Group</b>	General Manager's Unit
<b>Responsible Officer</b>	Economic Development and Tourism Manager
<b>Associated Procedure (if any, reference document(s) number(s))</b>	N/A
<b>Guideline Review Date</b>	Three years from date of adoption unless legislated otherwise
<b>File Number / Document Number</b>	DOC2022/046657
<b>Relevant Legislation (reference specific sections)</b>	This guideline supports Council's compliance with the following legislation:  <i>Sections 8, 8A, 8B, 8C and 377, Local Government Act 1993 (NSW)</i>
<b>Relevant desired outcome or objectives as per Council's Delivery Program</b>	A sustainable and prosperous economy: <i>Objective 2.1 Diversifying local business options</i> <i>Objective 2.2 Achieving more sustainable employment opportunities</i> <i>Objective 2.3 Increasing tourism opportunities &amp; visitation</i>
<b>Related Policies / Protocols / Procedures / Documents (reference document numbers)</b>	<ul style="list-style-type: none"> <li>Records Management Policy (DOC2021/091598)</li> <li><a href="#">Community Strategic Plan</a></li> <li><a href="#">Operational Plan</a></li> <li><a href="#">Delivery Program</a></li> <li>Hunter Valley Destination Management Plan (DOC2014/023731)</li> <li>Greater Cessnock Jobs Strategy 2036 (DOC2021/088990)</li> <li>Privacy Management Plan (DOC2014/005148)</li> <li>Complaints Handling Policy (DOC2018/048382)</li> <li>Complaints Handling Procedure (DOC2019/123194)</li> <li>Standard Operating Procedure Complaints Handling (DOC2019/127723)</li> </ul>

### 14. GUIDELINE DELEGATIONS AND AUTHORISATIONS

No.	Function	Business Unit / Role(s)
C3	Authorised expenditure of money	<i>Economic Development and Tourism Manager</i>

### 15. GUIDELINE HISTORY

Revision	Date Approved / Authority	Description Of Changes
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*Integrity, Respect, Teamwork, Accountability and Excellence*

1	TBA	New guideline adopted – supersedes [name of document with DOCXX]
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Planning and Environment

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Planning and Environment



**SUBJECT:** *DEVELOPMENT APPLICATION NO. 8/2021/21052/1 -  
PROPOSING A BOUNDARY ADJUSTMENT*

*0 THOMAS STREET AND 34 MITCHELL STREET, NORTH  
ROTHBURY*

**RESPONSIBLE OFFICER:** *Development Services Manager - Janine Maher*

<b>APPLICATION NUMBER:</b>	8/2021/21052/1
<b>PROPOSAL:</b>	Boundary adjustment
<b>PROPERTY DESCRIPTION:</b>	Lot 13 DP 1125161 Lot 15, Sec D, DP 7554
<b>PROPERTY ADDRESS:</b>	0 Thomas Street, North Rothbury 34 Mitchell Street, North Rothbury
<b>ZONE:</b>	RU5 - Village
<b>OWNER:</b>	Mr R Gounden
<b>APPLICANT:</b>	Marshall Scott Pty Ltd

## RECOMMENDATION

1. That:

- (i) Development Application No. 8/2021/21052/1 proposing a boundary adjustment at 0 Thomas Street and 34 Mitchell Street, North Rothbury, be refused pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, for the reasons contained in this report.
- (ii) The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:
  1. As submitted, the application does not provide sufficient information for Council to determine if the boundary adjustment is satisfactory with respect to the likely social and economic impacts in the locality (pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*).
  2. As submitted, the application does not provide sufficient information for Council to determine if the application is in the

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public interest (pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*).

3. As submitted, the application does not establish that the boundary adjustment will promote the orderly and economic use and development of land (pursuant to Section 1.3 (c) - Objects of Act, *Environmental Planning & Assessment Act 1979*).

4. As submitted, the application is not consistent with the zone objective of land zoned 'RU5 Village' under the provisions of the *Cessnock Local Environmental Plan, 2011*- 'to ensure that development is compatible with the amenity, functioning and scale of a rural village' (pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*).

(iii) The details contained above be publicly notified pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

(iv) In considering community views, the following is relevant:

- The application was publicly exhibited in accordance with Council's Community Participation Plan resulting in two (2) submissions being received.
- The issues raised in the submissions may be relevant to the proposal, however, insufficient information has been submitted with respect to the future re-subdivision of the lot created to enable a comprehensive response to an objection.

2. That Council notify in writing the persons who made a submission with regard to the proposed development, of Council's decision.

## REASON FOR REPORT

Development Application No. 8/2021/21052/1 is being referred to Council for determination as the Application is recommended for refusal and the refusal is considered to be merits-based.

## EXECUTIVE SUMMARY

Council is in receipt of Development Application No. 8/2021/21052/1 seeking approval for a boundary adjustment between 34 Mitchell Street (Lot 15, Sec D, DP 7554) and 0 Thomas Street, North Rothbury (Lot 13 DP 1125161).





## Planning and Environment

It is intended to adjust the boundaries of the lots to incorporate part of the existing laneway (Lot 13 DP 1125161) into the property known as 34 Mitchell Street, North Rothbury (Lot 15, Sec D, DP 7554).

The existing lot configuration is illustrated below. The property outlined in green relates to the existing laneway (Lot 13 DP 1125161), and the property outlined in red relates to 34 Mitchell Street North Rothbury (Lot 15, Sec D, DP 7554).



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The proposed lot configuration is illustrated below. The property outlined in green relates to the existing laneway (Lot 13 DP 1125161), and the property outlined in red relates to 34 Mitchell Street North Rothbury (Lot 15, Sec D, DP 7554).



Initial concern was raised with the applicant that the application failed to meet the Objects of the Act as outlined in Section 1.3 of the *Environmental Planning and Assessment Act 1979*. In particular, item (c) which requires development to “to promote the orderly and economic use and development of land.” The dimensions of the private laneway are irregular (and largely unuseable), and the fragmentation of the laneway into two (2) separate ownerships is not an



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'orderly' use of land. It is also noted that no measures are proposed to ensure that ongoing access and maintenance of the land is established.

It was concluded during the assessment process that the application could not be supported on the following grounds;

- The proposal is not in the public interest. The fragmentation of the laneway (Lot 13 DP 1125161), will result in another owner (being the owner of 34 Mitchell Street), having liability in part for the land which has historically been subject to issues with respect to property encroachments, fencing and overgrown vegetation.
- The proposal is not consistent with the zone objective of the RU5 Village zone, 'to ensure that development is compatible with the amenity, functioning and scale of a rural village'. The additional fragmentation will complicate the future management of encroachments by adjoining land owners, weed management and dumping issues in the future.
- The proposal is not consistent with the objective for development to result in the 'orderly and economic use and development of land'. The boundary adjustment pre-empts the sale and enclosure of parts of the lot to be created which, if not undertaken in an orderly manner, results in the further fragmentation of ownership and potential amenity and access issues.

The applicant has responded contending that the boundary adjustment is the first step in bringing the land to a useful purpose by enabling the subsequent consolidation and sale of parts of the land to adjoining owners. In the absence of detail with respect to how this is to be achieved in an orderly manner, the application is not supported.

The development application has been assessed against the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000*, relevant Environmental Planning Instruments and Council policies. The outcome of this assessment is detailed further in this report.

## LOCATION MAP IDENTIFYING 34 MITCHELL STREET, NORTH ROTHBURY



## AERIAL IDENTIFYING 34 MITCHELL STREET, NORTH ROTHBURY





## SITE DESCRIPTION AND LOCALITY

The subject site is legally known as 34 Mitchell Street North Rothbury (Lot 15, Sec D, DP 7554) and 0 Thomas Street, North Rothbury (Lot 13 DP 1125161).

Approximate areas of the existing Lots are as follows

LOT: 13 DP 1125161 Laneway Total area	6,016m <sup>2</sup>
LOT : 15 Sec D DP7554 34 Mitchell Street	809.4 m <sup>2</sup>

The subject sites are located within the village of North Rothbury. Existing development comprises:

- 34 Mitchell Street (Lot 15, Sec D, DP 7554): existing dwelling
- 0 Thomas Street, North Rothbury (Lot 13 DP 1125161): vegetation and structures such as sheds and fences

There is evidence of encroachments over the laneway that have occurred over time such as fencing.

The surrounding properties are characterised by single dwellings which adjoin the existing private laneways to the rear. The original subdivision of the land in the location created the "Merewether Estate", whereby the original lots were serviced by private roads and rear lanes. The laneways created have never been dedicated as public roads or lanes and have therefore remained in private ownership since establishment.

Relevant development consents issued in relation to 34 Mitchell Street include:

- Development Consent No. 9/2019/373/1 for a shed, on 25 October 2019.
- Development Consent No. 8/2019/515/1 for a swimming pool, on 13 September 2019.
- Exempt Subdivision Certificate Application No. 34/2015/7/1, on 17 October 2017.

It should be noted that Council is in receipt of a development application (Council Reference No. 8/2021/21491) which also seeks to adjust lot boundaries to enclose part of the private laneway adjoining a residential property in Thomas Street. The assessment of the development application in Thomas Street has raised issues consistent with the current application the subject of this report. That DA is referred to Council for consideration/determination, under separate cover.

## HISTORY

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The history of the subject Development Application is summarised in the following table:

<b>Date</b>	<b>Action</b>
January 2021	Application lodged.
5 February – 19 February 2021	Proposal publicly exhibited – submissions received.
March 2021	Applicant advised of concerns that the boundary adjustment gives rise to fragmentation of land and ownership – justification requested.
March 2021	Applicant provided response, considered by DAU and rejected.
April 2021	Requested application to be amended to remove proposal to locate on-site wastewater disposal in the lot to be created due to environmental health concerns.
June 2021	Application details amended removing proposal to install on-site waste water disposal on lot to be created.
June 2021	Amended proposal considered by DAU and rejected.
July 2021	Application reallocated to new assessment officer.
August 2021	Applicant advised that the DA is not supported – details of future use of the land requested.
September 2021	Applicant response received – intentions provided but details of likely future use yet to be determined.
October 2021	Applicant advised to withdraw – provide details of future purpose of the land.
December 2021	Applicant requested to withdraw application and re-lodge with details of the future purpose of the land.
February 2022	Applicant advised Council that an amended Statement of Environmental Effects to be lodged detailing future use of the land.
March 2022	Amended Statement of Environmental Effects received.
15 March – 29 March 2022	Amended application publicly exhibited - submissions received.
April 2022	Assessment completed – application to be determined on basis of amended information submitted to-date, i.e., recommending refusal.

Council has advised the applicant that the proposal should be modified to include full details of the future consolidation and sale of portions of the laneway. Therefore, it was suggested to the applicant that the current application should be withdrawn, and a new application lodged addressing the proposed rectification of existing encroachments and providing details of those properties wishing to acquire portions of the land.

The applicant is aware of the preferred manner in which to proceed, as outlined above. However, the applicant has opted to proceed with the application, therefore, it is requested that the proposal be determined on the basis of the information submitted to-date.

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## DETAILS OF THE PROPOSED DEVELOPMENT

Development Application No. 8/2021/20152/1 seeks approval for a boundary adjustment between two (2) lots, being 34 Mitchell Street North Rothbury (Lot 15, Sec D, DP 7554) and 0 Thomas Street, North Rothbury (Lot 13 DP 1125161).

The approximate total area of the Lots to be created will be as follows

LOT: 14 (private laneway and land comprising the existing dwelling at 34 Mitchell Street)	2,440.4 m <sup>2</sup>
LOT :13 (residue of the private laneway)	4,385m <sup>2</sup>

The applicant has indicated that, in the event this application is approved, the owner of the land comprising both 34 Mitchell Street and part of the laneway, intends to offer adjoining land owners individual portions of the laneway to consolidate with neighbouring properties. Details of how this is to be achieved does not form part of the current application.

A proposal to install an on-site waste water management system on the subject land formed part of the original application but was subsequently withdrawn.

## ASSESSMENT

### ***Environmental Planning and Assessment Act 1979 – Section 4.15(1)***

In determining a Development Application, the consent authority is to take into consideration the following matters prescribed within s4.15 of the *Environmental Planning and Assessment Act 1979*, as are of relevance to the development the subject of the development application:

#### ***(a)(i) The Provisions of any Environmental Planning Instrument***

The Environmental Planning Instruments that relate to the proposed development are:

1. *State Environmental Planning Policy (Koala Habitat Protection) 2021*,
2. *State Environmental Planning Policy No. 55 – Remediation of Land*,
3. *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008*,
4. *Cessnock Local Environmental Plan 2011*.

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**1. State Environmental Planning Policy (Koala Habitat Protection) 2021**

The aim of the State Environmental Planning Policy (Koala Habitat Protection) 2021 (Koala SEPP) is to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline. This policy is applicable to the Cessnock LGA.

Whilst consideration has been given to SEPP 44 Koala Habitat Protection, an assessment is required to be undertaken in accordance with the correct policy applying to the land being the Koala SEPP 2021.

The subject land comprises an unformed laneway on which it is not proposed to undertake any works. Based on the information submitted to date, it is determined that the proposal is consistent with the requirements of the Koala SEPP.

**2. State Environmental Planning Policy No. 55 – Remediation of Land**

The aim of State Environmental Planning Policy No. 55 – Remediation of Land. (SEPP 55) is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Clause 7(1) of SEPP 55, is relevant to the assessment of this development application. Clause 7(1) requires that consent not be granted until Council has considered whether the land is contaminated. If the land is contaminated, the Council needs to be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

The subject land comprises an unformed laneway and has been in part consolidated into adjoining land uses. There is no evidence to suggest that any activity has been undertaken on the land that would give rise to contamination. In accordance with Clause 7(1) of SEPP 55, Council can be satisfied that the land is suitable.

**3. State Environmental Planning Policy (Exempt and Complying) Codes 2008**

Subdivision 38 - Reg 2.75 provides for exempt subdivision without the requirement for development consent. The proposal satisfies sub parts (i) to (v) of Subdivision 38 - Subdivisions in the State Environmental Planning Policy (SEPP) 2008. However, given that the lane is zoned RU5 Village, sub part (vii) of part (b) of the Exempt and Complying SEPP 2008 requires that there will not be a change in the area of any lot of more than 10%. The proposed boundary adjustment will result in an increase of Proposed Lot 14 by 301%, which is more than the 10% permitted in part (vii) Subdivision 38 - Codes (Exempt and Complying) SEPP 2008.

**4. Cessnock Local Environmental Plan 2011**

**4.1 Permissibility**

The subject site is zoned RU5 Village under the provisions of *Cessnock Local Environmental Plan (CLEP) 2011*. The proposed development is a boundary adjustment which is categorised as subdivision under CLEP 2011, which is defined as follows:

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(1) For the purposes of s 6.2 of the Act,

*"subdivision" of land means the division of land into 2 or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition. The division may (but need not) be effected—*

*(a) by conveyance, transfer or partition, or*

*(b) by any agreement, dealing, plan or instrument rendering different parts of the land available for separate occupation, use or disposition.*

The development satisfies the above definition. Development for the purpose of subdivision is a permitted land use in the RU5 zone.

#### **4.2 Objectives**

Cessnock Local Environmental Plan 2011 indicates the land is zoned as RU5 Village Zone. The objectives of this RU5 Village Zone are as follows;

- *To provide for a range of land uses, services and facilities that are associated with a rural village.*
- *To ensure that development is compatible with the amenity, functioning and scale of a rural village.*

The proposal is not consistent with the objectives of the RU5 Village zone as the fragmentation of the land adjoining neighbouring properties will likely result in the ad-hoc consolidation of portions of the lot created with adjoining land.

The impact of further subdivision is likely to result in issues with respect to gaining physical access to some or all of the former laneway, additional complication in determining liability for the ongoing care, control and maintenance of the land, uncertainty concerning the rectification of all existing encroachments and lack of certainty with respect to the future use of the land adjoining the private open space of the residential properties adjoining the former laneway.

The application does not resolve these concerns, particularly in relation to the future use of the land and likely impact on adjoining owners. The proposal is likely to have an adverse effect on the amenity of the RU5 village zone contrary to the objectives for development in the zone.

#### **4.3 Relevant Clauses**

The Development Application was assessed against the following relevant clauses of CLEP 2011:



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## 2.6 Subdivision—consent requirements

(1) Land to which this Plan applies may be subdivided, but only with development consent.

If a subdivision is specified as exempt development in an applicable environmental planning instrument, such as State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, the Act enables it to be carried out without development consent.

As previously outlined, the proposed boundary adjustment will result in an increase of lot 14 by 301%, which is more than the 10% permitted in part (vii) Subdivision 38 - Codes (Exempt and Complying) SEPP 2008. Therefore, the proposal requires development consent to be obtained from Council.

### 4.2C Boundary adjustments in certain rural and environment protection zones

(1) The objective of this clause is to facilitate boundary adjustments between lots where one or more resultant lots do not meet the minimum lot size but the objectives of the relevant zone can be achieved, however, the clause only applies to land in zones;

- (a) Zone RU2 Rural Landscape,
- (b) Zone RU4 Primary Production Small Lots,
- (c) Zone E2 Environmental Conservation,
- (d) Zone E3 Environmental Management.

The subject land is zoned RU5 – Village, hence is not subject to the provisions of the clause.

***(a)(ii) The Provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved).***

Notwithstanding the commencement of the *Environmental Planning and Assessment Regulation 2021*, Schedule 6 prescribes relevant savings, transitional and other provisions. In particular, the following savings provision is relevant to consideration of this application:

#### ***Development applications and applications for exempt development.***

*The 2000 Regulation continues to apply instead of this Regulation to a development application and an application for a development made but not finally determined before 1 March 2022.*

It is noted that the subject application was lodged prior to 1 March 2022. Therefore, the provisions of the *Environmental Planning and Assessment Regulation 2000* continue to apply, and the application has been assessed with consideration given to these provisions.

### ***Consolidated State Environmental Planning Policies***

Existing State Environmental Planning policies (SEPPs) have been consolidated into 11 policies, to align with the thematic framework and nine theme-based focus areas announced by the Minister for Planning and Public Spaces in December 2021.

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The SEPP consolidation project aims to simplify, consolidate and reduce the number of SEPPs, and reflects the NSW Government's commitment to make the NSW planning system simpler.

The consolidated SEPPs are:

- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy (Resources and Energy) 2021
- State Environmental Planning Policy (Primary Production) 2021
- State Environmental Planning Policy (Precincts - Eastern Harbour City) 2021
- State Environmental Planning Policy (Precincts – Central River City) 2021
- State Environmental Planning Policy (Precincts – Western Parkland City) 2021
- State Environmental Planning Policy (Precincts - Regional) 2021

The consolidated SEPPs commenced on 1 March 2022.

Most existing provisions contained in previous SEPPs have been transferred into the new consolidated SEPPs as chapters.

Importantly, it is noted that no policy changes have been made. The SEPP consolidation does not change the legal effect of the SEPPs being repealed.

The changes in the consolidated SEPPs do not impact the development assessment process, and all savings and transitional provisions of the repealed SEPPs are still in force despite their repeal, due to sections 5(6) and 30(2)(d) of the *Interpretation Act 1987*.

**(a)(iii) The Provisions of any Development Control Plan**

**Cessnock Development Control Plan 2010**

The Cessnock Development Control Plan (DCP) 2010 does not contain any provisions or numerical standards that are relevant to the determination of an application for a boundary adjustment.

**(a)(iia) The provision of any Planning Agreement that has been entered into under Section 7.4, or any draft Planning Agreement that a developer has offered to enter into under Section 7.4**

No such agreement has been proposed as part of this application.

**(a)(iv) The provisions of the regulations**

With due regard for previous discussion in this report concerning *Environmental Planning and Assessment Regulation 2021*, Schedule 6 which prescribes relevant savings, transitional and other provisions, there are no matters prescribed by the Regulations that apply to this development.

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**(b) *The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality***

As demonstrated by the above assessment, the proposed development is likely to have a significant impact on the social and economic conditions of the locality. In particular, the proposal is not in the public interest.

The additional fragmentation of the former private laneway will result in another owner (34 Mitchell Street) having care, control and maintenance of the resultant lot. No measures are proposed by the application to ensure that issues with respect to encroachments, overgrown vegetation management and likely future physical access to parts of the land, are addressed. The further fragmentation of the land in an ad-hoc manner will not ensure that the property is satisfactorily managed into the future.

**(c) *The suitability of the site for the development***

As demonstrated by the above assessment, the site is considered to be unsuitable for the proposed development. Specifically, the subject land is constrained by encroachments and difficulties in providing physical access such that it is not capable of being maintained in a coordinated manner, particularly where the land is likely to be further fragmented by future subdivision.

**(d) *Any submissions made in accordance with this Act or the regulations***

The Development Application was initially publicly exhibited 5 and 19 February 2021. As a result of the public exhibition period, a total of two (2) submissions were received from two (2) households.

The proposal was re-exhibited on receipt of amended information between 15 and 29 March 2022. Two (2) submissions were received from two (2) households. One (1) submission objected to the proposal, and one (1) submission expressed support for the proposal.

The following table outlines the issues raised in the submissions lodged with Council, along with a response to each matter:

Objection	Comment
Insufficient information provided in exhibition material, including: <i>'Is Lot 13 the laneway between Mitchell and Rothbury Streets, running from Lot 15? I can find no reference to Lot 13 on the subdivision plans'</i>	The plans submitted are adequate to describe the proposal. The part lot consolidation with the existing dwelling and the laneway description has been clarified.
What is the access to Lot 15 via this laneway going to be used for?	The likely future use of the land is not clearly stated by the application other than to indicate that it may in part be further subdivided.

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The laneway is overgrown.	The applicant has indicated that local ownership will ensure that the property is more effectively managed, however no measures are proposed by the application to ensure this in perpetuity or once the property has been subdivided further.
Preference for individual property owners to purchase their adjoining portions of the Merewether laneway.	It is open to owners adjoining the laneway to make representation to the current owners seeking to purchase.
Concern that the consolidation will result in further portions being sold off to private ownership.	The proposal will give rise to the fragmentation of the former private laneway into a number of owners and may occur in an ad-hoc manner, thereby creating issues with respect to maintaining physical access and controlling the potential future use of the land.

**(e) The public interest**

The public interest is served through the detailed assessment of this Development Application under the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000*, Environmental Planning Instruments and Council Policies.

Based on the above assessment, it is considered that the proposed development is contrary to the public interest.

## SECTION 7.11 CONTRIBUTIONS

Section 7.11 Contributions are not payable in undertaking a boundary adjustment.

## INTERNAL REFERRALS

The Development Application was referred to the following Council officer for comment:

Officer	Comment
Development Engineering	No works or intensification of use is proposed by the application therefore no specific requirements were nominated.

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## EXTERNAL REFERRALS

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The Development Application was not required to be referred to any external agencies for comment. The subject land does not comprise bushfire prone land.

## CONCLUSION

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The Development Application has been assessed in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*, and all relevant instruments and policies.

The proposal is not in the public interest in that it gives rise to ad-hoc fragmentation of the land. The proposal is not consistent with the zone objective of the RU5 Village zone, being 'to ensure that development is compatible with the amenity, functioning and scale of a rural village'. The additional fragmentation of the lot is likely to affect the maintenance of the land into the future.

In the absence of a coordinated plan for the future consolidation of the lot with adjoining properties, the proposal is not consistent with the objectives of the *Environmental Planning and Assessment Act 1979*, specifically, it does not promote the 'orderly and economic use and development of land'.

Based on the assessment, it is recommended that Development Application No. 8/2021/2052/1 be refused, subject to the reasons for refusal included in this report.

## ENCLOSURES

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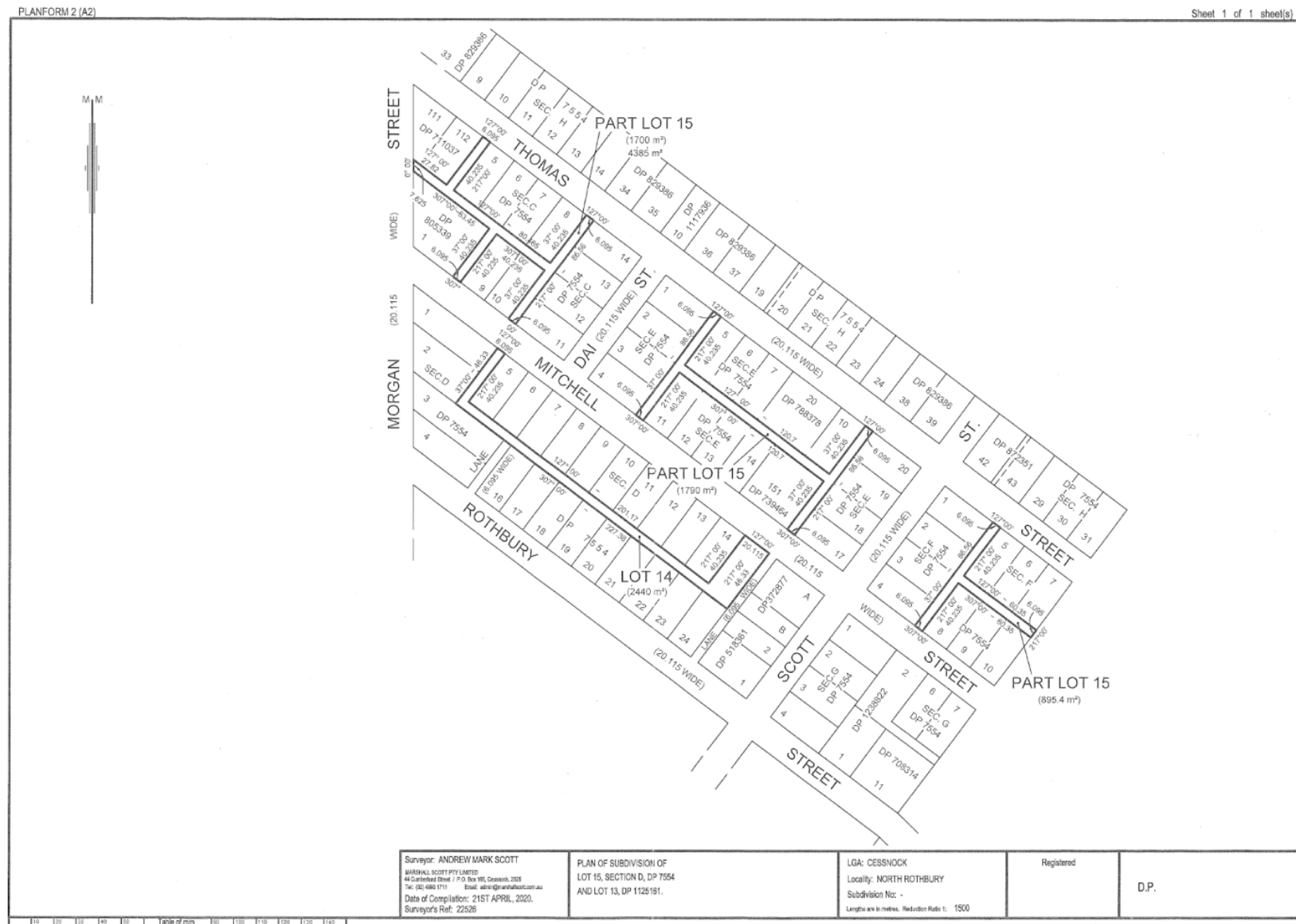
- 1 [🔗](#) Plan of proposed boundary adjustment
- 2 Submissions - *This matter is considered to be confidential under Section 10A(2) (j) of the Local Government Act, as it deals with Council Policy. (Document contains personal details of persons making submissions. )*

## REASONS FOR REFUSAL

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1. As submitted, the application does not provide sufficient information for Council to determine if the boundary adjustment is satisfactory with respect to the likely social and economic impacts in the locality (pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*).
2. As submitted, the application does not provide sufficient information for Council to determine if the application is in the public interest (pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*).
3. As submitted, the application does not establish that the boundary adjustment will promote the orderly and economic use and development of land (pursuant to Section 1.3 (c) - Objects of Act, *Environmental Planning & Assessment Act 1979*).
4. As submitted, the application is not consistent with the zone objective of land zoned 'RU5 Village' under the provisions of the *Cessnock Local Environmental Plan, 2011*- 'to ensure that development is compatible with the amenity, functioning and scale of a rural village' (pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*).

0 Thomas Street and 34 Mitchell Street, North Rothbury



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**SUBJECT:** *DEVELOPMENT APPLICATION NO. 8/2021/21491/1  
PROPOSING A BOUNDARY ADJUSTMENT*

*0 THOMAS STREET AND 16 THOMAS STREET, NORTH  
ROTHBURY*

**RESPONSIBLE OFFICER:** *Development Services Manager – Janine Maher*

<b>APPLICATION NUMBER:</b>	8/2021/21491/1
<b>PROPOSAL:</b>	Boundary adjustment
<b>PROPERTY DESCRIPTION:</b>	Lot 13 DP 1125161 Lot 8, Sec C, DP 7554
<b>PROPERTY ADDRESS:</b>	0 Thomas Street, North Rothbury 16 Thomas Street, North Rothbury
<b>ZONE:</b>	RU5 – Village
<b>OWNER:</b>	Mr T W Sim
<b>APPLICANT:</b>	Marshall Scott Pty Ltd

## RECOMMENDATION

**1. That:**

- (i) Development Application No. 8/2021/21491/1 proposing a boundary adjustment at 0 Thomas Street and 16 Thomas Street North Rothbury, be refused pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, for the reasons contained in this report.
- (ii) The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:
  - 1. As submitted, the application does not provide sufficient information for Council to determine if the boundary adjustment is satisfactory with respect to the likely social and economic impacts in the locality (pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*).
  - 2. As submitted, the application does not provide sufficient information for Council to determine if the application is in the



public interest (pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*).

3. As submitted, the application does not establish that the boundary adjustment will promote the orderly and economic use and development of land (pursuant to Section 1.3 (c) - Objects of Act, *Environmental Planning & Assessment Act 1979*).

4. As submitted, the application is not consistent with the zone objective of land zoned 'RU5 Village' under the provisions of the *Cessnock Local Environmental Plan, 2011*- 'to ensure that development is compatible with the amenity, functioning and scale of a rural village' (pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*).

(iii) The details contained above be publicly notified pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

(iv) In considering community views, the following is relevant:

- The application was publicly exhibited in accordance with Council's Community Participation Plan resulting in four (4) submissions being received.
- The issues raised in the submissions may be relevant to the proposal, however, insufficient information has been submitted with respect to the future re-subdivision of the lot created to enable a comprehensive response to an objection.

2. That Council notify in writing the persons who made a submission with regard to the proposed development, of Council's decision.

## REASON FOR REPORT

Development Application No. 8/2021/21491/1 is being referred to Council for determination as the Application is recommended for refusal and the refusal is considered to be merits-based.

## EXECUTIVE SUMMARY

Council is in receipt of Development Application No. 8/2021/21491 seeking approval for a boundary adjustment between 16 Thomas Street (Lot 8 Sec C DP 7554) and 0 Thomas Street, North Rothbury (Lot 13 DP 1125161).

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It is intended to adjust the boundaries of the lots to incorporate part of the existing laneway (Lot 13 DP 1125161) into the property known as 16 Thomas Street, North Rothbury (Lot 8 Sec C DP 7554).

The existing lot configuration is illustrated below. The property outlined in green relates to the existing laneway (Lot 13 DP 1125161), and the property outlined in red relates to 16 Thomas Street, North Rothbury (Lot 8 Sec C DP 7554).



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The proposed lot configuration is illustrated below. The property outlined in green relates to the existing laneway (Lot 13 DP 1125161), and the property outlined in red relates to 16 Thomas Street, North Rothbury (Lot 8 Sec C DP 7554).



Initial concern was raised with the applicant that the application failed to meet the Objects of the Act as outlined in Section 1.3 of the *Environmental Planning and Assessment Act 1979*. In particular, item (c) which requires development to “to promote the orderly and economic use and development of land.” The dimensions of the private laneway are irregular (and largely unuseable), and the fragmentation of the laneway into two (2) separate ownerships is not an

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'orderly' use of land. It is also noted that no measures are proposed to ensure that ongoing access and maintenance of the land is established.

It was concluded during the assessment process that the application could not be supported on the following grounds;

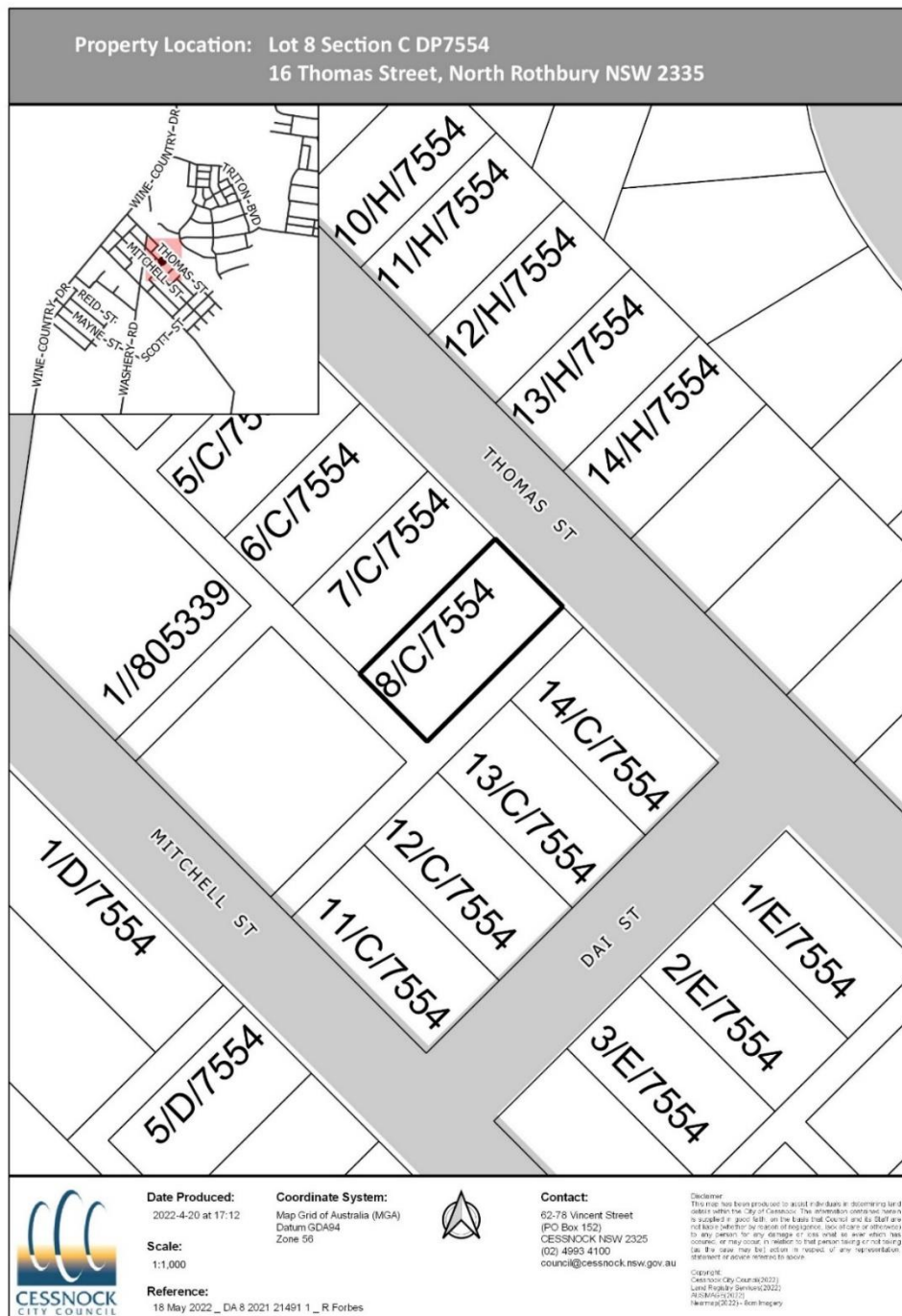
- The proposal is not in the public interest. The fragmentation of the laneway (Lot 13 DP 1125161) will result in another owner (being the owner of 16 Thomas Street), having liability in part for the land which has historically been subject to use by others for vehicular/pedestrian access, and is subject to issues with respect to property encroachments.
- The proposal is not consistent with the zone objective of the RU5 Village zone, 'to ensure that development is compatible with the amenity, functioning and scale of a rural village'. The additional fragmentation will complicate the future management of encroachments by adjoining land owners and liability for maintenance in the future.
- The proposal is not consistent with the objective for development to result in the 'orderly and economic use and development of land'. The boundary adjustment pre-empts the sale and enclosure of parts of the lot to be created which, if not undertaken in an orderly manner, results in the further fragmentation of ownership and potential amenity and access issues.

The applicant has responded contending that the boundary adjustment is the first step in bringing the land to a useful purpose by enabling the subsequent consolidation and sale of parts of the land to adjoining owners. In the absence of detail with respect to how this is to be achieved in an orderly manner, the application is not supported.

The development application has been assessed against the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000*, relevant Environmental Planning Instruments and Council policies. The outcome of this assessment is detailed further in this report.



**LOCATION MAP IDENTIFYING 16 THOMAS STREET, NORTH ROTHBURY**





## AERIAL IDENTIFYING 16 THOMAS STREET, NORTH ROTHBURY



## SITE DESCRIPTION AND LOCALITY

The subject site is legally known as 16 Thomas Street (Lot 8 Sec C DP 7554) and 0 Thomas Street, North Rothbury (Lot 13 DP 1125161).

Approximate areas of the existing Lots are as follows

LOT: 13 DP 1125161 Laneway Total area	6,016m <sup>2</sup>
LOT : 8 Sec C DP7554 16 Thomas Street	809.4 m <sup>2</sup>

The subject sites are located within the village of North Rothbury. Existing development comprises:

- 16 Thomas Street (Lot 8, Sec C, DP 7554): existing dwelling
- 0 Thomas Street, North Rothbury (Lot 13 DP 1125161): vegetation and structures such as sheds and fences, along with informal vehicular/pedestrian access

There is evidence of encroachments over the laneway that have occurred over time such as fencing.

The surrounding properties are characterised by single dwellings which adjoin the existing private laneways to the rear. The original subdivision of the land in the location created the "Merewether Estate", whereby the original lots were serviced by private roads and rear lanes. The laneways created have never been dedicated as public roads or lanes and have therefore remained in private ownership since establishment.

Relevant development consents issued in relation to 16 Thomas Street include:

- Development Consent No. 8/2007/176/1 for the construction of a deck, on 26 March 2007.

It should be noted that Council is in receipt of a development application (Council Reference No. 8/2021/21052) which also seeks to adjust lot boundaries to enclose part of the private laneway adjoining a residential property in Mitchell Street. The assessment of the development application in Mitchell Street has raised issues consistent with the current application the subject of this report. That DA is referred to Council for consideration/determination, under separate cover.

## HISTORY

The history of the subject Development Application is summarised in the following table:

Date	Action
May 2021	Application lodged.
July 2021	Application reallocated to new assessment officer.

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August 2021	Applicant advised that the DA is not supported – details of future use of the land requested.
September 2021	Applicant response received – intentions provided but details of likely future use yet to be determined.
October 2021	Applicant advised to withdraw – provide details of future purpose of the land.
December 2021	Applicant requested to withdraw application and re-lodge with details of the future purpose of the land.
February 2022	Applicant advised Council that an amended Statement of Environmental Effects to be lodged detailing future use of the land.
March 2022	Amended Statement of Environmental Effects received.
16 March – 30 March 2022	Amended application publicly exhibited - submissions received.
April 2022	Assessment completed – application to be determined on basis of amended information submitted to-date, i.e., recommending refusal.

Council has advised the applicant that the proposal should be modified to include full details of the future consolidation and sale of portions of the laneway. Therefore, it was suggested to the applicant that the current application should be withdrawn, and a new application lodged addressing the proposed rectification of existing encroachments and providing details of those properties wishing to acquire portions of the land.

The applicant is aware of the preferred manner in which to proceed, as outlined above. However, the applicant has opted to proceed with the application, therefore, it is requested that the proposal be determined on the basis of the information submitted to-date.

## **DETAILS OF THE PROPOSED DEVELOPMENT**

The subject site is legally known as 16 Thomas Street (Lot 8 Sec C DP 7554) and 0 Thomas Street, North Rothbury (Lot 13 DP 1125161).

The approximate total area of the Lots to be created will be as follows

LOT: 16 (private laneway and land comprising the existing dwelling at 16 Thomas Street)	2,509 m <sup>2</sup>
LOT :17 (residue of the private laneway)	4,316m <sup>2</sup>

The applicant has indicated that it is intended to utilise the additional site area to enable parking for a caravan. Furthermore, in the event this application is approved, the owner of the land comprising both 16 Thomas Street and part of the laneway, intends to offer adjoining land owners individual portions of the laneway to consolidate with neighbouring property. Details of how this is to be achieved does not form part of the current application.



## ASSESSMENT

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### ***Environmental Planning and Assessment Act 1979 – Section 4.15(1)***

In determining a Development Application, the consent authority is to take into consideration the following matters prescribed within s4.15 of the *Environmental Planning and Assessment Act 1979*, as are of relevance to the development the subject of the development application:

#### ***(a)(i) The Provisions of any Environmental Planning Instrument***

The Environmental Planning Instruments that relate to the proposed development are:

1. *State Environmental Planning Policy (Koala Habitat Protection) 2021*,
2. *State Environmental Planning Policy No. 55 – Remediation of Land*,
3. *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008*,
4. *Cessnock Local Environmental Plan 2011*.

#### **1. *State Environmental Planning Policy (Koala Habitat Protection) 2021***

The aim of the State Environmental Planning Policy (Koala Habitat Protection) 2021 (Koala SEPP) is to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline. This policy is applicable to the Cessnock LGA.

Whilst consideration has been given to SEPP 44 Koala Habitat Protection, an assessment is required to be undertaken in accordance with the correct policy applying to the land being the Koala SEPP 2021.

The subject land comprises an unformed laneway on which it is not proposed to undertake any works. Based on the information submitted to date, it is determined that the proposal is consistent with the requirements of the Koala SEPP.

#### **2. *State Environmental Planning Policy No. 55 – Remediation of Land***

The aim of State Environmental Planning Policy No. 55 – Remediation of Land. (SEPP 55) is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Clause 7(1) of SEPP 55, is relevant to the assessment of this development application. Clause 7(1) requires that consent not be granted until Council has considered whether the land is contaminated. If the land is contaminated, the Council needs to be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

The subject land comprises an unformed laneway and has been in part consolidated into adjoining land uses. There is no evidence to suggest that any activity has been undertaken on the land that would give rise to contamination. In accordance with Clause 7(1) of SEPP 55, Council can be satisfied that the land is suitable.

### **3. State Environmental Planning Policy (Exempt and Complying) Codes 2008**

Subdivision 38 - Reg 2.75 provides for exempt subdivision without the requirement for development consent. The proposal satisfies sub parts (i) to (v) of part (b) in Subdivision 38 Subdivisions in the Exempt and Complying State Environmental Planning Policy (SEPP) 2008. However, given that the land is zoned RU5 Village, sub part (vii) of part (b) of the Exempt and Complying SEPP 2008 requires that there will not be a change in the area of any lot of more than 10%. The proposed boundary adjustment will result in an increase of Proposed Lot 16 by 301%, which is more than the 10% permitted in part (vii) Subdivision 38 Subdivisions in the Exempt and Complying SEPP 2008.

### **4. Cessnock Local Environmental Plan 2011**

#### **4.1 Permissibility**

The subject site is zoned RU5 Village under the provisions of *Cessnock Local Environmental Plan (CLEP) 2011*. The proposed development is a boundary adjustment which is categorised as subdivision under CLEP 2011, which is defined as follows:

(1) For the purposes of s 6.2 of the Act,

*"subdivision" of land means the division of land into 2 or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition. The division may (but need not) be effected—*

*(a) by conveyance, transfer or partition, or*

*(b) by any agreement, dealing, plan or instrument rendering different parts of the land available for separate occupation, use or disposition.*

The development satisfies the above definition. Development for the purpose of subdivision is a permitted land use in the RU5 zone.

#### **4.2 Objectives**

Cessnock Local Environmental Plan 2011 indicates the land is zoned as RU5 Village Zone. The objectives of this RU5 Village Zone are as follows;

- *To provide for a range of land uses, services and facilities that are associated with a rural village.*
- *To ensure that development is compatible with the amenity, functioning and scale of a rural village.*

The proposal is not consistent with the objectives of the RU5 Village zone as the fragmentation of the land adjoining neighbouring properties will likely result in the ad-hoc consolidation of portions of the lot created with adjoining land.

The impact of the change in ownership is likely to result in issues with respect to gaining physical access to some or all of the former laneway, additional complication in determining

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liability for the ongoing care, control and maintenance of the land and does not propose measures to resolve the existing encroachments and access issues in the locality.

The application does not resolve these concern and is therefore likely to have an adverse effect on the amenity of the RU5 village zone contrary to the objectives for development in the zone.

#### 4.3 Relevant Clauses

The Development Application was assessed against the following relevant clauses of CLEP 2011:

#### 2.6 Subdivision—consent requirements

(1) Land to which this Plan applies may be subdivided, but only with development consent.

If a subdivision is specified as exempt development in an applicable environmental planning instrument, such as State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, the Act enables it to be carried out without development consent.

As previously outlined, the proposed boundary adjustment will result in an increase of lot 14 by 301%, which is more than the 10% permitted in part (vii) Subdivision 38 Subdivisions in the Exempt and Complying SEPP 2008. Therefore, the proposal requires development consent to be obtained from Council.

#### 4.2C Boundary adjustments in certain rural and environment protection zones

(1) The objective of this clause is to facilitate boundary adjustments between lots where one or more resultant lots do not meet the minimum lot size but the objectives of the relevant zone can be achieved, however, the clause only applies to land in zones;

- (a) Zone RU2 Rural Landscape,
- (b) Zone RU4 Primary Production Small Lots,
- (c) Zone E2 Environmental Conservation,
- (d) Zone E3 Environmental Management.

The subject land is zoned RU5 – Village, hence is not subject to the provisions of the clause.

**(a)(ii) *The Provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved).***

Notwithstanding the commencement of the *Environmental Planning and Assessment Regulation 2021*, Schedule 6 prescribes relevant savings, transitional and other provisions. In particular, the following savings provision is relevant to consideration of this application:

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***Development applications and applications for exempt development.***

*The 2000 Regulation continues to apply instead of this Regulation to a development application and an application for a development made but not finally determined before 1 March 2022.*

It is noted that the subject application was lodged prior to 1 March 2022. Therefore, the provisions of the *Environmental Planning and Assessment Regulation 2000* continue to apply, and the application has been assessed with consideration given to these provisions.

***Consolidated State Environmental Planning Policies***

Existing State Environmental Planning policies (SEPPs) have been consolidated into 11 policies, to align with the thematic framework and nine theme-based focus areas announced by the Minister for Planning and Public Spaces in December 2021.

The SEPP consolidation project aims to simplify, consolidate and reduce the number of SEPPs, and reflects the NSW Government's commitment to make the NSW planning system simpler.

The consolidated SEPPs are:

- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy (Resources and Energy) 2021
- State Environmental Planning Policy (Primary Production) 2021
- State Environmental Planning Policy (Precincts - Eastern Harbour City) 2021
- State Environmental Planning Policy (Precincts – Central River City) 2021
- State Environmental Planning Policy (Precincts – Western Parkland City) 2021
- State Environmental Planning Policy (Precincts - Regional) 2021

The consolidated SEPPs commenced on 1 March 2022.

Most existing provisions contained in previous SEPPs have been transferred into the new consolidated SEPPs as chapters.

Importantly, it is noted that no policy changes have been made. The SEPP consolidation does not change the legal effect of the SEPPs being repealed.

The changes in the consolidated SEPPs do not impact the development assessment process, and all savings and transitional provisions of the repealed SEPPs are still in force despite their repeal, due to sections 5(6) and 30(2)(d) of the *Interpretation Act 1987*.

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**(a)(iii) *The Provisions of any Development Control Plan***

**Cessnock Development Control Plan 2010**

The Cessnock Development Control Plan (DCP) 2010 does not contain any provisions or numerical standards that are relevant to the determination of an application for a boundary adjustment.

**(a)(iia) *The provision of any Planning Agreement that has been entered into under Section 7.4, or any draft Planning Agreement that a developer has offered to enter into under Section 7.4***

No such agreement has been proposed as part of this application.

**(a)(iv) *The provisions of the regulations***

With due regard for previous discussion in this report concerning *Environmental Planning and Assessment Regulation 2021*, Schedule 6 which prescribes relevant savings, transitional and other provisions, there are no matters prescribed by the Regulations that apply to this development.

**(b) *The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality***

As demonstrated by the above assessment, the proposed development is likely to have a significant impact on the social and economic conditions of the locality. In particular, the land is subject to historical use as a vehicle access and has been maintained by others whilst vacant.

The proposal does not provide due consideration for historical uses and liabilities associated with consolidation with an existing dwelling, and therefore, the proposal is not in the public interest. The additional fragmentation of the former private laneway will result in a local resident having care, control and maintenance of the resultant lot. No measures are proposed by the application to ensure that issues with respect to access, maintenance and liability, are resolved.

**(c) *The suitability of the site for the development***

As demonstrated by the above assessment, the site is considered to be unsuitable for the proposed development. Specifically, the subject land is constrained by private access issues, existing encroachments and difficulties in providing maintenance, such that it is not capable of being maintained in a coordinated manner particularly where the land is likely to be further fragmented by future subdivision.

**(d) *Any submissions made in accordance with this Act or the regulations***

The Development Application was publicly exhibited between 16 and 30 March 2022. As a result of the public exhibition period, a total of four (4) submissions were received from four (4) households. All submissions objected to the proposal.

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The following table outlines the issues raised in the submissions lodged with Council, along with a response to each matter:

Objection	Comment
Land has been used as vehicle access over extended period of time – proposal will prevent vehicle and bushfire access.	It is acknowledged that the land remains private property. The application should consider the historical circumstance to comprise a constraint and seek to resolve in the course of formulating the proposal.
The land provides amenity and recreational space. Neighbours have maintained the land on an informal basis over time which will cease on change of ownership.	The historical use of the land should be resolved in considering the likely future use of the land.

**(e) The public interest**

The public interest is served through the detailed assessment of this Development Application under the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000*, Environmental Planning Instruments and Council Policies.

Based on the above assessment, it is considered that the proposed development is contrary to the public interest.

## SECTION 7.11 CONTRIBUTIONS

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Section 7.11 Contributions are not payable in undertaking a boundary adjustment.

## INTERNAL REFERRALS

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The Development Application was referred to the following Council officer for comment:

Officer	Comment
Development Engineering	No works or intensification of use is proposed by the application therefore no specific requirements were nominated.

## EXTERNAL REFERRALS

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The Development Application was not required to be referred to any external agencies for comment. The subject land does not comprise bushfire prone land.

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## CONCLUSION

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The Development Application has been assessed in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*, and all relevant instruments and policies.

The proposal is not in the public interest in that it does not resolve historical land use issues and gives rise to ad-hoc fragmentation of the land. The proposal is not consistent with the zone objective of the RU5 Village zone, being 'to ensure that development is compatible with the amenity, functioning and scale of a rural village'. The additional fragmentation of the lot is likely to affect the maintenance of the land into the future.

In the absence of a coordinated plan to resolve the existing access issues and consider the future consolidation of the lot with adjoining properties, the proposal remains inconsistent with the objectives of the *Environmental Planning and Assessment Act 1979*, specifically, it does not promote the 'orderly and economic use and development of land'.

Based on the assessment, it is recommended that Development Application No. 8/2021/21491/1 be refused, subject to the reasons for refusal included in this report.

## ENCLOSURES

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1 [↓](#) Statement of Environment Effects

2 Submissions - *This matter is considered to be confidential under Section 10A(2) (j) of the Local Government Act, as it deals with Council Policy. (Document contains personal details of persons making submissions. )*

## REASONS FOR REFUSAL

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1. As submitted, the application does not provide sufficient information for Council to determine if the boundary adjustment is satisfactory with respect to the likely social and economic impacts in the locality (pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979).
2. As submitted, the application does not provide sufficient information for Council to determine if the application is in the public interest (pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979).
3. As submitted, the application does not establish that the boundary adjustment will promote the orderly and economic use and development of land (pursuant to Section 1.3 (c) - Objects of Act, Environmental Planning & Assessment Act 1979).
4. As submitted, the application is not consistent with the zone objective of land zoned 'RU5 Village' under the provisions of the Cessnock Local Environmental Plan, 2011- 'to ensure that development is compatible with the amenity, functioning and scale of a rural village' (pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979).



0 Thomas Street and 16 Thomas Street, North Rothbury

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STATEMENT OF ENVIRONMENTAL EFFECTS

TO ACCOMPANY A DEVELOPMENT APPLICATION  
FOR THE BOUNDARY ADJUSTMENT BETWEEN  
LOT 8 SECTION C DP7554 & LOT 13 DP 1125161

THOMAS STREET, NORTH ROTHBURY

SUBMISSION TO:

**CESSNOCK CITY COUNCIL**

ON BEHALF OF:

**FREDERICK. J MEREWETHER, JAMES. F MEREWETHER  
EDWARD. C MEREWETHER & THOMAS. W SIM**

PREPARED BY:



**MARSHALL SCOTT PTY LIMITED**

Surveying & Land Development Consultants  
44 Cumberland Street Cessnock NSW 2325

Reference: 22904

**May 2021**

0 Thomas Street and 16 Thomas Street, North Rothbury

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Statement of Environmental Effects

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**STATEMENT OF ENVIRONMENTAL EFFECTS**  
**TO ACCOMPANY A DEVELOPMENT APPLICATION**  
**FOR THE FOR THE BOUNDARY ADJUSTMENT BETWEEN**  
**LOT 8 SECTION C DP7554 & LOT 13 DP 1125161**  
**THOMAS STREET, NORTH ROTHBURY**

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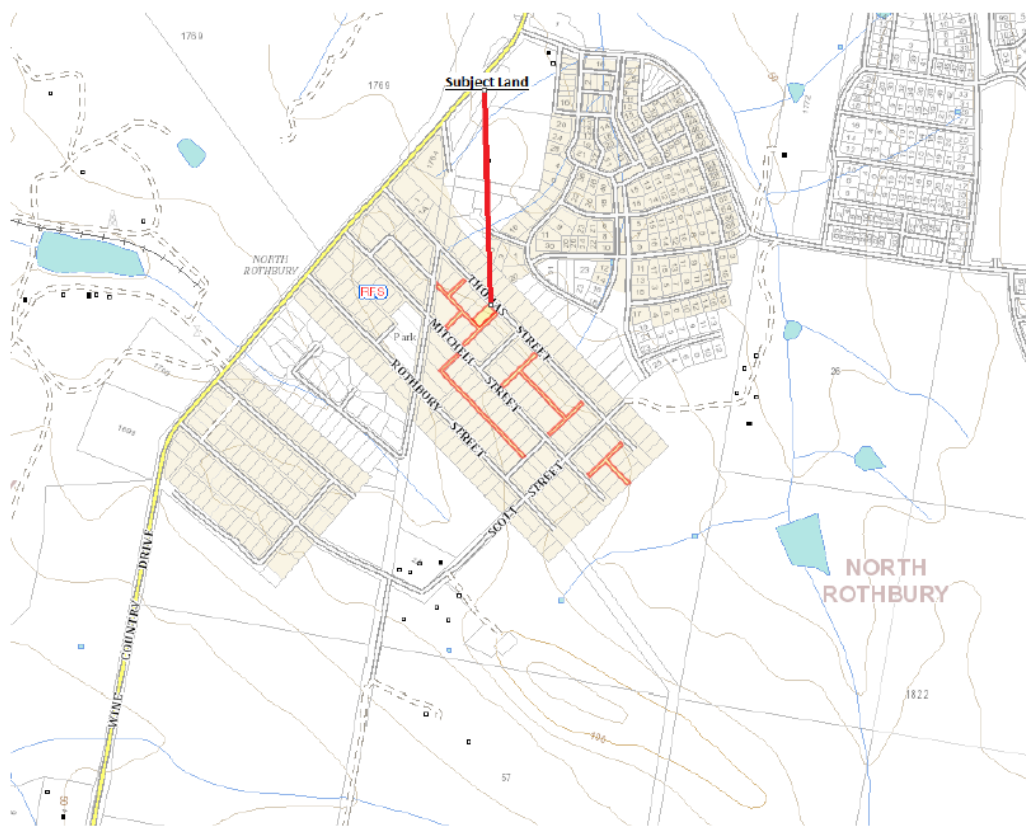
**1.0 INTRODUCTION**

This Development Application is for the boundary adjustment between two (2) lots. The application includes the consolidation of part of lot 13 DP 1125161 that comprises an existing laneway into lot 8 Section C DP 7554.

**1.1 LOCALITY**

The locality of the subject land is the village of North Rothbury, which is located on Wine Country Drive. The village was created to service a coal mine to the west of Wine Country Drive, which has historically closed. The original subdivision of the land was created as part of the Merewether Estate, with lots serviced by rear lanes. The village of North Rothbury is comprised of residential lots consisting of detached weatherboard or brick dwellings. Besides dwellings other built features on the residential lots are garages swimming pools and maintained gardens. At the intersection of Rothbury, Morgan and Mitchell Streets is Ayrfield Miners Memorial Park, which includes a children's playground, amenities, gardens and tennis courts. Roads in the village are in a grid formation and are bitumen sealed. Land to the north of the village is part of the Huntlee new town development, land the east and south of the village is comprised of native vegetation including areas of forest and is used for a variety of agricultural uses, while land to the west comprises a coal mine that has historically closed and native bushland. The address of the subject land is 16 Thomas Street, North Rothbury

FIGURE 1: LOCALITY MAP (SIX Maps, 21/5/2021)



0 Thomas Street and 16 Thomas Street, North Rothbury

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Statement of Environmental Effects

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**1.2 ENVIRONMENTAL PLANNING INSTRUMENTS**

According to the Cessnock Local Environmental Plan 2011 land on this lot is zoned as RU5 Village Zone. The objectives of this RU5 Village Zone are as follows;

**1 Objectives of zone**

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To ensure that development is compatible with the amenity, functioning and scale of a rural village.

**2 Permitted without consent**

Home occupations

**3 Permitted with consent**

Bed and breakfast accommodation; Boarding houses; Business premises; Cemeteries; Centre-based child care facilities; Community facilities; Crematoria; Dwelling houses; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Food and drink premises; Home-based child care; Home businesses; Horticulture; Hotel or motel accommodation; Information and education facilities; Light industries; Mortuaries; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Roadside stalls; Rural supplies; Schools; Secondary dwellings; Semi-detached dwellings; Seniors housing; Service stations; Sewerage systems; Shops; Tank-based aquaculture; Vehicle repair stations; Veterinary hospitals

**4 Prohibited**

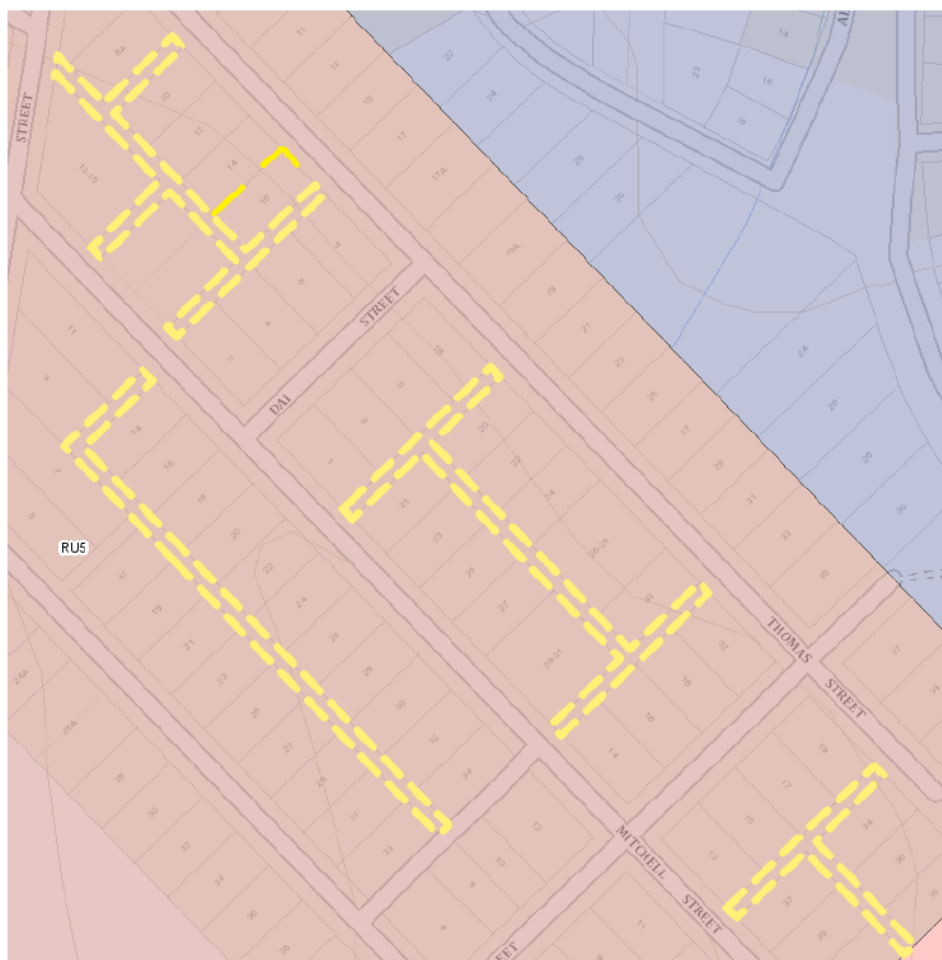
Pond-based aquaculture; Any other development not specified in item 2 or 3

0 Thomas Street and 16 Thomas Street, North Rothbury

Statement of Environmental Effects

FIGURE 2: Zone Plan (NSW Planning Portal, 24/5/2021)

- RU5 Village Zone.



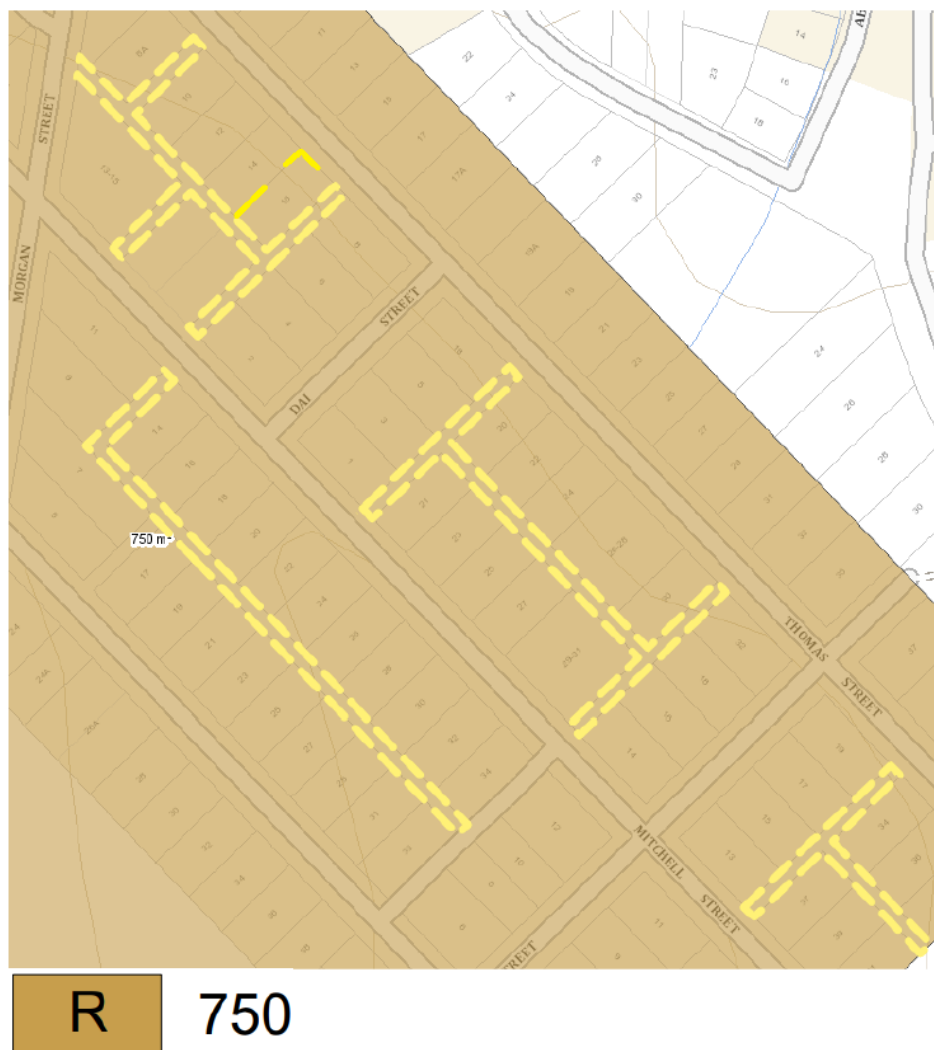
**RU5** Village

0 Thomas Street and 16 Thomas Street, North Rothbury

Statement of Environmental Effects

FIGURE 3: MINIMUM LOT SIZE MAP (NSW Planning Portal, 24/5/2021)

- R 750 square metres.



**0 Thomas Street and 16 Thomas Street, North Rothbury**

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Statement of Environmental Effects

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**CESSNOCK DEVELOPMENT CONTROL PLAN (DCP) 2010**

The Cessnock DCP 2010 Part D: Specific Development Chapter 1: Subdivision Guidelines, sub chapter 1.5 Specific Requirements for RU5 Village Subdivision is applicable for this site and will be referred when appropriate.

**1.3 PLANNING HISTORY**

According to Cessnock City Council's recent development history there have been several Development Applications submitted relating the subject land.

The only Development Application that has been lodged on the subject land is DA8/2007/176/1 for the construction of a deck. Council determined DA8/2007/176/1 by issuing their consent for the deck on the 26/3/2007.

No other applications for development on this site have been submitted according to Council's recent records.



0 Thomas Street and 16 Thomas Street, North Rothbury

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Statement of Environmental Effects

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**2.0 SUBJECT LAND**

For the purpose of this Development Application Lot 8 Section C DP 7554 and lot 13 DP1125161 will be referred to as the subject land.

FIGURE 4: AERIAL PHOTOGRAPH (SIX Maps, accessed on the 24/5/2021)



**2.1 PROPERTY DIMENSIONS**

The subject land is comprised of lot 8, which contains 809.4 square metres and is 20.115 metres from east to west and 40.235 metres from north to south. Lot 13 contains the existing lanes, which are 6 metres wide and extends for a total of 6,016 square metres.



**0 Thomas Street and 16 Thomas Street, North Rothbury**

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Statement of Environmental Effects

**2.2 TOPOGRAPHY**

The terrain of the subject land falls towards the west, the highest elevation of the site is towards the south eastern extent of lot 13 being the lane between Mitchell Street and Rothbury Street at RL 90 metres. The lowest elevation is approximately RL 80 metres along Thomas Street, including lot 8 according to SIX Maps.

**2.3 EXISTING VEGETATION**

Vegetation that is on lot 8 comprises a maintained garden that includes a lawn and shrubs and trees. Lot 13 that contains the lanes is comprised of grass; however, there are several trees on existing lot 13 that is part of existing gardens.

**2.4 EXISTING STRUCTURES**

The existing boundary of the lane with neighbouring residential properties is fenced, the lane roadway is not constructed. Current lot 8 contains an existing brick dwelling, a small metal shed in the backyard and an onsite septic system in the front yard near Thomas Street.

**2.5 BUSHFIRE HAZARD**

The bushfire prone land map provided by NSW Planning Portal and certified by the commissioner of the NSW Rural Fire Service pursuant to S.10.3 of the Environmental Planning and Assessment Act 1979, has not identified the subject land as being affected by bushfire prone vegetation or buffer zone.

**2.6 MINE SUBSIDENCE**

According to the NSW Planning Portal this proposal is not on land that is part of a mine subsidence district. Since this site is not on land that is considered in a mine subsidence district, no further enquiry regarding mine subsidence has been undertaken in this case.

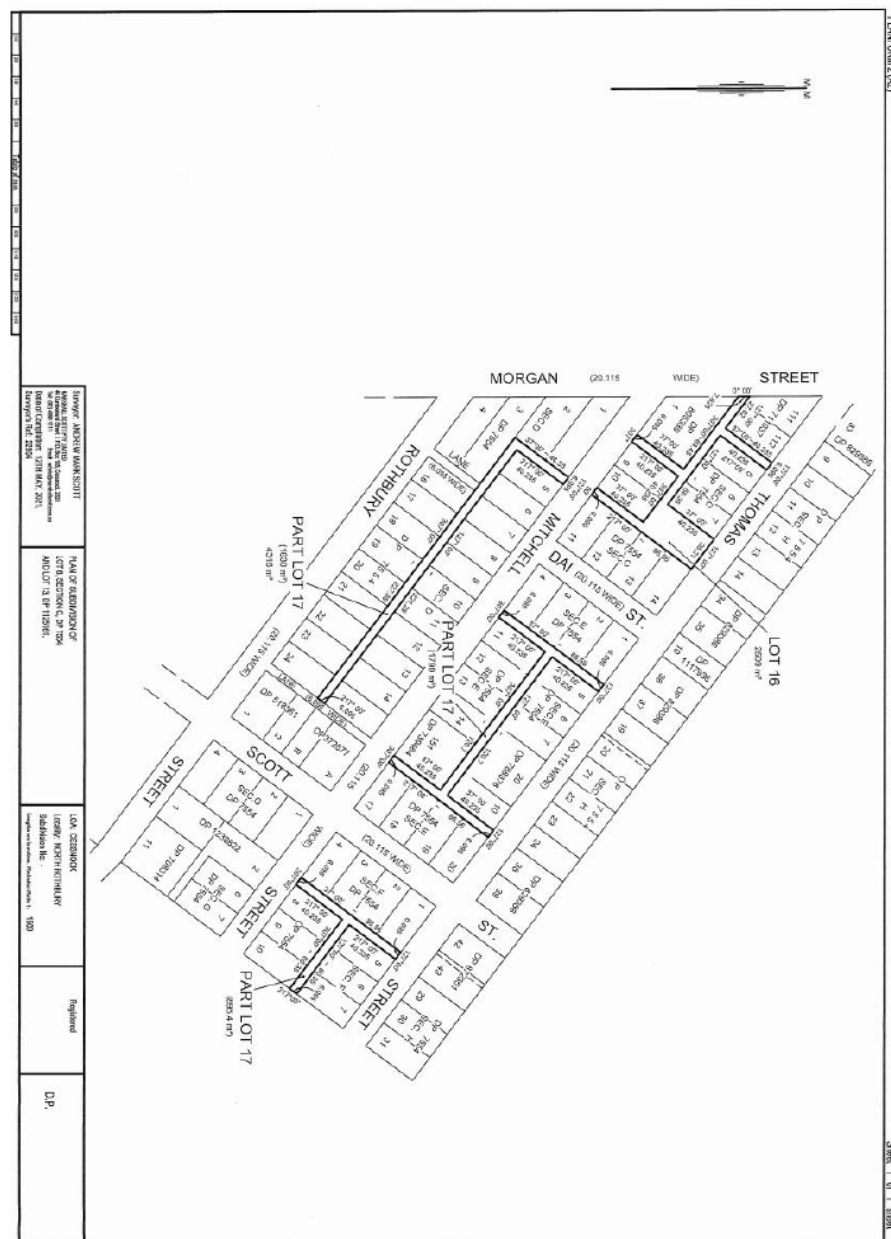
0 Thomas Street and 16 Thomas Street, North Rothbury

Statement of Environmental Effects

3.0 PROPOSED DEVELOPMENT

This Development Application is for the boundary adjustment between two (2) lots. Proposed lot 16 will incorporate 1,700 square metres of lot 13 DP1125161 (the lane) and 809.4 square metres from lot 8 section C DP7554. The size of lot 16 will increase in size to 2,509 square metres. The area of proposed lot 17 that consists of the laneways will reduce from 6,016 square metres to 4,316 square metres. Refer to the accompanying plan for details.

FIGURE 5: PLAN OF PROPOSED SUBDIVISION



**0 Thomas Street and 16 Thomas Street, North Rothbury**

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Statement of Environmental Effects

**3.1 PLANNING PROVISIONS**

This proposal satisfies sub parts (i) to (v) of part (b) in Subdivision 38 Subdivisions in the Exempt and Complying State Environmental Planning Policy (SEPP) 2008. According to sub part (vii) of the Exempt and Complying SEPP 2008, land that is zoned RU5 Village, is required not change any lot by more than 10%. The percentage varied in this boundary adjustment compared to the original sized of lot 8 Section C DP7554 is 309% with proposed lot 16 increasing to 2,509 square metres. Since the change in area of one of the lots is more than 10%, this proposal does not satisfy part (vii) Subdivision 38 Subdivisions in the Exempt and Complying SEPP 2008. Given the change proposed to create lot 16, it is appropriate to proceed with this proposal a Development Application in this case.

**3.2 LOT SIZE & SHAPE**

The total area of proposed lot 16 will be 2,509 square metres and will be in an irregular shape. Proposed lot 17 will contain the remainder of the lanes and will comprise a total area of 4,318 square metres in irregular shapes.

**3.3 ROADS & ACCESS**

Access to lot 16 is from Thomas Street, which is a bitumen sealed road that is maintained by Cessnock City Council. Proposed lot 17 is a private lane owned by the Merewether Estate, and is able to be accessed from the local road network. This private lane is not constructed and is not used to provide services to adjoining properties.

**3.4 INTENDED USE OF LAND**

According to the proponent of this boundary adjustment, their intension is to use the land immediately adjoining current lot 8 in the lane for their private use. They also want to divest themselves of the remainder of the acquired lane to other adjoining landowners. The remainder of lot 13, which will be new lot 17 is proposed to be a separate lot that will continue to be owned by the Merewether Estate. This arrangement is according to the terms from the current owners of lot 13 being the Merewether Estate, who want to divest themselves of the private lanes in North Rothbury. No additional uses or activities are proposed in the laneways.

**3.5 BIODIVERSITY ASSESSMENT**

Vegetation in the lane is predominately comprised of grass and contains isolated trees and shrubs. Vegetation that surrounds the existing dwelling is maintained as part of an existing garden and is not proposed to be modified. No vegetation is proposed to be cleared or disturbed as a result of this application. Since there will be no additional loss of native vegetation due to this proposal and no impact on Endangered Ecological Communities (EEC's), it is reasonable for Council to conclude that a Biodiversity Assessment Report is not necessary in this particular case.

**0 Thomas Street and 16 Thomas Street, North Rothbury**

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Statement of Environmental Effects

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**3.6 SOIL & WATER MANAGEMENT**

This application does not involve the construction any buildings, therefore there will not be any modification to the existing soil or water management of this site. Any future proposed construction works by property owners will be in compliance with soil and management principles in the "Urban Erosion and Sediment Control Handbook" (Hunt 1992).

**3.7 EFFLUENT DISPOSAL**

The proposed boundary adjustment will not affect the current on-site sewer arrangements for the existing dwelling that in the front yard of the existing dwelling near Thomas Street.

**3.8 VISUAL EFFECT**

This application for subdivision is not proposing any physical development of the site; therefore, this application will not result in a visual impact on the surrounding area.

**3.9 HERITAGE**

The proposed development is not located on or adjacent to any land which contains items of environmental heritage as defined in Schedule 5 of the Cessnock LEP 2011.

**3.10 STORMWATER DRAINAGE**

Stormwater drainage will not be impacted by this proposed subdivision and will continue as before this proposal. No physical modification is proposed in this application including any earthworks that would lead to the alteration of the flow of stormwater across this site.

**3.11 CONTAMINATION**

We are unaware of any history that would suggest that the subject land is contaminated.

**3.12 UTILITY SERVICES**

Access to utility services on proposed lot 16 will not be amended as a result of this boundary adjustment.

**3.13 HAZARDS**

According to the NSW Planning Portal and the maps provided by Cessnock City Council of this site indicate it is not affected by bushfire or flooding hazards.

**0 Thomas Street and 16 Thomas Street, North Rothbury**

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Statement of Environmental Effects \_\_\_\_\_.

**3.14 CONCLUSION**

This proposal for the boundary adjustment between two (2) lots does satisfy the Cessnock LEP 2011 and Cessnock DCP 2010. There are no proposed building works or physical modifications associated with this Development Application. As a result of this proposal there will no visual disruption to neighbouring properties or loss of amenity of the surrounding area as a result of this development.

It is respectfully requested that Council approved this Development Application subject to appropriate conditions.

0 Thomas Street and 16 Thomas Street, North Rothbury

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Statement of Environmental Effects

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**ADDENDUM TO STATEMENT OF ENVIRONMENTAL EFFECTS**

Further to correspondence and conversations with Council, we provide the following information regarding the purpose of the DA and other consequences.

**1. PURPOSE**

- 1.1 The primary purpose of the DA is for the owner of Lot 8 Section C DP7554 to acquire that part of Lot 13 DP1125161 that they are currently occupying. This will provide them with greater flexibility regarding the maintenance and use of the land that they are currently occupying informally.
- 1.2 The owners of Lot 13 DP1125161 are agreeable to the proposed boundary adjustment provided all of that section contained within that block is included in the Transfer. This then creates the opportunity for the SECONDARY PURPOSE, being the rationalisation of the closed road lot into other adjoining lots, with the ultimate goal being the disappearance of the closed road lot completely. Some of the neighbours have already expressed an interest, these further boundary adjustments may be able to proceed as Exempt Development.

**2. PUBLIC INTEREST**

The proposal is very much in the "Public interest", as it is the first step in the process of rationalising a remnant lot into adjoining properties. The lot as it currently exists is totally inconsistent with the zone objectives of the RU5 Village Zone. Its ability to be used for any lawful purpose is questionable, as a result, in parts it is being occupied illegally, unmaintained and with an absentee landlord, it is difficult for issues to be resolved quickly.

The notion that the proposal *"is predictive of at least three private owners having responsibility of these titles"* is nonsensical. With this proposal and each subsequent boundary adjustment in the future, there are no additional lots being created and no additional owners introduced into the mix. As time progresses, the laneway lot will disappear, with ultimately one less owner.

The current proposal demonstrates this as the number of owners for the resultant lot in Section C reduces from two (2) owners to one (1).



0 Thomas Street and 16 Thomas Street, North Rothbury

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Statement of Environmental Effects

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3. ZONE OBJECTIVES

The current existence of the "closed road" Lot 13 is totally inconsistent with the zone objectives, being:-

- *To provide for a range of land uses, services and facilities that are associated with a rural village.*
- *To ensure that development is compatible with the amenity, functioning and scale of a rural village.*

The development as proposed will transform part of the lot (that immediately adjacent to Lot 8) into a useful section of land that satisfies both the above criteria. Further it provides the first stepping stone to the eventual conversion of the remainder of the lot as further boundary adjustments occur.

To leave Lot 13 "as is" is to maintain a situation that is not compatible with the amenity, functioning and scale of a rural village.

4. ENVIRONMENTAL PLANNING & ASSESSMENT ACT, OBJECTIVES

Similarly, the current lot configuration is inconsistent with the Environmental Planning & Assessment Act objectives as it is not an "orderly and economic use and development of land". This is totally understandable due to the historical manner in the way that Lot 13 has come into existence.

The current proposal is the first step in rectifying this, whereby the consolidation of the lot into adjoining lots (albeit one at this stage) is the commencement of a process that is introducing order and economic use to land that currently has none.

Suggestions that this is not the case are deceitful and a misrepresentation of the reality.

Corporate and Community

Report No. CC34/2022

Corporate and Community Services



**SUBJECT:** *USE OF MARTHAVILLE ARTS AND CULTURAL CENTRE  
BY KIRAY PUTJUNG ABORIGINAL CORPORATION*

**RESPONSIBLE OFFICER:** *Community and Cultural Engagement Manager – Natalie Drage*

### **SUMMARY**

At the Ordinary Meeting of Council held 18 August 2021, a fee waiver was granted to Kiray Putjung Aboriginal Corporation for use of the Marthaville Arts and Cultural Centre (Marthaville) studio space and program room for a 12 month period commencing August 2021. Due to restrictions in place under the NSW Public Health Orders (Gathering and Movement, Delta Outbreak Restrictions and COVID -19 General) from August 2021 to March 2022, the organisation has had limited ability to access and use the facility.

Kiray Putjung Aboriginal Corporation is seeking an amendment to the arrangement for the 12 month use of Marthaville, noting the services they intended to deliver from the facility as per their initial proposal for fee waiver commenced April 2022.

### **RECOMMENDATION**

1. That Council notes Kiray Putjung Aboriginal Corporation was provided with a \$5,672 fee waiver for 12 months use of the studio space and program room at Marthaville Arts and Cultural Centre commencing August 2021.
2. That Council notes that due to the NSW Public Health Orders (Gathering and Movement, Delta Outbreak Restrictions and COVID-19 General) enforced from August 2021, Kiray Putjung Aboriginal Corporation experienced service delivery restrictions and interruptions that impacted on the provision of services from Marthaville Arts and Cultural Centre.
3. That Council, in accordance with its Community Sponsorship and Fee Waiving Policy, continue to provide a fee waiver to Kiray Putjung Aboriginal Corporation for use of the studio space and program room at Marthaville Arts and Cultural Centre until 31 March 2023.

### **BACKGROUND**

Kiray Putjung Aboriginal Corporation is a not for profit community organisation that aims to provide services and programs to support the local Aboriginal community and strengthen community connections and culture. Marthaville is a Council owned facility with a program room, studio space and gardens available for use. The facility has been underutilised for an extended period.

At the Ordinary Meeting of Council held 18 August 2021, a request for fee waiver for the use of Marthaville studio and program room by Kiray Putjung Aboriginal Corporation for a 12 month period was tabled (Report No. CC57/2021) and it was resolved:



Corporate and Community

Report No. CC34/2022

Corporate and Community Services



***That Council, in accordance with its Community Sponsorship and Fee Waiving Policy, provides Kiray Putjung Aboriginal Corporation with a \$5,672 fee waiver for 12 months use of the studio space and program room at Marthaville Arts and Cultural Centre commencing August 2021.***

The 12 month fee waiver granted to Kiray Putjung Aboriginal Corporation aimed to support the organisation to increase its programming and organisational capacity through providing a venue to develop cultural programs and source funding to become more financially viable. The use of the facility over the 12 month period also aimed to increase community use of Marthaville and improve safety and function at the site.

**REPORT/PROPOSAL**

Kiray Putjung Aboriginal Corporation intended to use Marthaville for program co-ordination and service delivery (2 days per week), community and cultural activities (1 day per week) and monthly committee meetings. However, due to NSW Public Health Orders and a cautious approach to community activities due to working with a high risk community, the commencement of these activities has been delayed and use of the facility has been limited.

On 5 August 2021 an amendment to the NSW Public Health Order was issued that required community centres to close to the public. On 11 October 2021 a further Order was issued allowing community centres to re-open with various conditions of entry, these included proof of vaccination or medical exemption. In accordance with a risk assessment developed in consultation with user groups, Marthaville re-opened with limited service provision from Friday 5 November 2021.

A key to the facility was issued to Kiray Putjung Aboriginal Corporation on 4 November 2021. During November the organisation began using the facility in a limited capacity to set up their office space.

During the period 4 November 2021 to 31 March 2022, Kiray Putjung Aboriginal Corporation used the facility to support an emergency relief program run in partnership with Aboriginal Affairs, this involved storing food and Personal Protective Equipment (PPE) supplies in the studio. A limited program of activities began in March 2022, with the full suite of programs commencing from April.

Kiray Putjung Aboriginal Corporation have provided correspondence regarding their use of the facility since August 2021 (Enclosure 1).

**OPTIONS**

N/A

**CONSULTATION**

- Kiray Putjung Aboriginal Corporation
- Marthaville Arts and Cultural Centre Management Committee (Section 355 Committee)
- Marthaville Guildry (user group)
- Community and Cultural Engagement Manager

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**STRATEGIC LINKS**

**a. Delivery Program**

The proposal supports objective 1.2 Strengthening community culture in the 2017-21 Delivery Program and action 1.2.2 Collaborate with the community to develop and deliver services.

**b. Other Plans**

The proposal aligns with 2031: A Vision for the Future, Community Infrastructure Strategic Plan and the principles for future community facilities, 'Community facilities will offer services that meet the needs of the community'.

**IMPLICATIONS**

**a. Policy and Procedural Implications**

The proposal has links to the Community Sponsorship and Fee Waiving Policy. The Guidelines and Application for Community Sponsorship and Fee Waiver states requests over \$3,000 will be reported to Council for consideration.

**b. Financial Implications**

The amount of the original fee waiver granted for the period of use August 2021 to August 2022 was \$5,672. This was calculated in accordance with Council's adopted 2021-22 Fees and Charges, it was also anticipated that a small variation would be made for July and August 2022 use to reflect an increase in the 2022-23 Fee and Charges. With this increase the fee waiver for the 12 month period commencing August 2021 was \$5,685.60.

From August 2021 to 31 March 2023 the total fee payable would have been \$9,422.50, however Kiray Putjung Aboriginal Corporation were unable to operate their services from the facility for a considerable period of time. If the amended period of use and fee waiver is therefore considered to be 1 April 2022 to 31 March 2023, the fee waiver for that period is \$5,814.50 in accordance with both the 2021-22 Fees and Charges and proposed 2022-23 Fees and Charges.

Since August 2021, there has been almost no interest from other community groups to use Marthaville under a casual hire agreement and the facility was required to be closed for some months in accordance with the Public Health Order enforced at the time. As a result, there has been no loss of income to Council with Kiray Putjung Aboriginal Corporation using the facility.

**c. Legislative Implications**

Section 610 (E) of the *NSW Local Government Act 1993* allows Council to apply a reduced fee or waiver a fee in a particular case if it is satisfied that the case falls within a category of hardship or any other category that Council has determined it may consider waiving payment, or reducing a fee.

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**d. Risk Implications**

An Expression of Interest (EOI) process for the use of the studio space at Marthaville was held August 2019. The EOI process intended to increase the community benefit of the facility and operate as a Crime Prevention through Environmental Design (CPTED) measure; that is, through increased use and activity, there would be a reduction in the opportunities for misuse and anti-social behavior the facility. Kiray Putjung Aboriginal Corporation was the only applicant for the EOI. In progressing the EOI, the use of the facility has been impacted by factors beyond the control of Kiray Putjung Aboriginal Corporation.

**e. Environmental Implications**

N/A

**f. Other Implications**

N/A

**CONCLUSION**

The variation to the Community Sponsorship and Fee Waiver Application by Kiray Putjung Aboriginal Corporation will enable the organisation to continue to develop and deliver its programs to support the local Aboriginal and Torres Strait Islander community. This increased use and activation of Marthaville aligns with Council's strategic goals to strengthen community culture and collaborate with the community to develop and deliver services, as well as increasing the safety and function at the site.

**ENCLOSURES**

[1](#) Correspondence Kiray Putjung Aboriginal Corporation

**Jo Miller**

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**From:** Kiray Putjung <kirayputjungaboriginalcorp@gmail.com>  
**Sent:** Monday, 4 April 2022 6:00 PM  
**To:** Jo Miller  
**Subject:** CM: Marthaville extension

**Record Number:** DOC2022/050283

Dear Jo,

Thank you for the update on the Marthaville Studio Hire.

Kiray Putjung would like to request an extension for another 12 months on the hire of the Marthaville Studio. We understand that the hiring period will be up in August 2022. Due to COVID-19 restrictions and the vaccinations requirements in 2021 and the added outbreak in early 2022 Kiray Putjung were unable to provide face to face services to the local Aboriginal community within the Cessnock LGA. Although this occurred, Kiray Putjung in partnership with Aboriginal Affairs were able to provide the local Aboriginal community with food parcels and PPE parcels which were stored at Marthaville premises until the Board of Kiray Putjung were able to deliver much needed items to the community.

Recently, Kiray Putjung have started running programs and delivering services such as:

Community Health Check Day  
Seniors Day  
Weaving Workshops  
Meet and Greet Day ( Services coming together to support each other in Community)  
Naidoc Planning Day-ongoing

Our future plans include:  
Health Check Days -Diabetes check-Speech Therapy-Dietician-Mums and Bubs Day- more once confirmed.  
Cultural Celebration Day  
Weaving Days  
Community get together Days  
Mental Health workshops  
Ongoing members Meetings  
Board Meeting  
Community Service Days -referrals services  
Youth and Elders Day  
Cultural dance and Painting Days

To date, attendance has been small to ensure COVID safety while the threat of COVID is still in our community, the current programs are starting to attract a lot of interest, recently Kiray Putjung partnered with Hunter New England Aboriginal Health team and ran a small valuable clinic from these premises offering these services:

We would appreciate it if you could let us know at your earliest convenience as we would like to continue to support our community by conducting programs that address mental health issues during COVID isolation.

Chairperson  
Tracey Skene

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**SUBJECT:** ***NOMINATIONS FOR COMMUNITY REPRESENTATIVES TO THE ABORIGINAL AND TORRES STRAIT ISLANDER ADVISORY COMMITTEE***

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

### **SUMMARY**

Council resolved at its meeting on 9 February 2022 to re-establish the Aboriginal and Torres Strait Islander Advisory Committee (the Committee). The Committee is comprised of 3 Councillors being Mayor Suvaal, Councillors Grine, Watton and Burke (alternate), community representatives and is supported by nominated Council staff.

Council called for community representatives during the period 1 April to 28 April 2022. Six nominations were received and are attached as a confidential enclosure.

This report is provided for Council's consideration of the nominations.

### **RECOMMENDATION**

- 1. That Council note six nominations were received from people seeking to be a community representative on the Cessnock City Council Aboriginal and Torres Strait Islander Advisory Committee.**
- 2. That Council accept all six nominations and appoint all people that nominated as a community representatives to the Cessnock City Council Aboriginal and Torres Strait Islander Advisory Committee.**

### **BACKGROUND**

Council acknowledges that within its Local Government Area boundaries are the Traditional Lands of the Wonnarua people, the Awabakal people and the Darkinjung people. The 2016 Census recorded 7.2 percent of the Cessnock Local Government Area population identifying as Aboriginal and/or Torres Strait Islander and is well above the State average of 2.9 percent.

The Committee provides a crucial link between Council and local Aboriginal and Torres Strait Islander people, facilitating understanding and the development of productive working relationships. The role of the Committee is to provide advice and guidance to Council in relation to issues involving Aboriginal and Torres Strait Islander histories, heritage and cultures and provide Council with strategic advice in relation to policy, plans, programs and service delivery that impact Aboriginal and Torres Strait Islander communities.

### **REPORT/PROPOSAL**

The nomination process for community representatives was for a period of four weeks. Advertisements were placed on Council's website, social media account and information was circulated to local services providers and community groups.

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In accordance with the draft Committee Charter, community representatives must identify as an Aboriginal and/or Torres Strait Islander person and:

- live in the Cessnock Local Government Area, or
- work or be a student studying within the Cessnock Local Government Area, or
- have a strong cultural association with the Cessnock Local Government Area.

The nomination form listed five criteria where skills, knowledge and/or experience were sought and nominees were asked to respond to the listed criteria. The five criteria were:

1. Why would you like to nominate for the Committee? What do you hope to achieve?
2. An understanding of local Aboriginal and/or Torres Strait Islander issues and communities.
3. Knowledge of local Aboriginal and/or Torres Strait Islander community groups and services.
4. Experience in developing and/or implementing reconciliation action plans or similar.
5. Other skills, experience, knowledge or understanding that would contribute to the work of the committee.

Collectively, the six nominees advised skills, knowledge and/or experience for all criteria.

**OPTIONS**

N/A

**CONSULTATION**

On the 30 March 2022 Councillor's represented on the Committee met with Council staff to discuss the draft Committee Charter.

The following officers were consulted during the preparation of the draft Committee Charter:

- Acting General Manager (Director Corporate and Community Services)
- Acting Director Corporate & Community Services (Human Resource Manager)
- Governance Coordinator
- Senior Legal and Governance Officer

**STRATEGIC LINKS**

**a. Delivery Program**

The Committee has links to objective 1.1 Promoting Social Connections in the 2017-2021 Delivery Program and action 1.1.1 Engage with the community in reconciliation activities. The Committee also delivers on the Delivery Plan objective 5.2 Encouraging more Community participation in decision making.

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**b. Other Plans**

The Committee will have a role in assisting Council to develop its next reconciliation action plan.

**IMPLICATIONS**

**a. Policy and Procedural Implications**

The Committee will report its minutes to the Ordinary Meeting of Council.

**b. Financial Implications**

The Committee does not have an allocated budget. The administration and staffing costs associated with the Committee will be absorbed into Council's annual operational budget. Where funding is required, it will be either by Council resolution at consideration of a motion from the Committee or as part of Council's Quarterly Budget Review.

**c. Legislative Implications**

The Committee is a non-statutory advisory Committee.

**d. Risk Implications**

N/A

**e. Environmental Implications**

N/A

**f. Other Implications**

The close date for nominations was promoted as 5pm 28 April 2022. On the 28 April 2022 at 4:30pm, the Community and Cultural Engagement Manager received a telephone call from a nominee seeking a minor extension to lodge their application after 5pm however still on the closing date. Given the circumstances, the extension was granted and the application was received by the Community and Cultural Engagement Manager at 8pm on the 28 April 2022. The draft Committee Charter advises up to eight community representatives can be appointed to the Committee and with the late application the total number of nominations is six and has not had any implications in having to decline nominations due to community representative positions being over subscribed.

**CONCLUSION**

The appointment of community representatives to the Committee will facilitate the re-commencement of the Committee. Historically, the Committee has played an important role in several Council initiatives and programs, including the development and implementation of reconciliation action plan's, National Reconciliation Week, NAIDOC Week activities and advice on strategic planning matters. The Committee also has a key role in providing Council with understanding and recognition of Aboriginal and Torres Strait Islander histories, heritage and cultures within Cessnock City and the community.



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**ENCLOSURES**

- 1** Summary of Nominations - *This matter is considered to be confidential under Section 10A(2) (j) of the Local Government Act, as it deals with Council Policy.*
- 2** Community representative nominations for Cessnock City Council Aboriginal and Torres Strait Islander Committee - *This matter is considered to be confidential under Section 10A(2) (j) of the Local Government Act, as it deals with Council Policy. (The nomination forms include personal information of nominees and Council has not formally accepted the nominations )*

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Corporate and Community Services



**SUBJECT:** ***POSITIVE COVENANT FOR PARTIAL AREAS AT  
CESSNOCK PERFORMING ARTS CENTRE***

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

### **SUMMARY**

Construction works at the loading dock of Performance, Arts, Culture, Cessnock (PACC) also known as Cessnock Performing Arts Centre are scheduled to commence June 2022 to address work, health and safety matters. With Hunter Water Corporation owning the stormwater channel underneath the loading dock, Hunter Water Corporation requires Council to grant a Positive Covenant over the area where the loading dock is located.

### **RECOMMENDATION**

1. That Council consent to the registration of and agrees to be bound by a Positive Covenant burdening Council land being part of Lot 2 Deposited Plan 165744 in favour of Hunter Water Corporation in accordance with the draft Works, Monitoring and Maintenance Deed between Council and Hunter Water Corporation.
2. That Council authorise the General Manager to execute the Works, Monitoring and Maintenance Deed between Council and Hunter Water Corporation.
3. That Council authorise the Common Seal of Cessnock City Council to be affixed to documents relating to the granting of the Positive Covenant if required.
4. That Council authorise the Mayor and the General Manager to execute the documents relating to the granting of the Positive Covenant.

### **BACKGROUND**

To address work, health and safety issues to the facility's loading dock works are required to improved accessibility and linkage between the backstage loading dock floor and the variety in vehicle heights bringing performance props to the venue. A further risk to be managed is the current loading dock area is exposed to all weather conditions and mitigation design strategies were required to prevent slip hazards attributed to wet weather for staff and users of the loading dock.

In April 2020, Hunter Water Corporation provided communication to the project's architect advising requirements for the design and on 19 August 2020 Hunter Water Corporation issued further correspondence regarding the approvals required for the proposed construction works including Council executing a Positive Covenant and a Works, Monitoring and Maintenance Deed. Design requirements from Hunter Water Corporation included the structure having the capacity to be removed from the concrete slab in the unlikely event access to the stormwater channel would be required and could not be accessed from the other available floating concrete slabs located at the rear of the building.

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During 2021 the loading dock design was further scoped as per the requirements for a Construction Certificate and all required documents were lodged February 2022. A Construction Certificate was issued 21 March 2022, meaning the project is now construction ready. During February and March 2022, the appointed project officer from Public Works Advisory NSW Government facilitated a quote process for the construction works and engaged MARS Building Pty LTD to undertake the works and is expected to commence June 2022.

***REPORT/PROPOSAL***

Council owns the site where the proposed loading dock works are to be constructed and Hunter Water Corporation owns the stormwater channel located under the proposed loading dock.

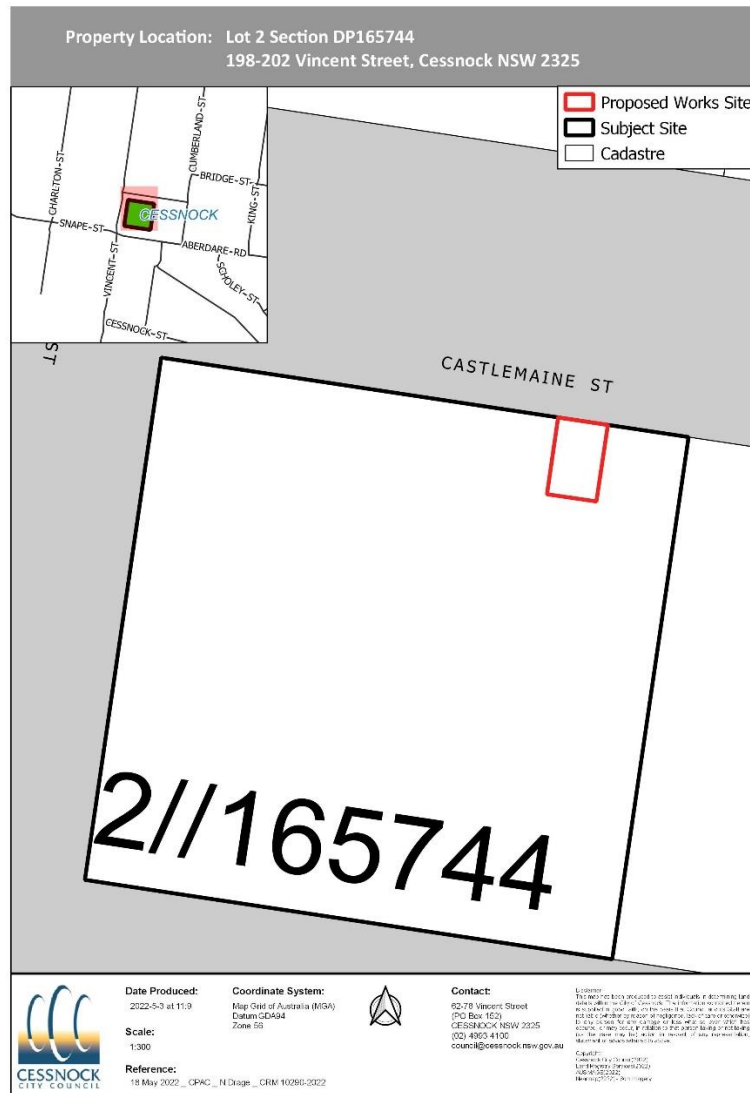
The loading dock works will be completed in two stages. Stage 1 is the actual construction works and is proposed to commence June 2022. Stage 1 will achieve a secure shelter over the loading dock site and the structure will rest on the building's backstage loading dock area. The front of the structure will be fitted with an industrial sized garage door and will make the structure secure and the design of the structure's side paneling has considered ventilation requirements. Stage 2 is the proposed lift ramp that will sit inside the secure structure and will have the function to perform the height adjustable link between the vehicle and backstage loading dock.

The draft Hunter Water Corporation and Cessnock City Council Works, Monitoring and Maintenance Deed (the Deed) is provided as a confidential attachment and the land of the draft Deed is defined as 198-202 Vincent Street, Cessnock, being part of Lot 2 Deposited Plan 165744 over which the upgrade works are located and is shown in Figure 1 and 2 as the Proposed Works Site. The draft deed refers to the Cessnock Performing Arts Centre by its upcoming name change and was resolved by the last term of Council; Performance, Arts, Culture, Cessnock (PACC). The actual change of branding and signage will take place during the internal refurbishment of the facility with those Stage 1 works due to commence later in the year.

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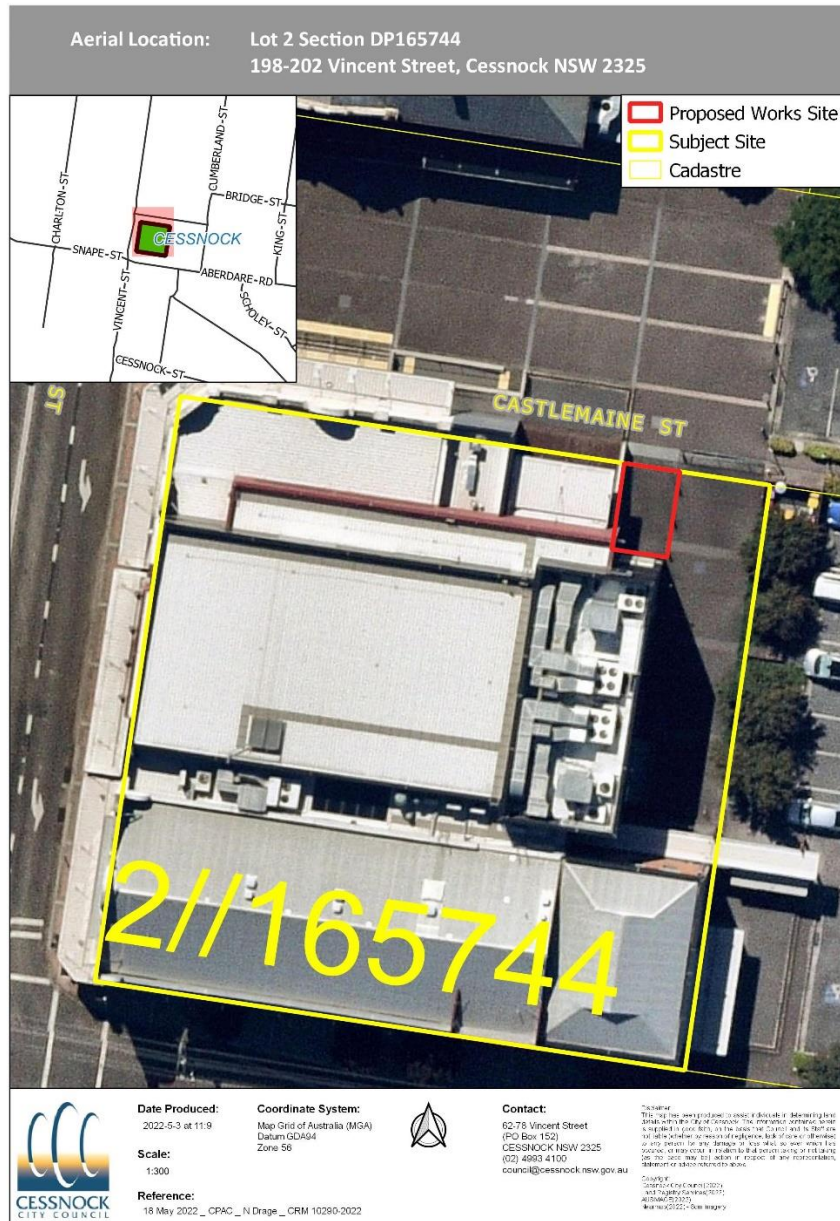


**Figure 1: The property location of Cessnock Performing Arts Centre/Performance, Arts, Culture Cessnock (PACC).**

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**Figure 2: An aerial view of the Proposed Work Site that is subject to the draft Deed and Positive Covenant**

Figure 3 shows the concrete slab where the loading dock construction works are proposed and underneath is the stormwater channel owned by Hunter Water Corporation and is the Proposed Works Site of the draft Deed and Positive Covenant. In taking steps to resolve the work, health and safety matter for Council staff and users of the loading dock facility and includes touring companies, a structure is required to be created over the stormwater channel.



**Figure 3: The subject site for the draft Deed and Positive Covenant**

The draft Deed sets out the terms on which Hunter Water Corporation agrees that the Council may undertake the upgrade works over the stormwater channel which includes registering a Positive Covenant on the Land.

Pursuant to section 88E of the *Conveyancing Act 1919* (NSW) a prescribed authority (Hunter Water Corporation) may create a Positive Covenant on land (Council's land) that is not vested in the authority. Hunter Water Corporation requires access to its stormwater channel hence the need to register a Positive Covenant over it.

For the loading dock site, the Positive Covenant provides Hunter Water Corporation with certain powers of entry in the case of emergencies and Hunter Water Corporation may without notice enter the land at any time and undertake works to the loading dock structure in order to access their asset (stormwater channel). Such works may include any alteration, removal or demolition works for the purpose of accessing their asset (stormwater channel) and in regards to expenses payable by Council for such works, it means all reasonable expense incurred by Hunter Water Corporation in exercising its powers under the Positive Covenant including:

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- (a) fees and charges by contractors and consultants in reviewing or approving any proposed work, effecting any work and supervising any work together with the costs for the use of machinery, tools and equipment in conjunction with such work;
- (b) fees and charges of consultants reasonably engaged by Hunter Water including reasonable legal costs on an indemnity basis; and
- (c) internal administrative costs, such as wages for employees, as reasonably determined by Hunter Water Corporation.

In the event an emergency situation arises, a sequence removal plan has been prepared in consultation with Hunter Water Corporation. The structure has been designed for ease of removal and reinstatement by use of a crane if required in accordance with the design requirements issued by Hunter Water Corporation. Outside of emergency matters, and where Hunter Water Corporation requires access to the stormwater channel and where it cannot be accessed from the other floating concrete slabs at the site, Council will be responsible for facilitating the removal of the structure with the notice provided as per the draft Deed.

**OPTIONS**

N/A

**CONSULTATION**

In preparing the draft Deed, Council staff have met formally with representatives from Hunter Water Corporation on a number of occasions.

Council staff consulted throughout this project include:

- Heritage Advisor
- Curator of Creative and Performing Arts
- Cessnock Performing Arts Centre Operations Team Leader
- Senior Legal and Governance Officer
- Principal Property Specialist
- Infrastructure Manager
- Principal Engineer – Design and Project Management
- Council's Executive Leadership Team

**STRATEGIC LINKS**

**a. Delivery Program**

The report is aligned to the 2017-2021 Delivery Program, and sits under the strategic theme 'A connected, safe and creative community'.

The 2021-2022 Operational Plan includes the action 1.2.3b 'Commence stage 1 refurbishment works for the creation of a cultural hub at Cessnock Performing Arts Centre and continue to pursue funding opportunities ensuring the facility remains a high quality cultural venue'.

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**b. Other Plans**

N/A

**IMPLICATIONS**

**a. Policy and Procedural Implications**

The draft Deed includes Schedule 4 – Easement. This item refers to an easement for Lot 2, Deposited Plan 165744 and is listed on the property title as benefitting Hunter Water Corporation and was registered 12 April 1939.

With an easement already in place, the registration of a Positive Covenant on the land provides Hunter Water Corporation with assurance that if required it still has access rights to its stormwater channel with currently there being no impeding structure located above their asset.

**b. Financial Implications**

Local Government Legal have been engaged as Council's legal representative for the registration of the Positive Covenant. Council's internal Senior Legal and Governance Officer was involved in the legal construction and negotiation of the draft Deed. Expenses for the preparation of the deed and future registration have been covered from within existing operational budgets.

**c. Legislative Implications**

The *Local Government Act* 1993 s377(1)(h) provides as follows:

377 General power of the council to delegate

(1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, other than the following—

(h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment).

With the term "land" defined to include interest in land and the granting of a Positive Covenant the surrender of such interest, a Council resolution is required to execute the Positive Covenant.

Council is committed to providing for the health and safety of all workers and other persons within Council's operations. The modification to the loading dock will enable Council to deliver on its responsibilities in accordance with the *NSW Work Health and Safety Act (2011)*.

**d. Risk Implications**

Hunter Water Corporation on 6 October 2020 undertook an assessment of the stormwater channel underneath the loading dock and was assessed as being in good condition.



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**e. Environmental Implications**

N/A

**f. Other Implications**

The loading dock construction works are earmarked to commence June 2022 and can commence prior to the Positive Covenant process being complete. Within the draft Deed, Item 15.1 (b) advises 'the Council acknowledges and agrees that at all times during the period between the Date of Completion and the date on which the Positive Covenant is registered, it will comply with the terms of the Positive Covenant as if it had been registered'.

**CONCLUSION**

The recommendation to this report will ensure the draft Deed and its requirements are completed and will complete the approval requirements for this work, health and safety matter.

**ENCLOSURES**

- 1** Draft Hunter Water Corporation and Cessnock City Council Works, Monitoring and Maintenance Deed - *This matter is considered to be confidential under Section 10A(2) (di) 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. (The draft Hunter Water Corporation and Cessnock City Council Works and Monitoring Deed is considered to be a legal document. )*

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Report No. CC37/2022

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**SUBJECT:** *DOMESTIC VIOLENCE STRATEGIES AND POLICIES*

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

### **SUMMARY**

This report provides information regarding Council's strategies and policies in relation to Domestic and Family Violence.

### **RECOMMENDATION**

**That Council receives the report and notes the information.**

### **BACKGROUND**

Council at its meeting of 16 March 2022 considered a notice of motion regarding Domestic Violence Strategies and Policies and resolved

***That the General Manager bring back a report to Council outlining the following;***

- a) What strategies and policies does council have relating to Domestic Violence for staff and within the community?***
- b) Does Council have a Gender Equity strategy within Council? If not is there a plan for council to undertake one.***
- c) What programs does council have or are involved in that support the community regarding Domestic Violence?***
- d) What strategies does council have in place to support someone who is experiencing domestic violence in the community?***

### **REPORT/PROPOSAL**

The rational in the notice of motion included that:

- Domestic Violence is an important matter in the broader community.
- The rate of Domestic Violence in the Cessnock Local Government area is of a higher rate compared to other parts of NSW.
- Cessnock Council is the largest employer in the area and we must lead by example.

This report provides Council with information in response to that resolution.

### **Strategies and policies relating to Domestic Violence**

In 2018 Council developed and implemented a Domestic and Family Violence Protocol (Protocol) and Domestic and Family Violence Guidelines which sets out the provisions

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available for staff who are directly affected by domestic and family violence. The Protocol was adopted by Council at its meeting of 18 July 2018.

A further report was provided to Council regarding the finalisation of the Domestic and Family Violence (DFV) Protocol and Guidelines for employees at Council at its meeting of 17 October 2018.

Council provides staff who are directly affected by domestic and family violence with paid leave of up to 10 days per annum. This leave can be used for:

- Legal Assistance
- Court appearances
- Counselling and medical appointments
- Relocation or to make safety arrangements.

Council has also implemented Domestic and Family Violence contact persons across the organisation. Domestic and Family Violence contact persons are staff who have been trained by an accredited provider in how to recognise and appropriately respond to domestic and family violence and can provide support to employees directly affected by domestic and family violence.

In addition, in 2020 the *Local Government (State) Award 2020* introduced provisions for Family and Domestic Leave that are materially the same as the provisions provided for under the adopted Protocol.

**Gender Equity Strategy**

Council has an Equal Employment Opportunity Management Plan which was implemented in 2020 which sets out a range of strategies to ensure Council's commitment to promote and deliver an all-inclusive workforce. The Equal Employment Opportunity Management Plan was adopted by Council at its meeting of 17 June 2020 and is attached in Enclosure 1.

**Council Programs That Support The Community**

Council participates in the annual Cessnock Walks Kawuma event. Cessnock Walks Kawuma is a partnership initiative and includes community members and service providers holding an awareness walk in the Cessnock Central Business District for domestic and family violence.

Council is also a member of a local anti-violence network and in collaboration with service providers deliver on a number of local awareness projects throughout the year, including the 16 days of activism (against violence) campaign.

Also available for application is the annual Dollar for Dollar Council Grant Scheme and includes the funding stream Community and Cultural Development. The program eligibility includes not for profit community groups undertaking projects, activities and events that increase opportunities for community wellbeing. This could include applications for anti-violence projects. Eligible groups are able to apply for up to \$3,000 and the annual funding allocation for the Community and Cultural Development stream over recent years has been \$25,000.

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**Council Strategies That Support Community Members Experiencing Domestic Violence**

At times, Council's youth centre has been used by visiting practitioners to provide support services to young people experiencing family violence. This opportunity remains with office space available for casual use by visiting services that specialise in mental health, drug and alcohol prevention, anti-violence and relationships. Prior to the pandemic the space at Council's youth service by visiting services was highly utilised.

Further, Council makes available to the community and service providers a free online community directory and the listed service contact details are regularly updated. The community directory includes domestic violence services located in the Cessnock Local Government Area and Lower Hunter Area and also listed is the state wide NSW Domestic Violence Line

**OPTIONS**

N/A

**CONSULTATION**

Acting General Manager (Director Corporate and Community Services)  
Community and Cultural Engagement Manager  
Acting Human Resource Manager (Human Resource Operations Coordinator)

**STRATEGIC LINKS**

**a. Delivery Program**

The report aligns with the Community Strategic Plan Cessnock 2027 and the community's desired outcome for a connected, safe and creative community. Within the Plan, is Objective 1.3 'Promoting safe communities' and includes the strategic direction 'our residents and visitors feel safe in the Cessnock local government area.

The 2017-2021 Delivery Program includes action 3.1, 'Participate in collaborative partnerships to prevent crime'.

**b. Other Plans**

The report also aligns with the following plans:

- Cessnock Local Government Area Youth Engagement Strategy 2021-2025
- Equal Employment Opportunity Management Plan

**IMPLICATIONS**

**a. Policy and Procedural Implications**

N/A

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**b. Financial Implications**

N/A

**c. Legislative Implications**

N/A

**d. Risk Implications**

N/A

**e. Environmental Implications**

N/A

**f. Other Implications**

N/A

**CONCLUSION**

Council provides staff affected by domestic and family violence with a range of options for support and has an adopted EEO Management Plan that contains measures relating to Gender Equity.

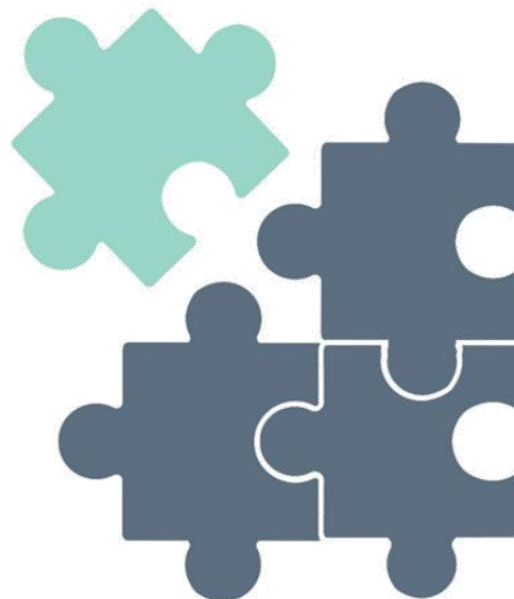
**ENCLOSURES**

[1](#) EEO Management Plan



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## ACKNOWLEDGEMENT OF COUNTRY

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



# General Manager's Message

## EQUALITY IS OUR MESSAGE

The Equal Employment Opportunity Management Plan is an important document for our organisation. I'm proud of the Plan and our continued commitment to diversity and equality. It is critical we continue to operate on these core principles, for both our community and workforce.

This builds on the work Council has already done under the Workforce Plan contained within the Resourcing Strategy 2017-2021. Diversity in the workforce is key to being a successful organisation. Council will continue to embrace opportunities to positively foster current diversity in our workforce and look for opportunities to increase diversity.

This Plan provides a clear pathway for Council to deliver fair and equitable opportunities to all. Increasing awareness about our commitment to diversity amongst existing staff, aligning all relevant policies and monitoring our progress are areas of focus.

As a Council we are a leader and role model for other organisations in our community. We must be transparent and showcase to our community we value a safe, productive, healthy environment that is free from discrimination.

I look forward to working to deliver this Plan and seeing Council's progress and achievements as we remain dedicated to continuous improvement.

**Lotta Jackson**  
General Manager  
Cessnock City Council



# Our Vision

Cessnock City Council (Council) is committed to promoting the principles of diversity and equality within the workforce and community. Council is dedicated to a working environment which is safe, productive, healthy and free from discrimination with a positive awareness of the spirit and intent of discrimination and equal opportunity legislation.

Council is committed to delivering fair and equitable opportunities for all and the Equal Employment Opportunity (EEO) Management Plan 2020 – 2024 is an extension of the commitment Council has previously initiated in the Workforce Plan contained with the 2017-2021 Resourcing Strategy.

Our Key area of focus:

- Align Protocols, procedures and plans to include EEO Principles.
- Develop EEO programs for educational and awareness purposes.
- Collect and capture data to map progress and guide future EEO Strategies.
- Increase the number of people from diverse backgrounds and abilities within Council's workforce.
- Increase the number of women in leadership and senior management positions.
- Improve strategies and educate key stakeholders on diversity within the workforce.

Council continues to have a focus on utilising its increasingly diverse workforce, ensuring that all are treated fairly and are valued for their different contributions. Managing diversity means identifying, valuing, and capitalising on the diversity of Council's workforce in the delivery of its services and operations and can include such characteristics as;

- Leadership or work style
- Race
- Sex
- Ethnicity
- Disability
- Cultural and linguistically diverse backgrounds
- Socio-economic class
- Sexual orientation
- Age
- Religion
- Education background
- Marital/family status

Council has a well-established network of wellbeing contact officers who have been trained in specialised areas including mental health first aid, domestic and family violence and anti bullying, harassment and discrimination. The officers training in anti

bullying, harassment and discrimination provide workers at Council with information and impartial support regarding issues of harassment, bullying, victimisation and discrimination in the workplace. They also promote the message of embracing diversity and anti discrimination and meet on a regular basis to develop workplace initiatives and discuss their ideas on how to promote diversity and anti bullying, harassment and discrimination within the workplace. It is Council's vision that this network continues to build on the fantastic initiatives developed to date and continue to champion the cause of wellbeing within our workforce.

# Our Values & Behaviours



# EEO Management Plan

Cessnock City Council Equal Employment Opportunity Plan is aligned to Council's commitment to promote and deliver an all-inclusive workforce. The EEO Management Plan will continue to support the ongoing mission to develop, mentor and inform staff of the Equal Employment Opportunities responsibilities.

## PROTOCOLS, PROCEDURES AND PLANS

Align Protocols, procedures and plans to include EEO Principals. Communicate and Educate Employees of updated Protocols, procedures and plans.

CCC Strategies	Performance Indicators	Responsibility	Target
<b>Ensure Protocols, Procedures and Plans comply with the EEO Principles.</b>	Review and update Protocols, Procedures and Plans to ensure they promote EEO and diversity values. Ensure existing policies and strategies to address discrimination, harassment and bullying in the workplace are effective and reinforce a culture of acceptance and tolerance for all staff.	Human Resources Governance Coordinator ELT Consultative Committee	June 2021 Ongoing
<b>Deliver Diversity Plan</b>	Develop a workforce Diversity Plan to strengthen the representation, at all levels of the organisation of identifiable groups within the community including those with disability, youth, women, Aboriginal and Torres Strait Islander and people from non-english speaking background. In developing the Plan consider the statistics of the organisation currently as compared to the demographics of the Cessnock Local Government area more broadly and consider trying to better reflect our community.	Human Resources	June 2021
<b>Deliver Reconciliation Action Plan (RAP)</b>	Review and update Protocols, Procedures and Plans to ensure there are no barriers to Aboriginal and Torres Strait Islander employees and future applicants, participating in our workplace.  Continue to report on the progress of the Reconciliation Action Plan to ELT. Review and modify the RAP when necessary.	Organisational Development	June 2021
<b>Deliver Disability Inclusion Action Plan (DIAP)</b>	Ensure the strategies and actions contained within the Disability Inclusion Action Plan are delivered. Continue to report on the progress of the Disability Inclusion Action Plan to ELT.	Organisational Development	June 2021
<b>Promote and communicate Protocols, Procedures and Plans</b>	Develop a communication plan to inform staff of current and updated Protocols, Procedures & Plans.	Organisational Development	June 2021

## EDUCATE AND ENGAGE STAFF

Develop EEO programs for educational and awareness purposes.

CCC Strategies	Performance Indicators	Responsibility	Target
Develop and deliver EEO focused Programs	Create engaging EEO training and educational Programs. Develop and deliver diversity focused learning opportunities to increase understanding.	Organisational Development	June 2022 Ongoing
Include EEO Principles to existing training	Review and update Induction presentations to include EEO principles and expectations.	Organisational Development	June 2021
Include EEO Principles in Safe Work Month Presentation	Promote the importance of EEO principles during Safe Work Month activities by including a guest speaker focused on benefits of a Diverse workforce.	Risk and Safety Coordinator	October 2022
Upgrade the knowledge of Wellbeing Contact Officers	Develop specialised training for Wellbeing officers to capture EEO, Harassment and Bullying complaint handling.	Organisational Development	June 2023

## MEASURING DATA

Collect and capture data to map progress and guide future EEO Strategies.

CCC Strategies	Performance Indicators	Responsibility	Target
Capture EEO data for new starters	EEO data is collected at the onboarding stage.	HR Operations Coordinator Recruitment and Selection HR Assistant	Ongoing
Update EEO data from all staff	Include EEO questions into staff surveys to capture more data and record all data into information management system.	HR Operations Coordinator HR Assistant	June 2021
Review data and report trends	Review collected data from Surveys and report on changes and track trends. Include in HR Metric reporting.	HR Operations Coordinator	Ongoing
Report on specialised Diversity and Inclusion data	Capture data and report on Gender pay gap, Age, racial, and disability findings and establish targets.	HR Operations Coordinator	June 2023



## RECRUITMENT AND SELECTION

Improve strategies and educate key stakeholders to increase a diverse personnel.

CCC Strategies	Performance Indicators	Responsibility	Target
Review Recruitment techniques, selection criteria and interview questions.	Encourage Aboriginal and Torres Strait Islanders and NDIS job seekers to apply. Inviting them to apply by addressing them in targeted advertisements.	Recruitment and Selection	June 2022
Educate key stakeholders in Merit Based Recruitment	Human Resource team members and Hiring Managers to be retrained or trained in Merit Based Selection.	Organisational Development Recruitment and Selection	June 2021
Review and Implement Hiring Manager Guidelines	Develop a Hiring Manager Guide to cover EEO principles, Merit based selection and Diversity inclusion.	Recruitment and Selection	June 2021
Incorporate Diversity Plan actions to Recruitment activities	Consideration to be given of whether positions, as they become vacant are suitable for redesign for part time or job share employment or other flexible work arrangements – to suit women, mature workforce, and whether positions are suitable to be dedicated for an Aboriginal and Torres Strait Islander or person with a disability.	Recruitment and Selection	June 2022 Ongoing
Increase women in leadership positions	Develop and implement a mentoring program for women at Council	Organisational Development	June 2023
Incorporate Disability Inclusion Action Plan strategies to Recruitment activities	People with disability will be provided the same opportunities to obtain and maintain employment at Council. Consideration of a target within the development of the new workforce plan.	Recruitment and Selection	June 2021
Incorporate Reconciliation Action Plan strategies to Recruitment activities	Achieving more sustainable employment opportunities through the delivery of the strategies and actions contained within the Reconciliation Action Plan. Consideration of a target within the development of the new workforce plan.	Human Resources	June 2021

## REVIEW AND REVISE

Revision and amendment of the plan when necessary.

CCC Strategies	Performance Indicators	Responsibility	Target
Review of the EEO Management Plan and its targets	Ongoing management of the EEO Management Plan including reporting of progress, adjustments and achievements.	Human Resources	Ongoing

# Aligning our Mission

The Equal Employment Opportunity Management Plan 2020 – 2024 has been created to comply and align with Part 4 of the NSW Local Government Act 1993 and in particular section 345 an extract of which is shown below.

345 Preparation and implementation of EEO management plans

1. A council must prepare and implement an equal employment opportunity management plan in order to achieve the objects of this Part.

2. The plan is to include provisions relating to:

- (a) the devising of policies and programs by which the objects of this Part are to be achieved, and
- (b) the communication of those policies and programs to persons within the staff of the council, and
- (c) The collection and recording of appropriate information, and
- (d) The review of personnel practices within the council (including recruitment techniques, selection criteria, training and staff development programs, promotion and transfer policies and patterns, and conditions of service) with a view to the identification of any discriminatory practices, and
- (e) the setting of goals or targets, where

these may reasonably be determined, against which the success of the plan in achieving the objects of this Part may be assessed, and

(f) the means, other than those referred to in paragraph (e), of evaluating the policies and programs referred to in paragraph (a), and

(g) the revision and amendment of the plan, and

- 3. An equal employment opportunity management plan may include provisions, other than those referred to in subsection (2), that are not inconsistent with the objects of this Part.
- 4. A council may, from time to time, amend its equal employment opportunity management plan.

The Equal Employment Opportunity Management Plan 2020 – 2024 has also been created to align to the following pieces of state and federal legislation applicable to EEO, diversity and anti-discrimination at Council as well as Council's industrial instruments

- *Australian Human Rights and Equal Opportunity Commission Act 1986*
- *Age Discrimination Act 2004*
- *Sex Discrimination Act 1984*
- *Racial Discrimination Act 1975*
- *Disability Discrimination Act 1992*
- *Fair Work Act 2009*
- *Workplace Gender Equality Act 2012*
- *Privacy and Personal Information Act 1998*
- *Workplace Health and Safety Act 2011*
- *New South Wales Anti-Discrimination Act 1977*
- *New South Wales Industrial Relations Act 1996*
- *New South Wales State Records Act 1998*
- *Local Government Act 1993*
- *Local Government (State) Award 2020*
- *Cessnock City Council Enterprise Agreement 2018*



CESSNOCK CITY COUNCIL



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<http://www.cessnock.nsw.gov.au>



Corporate and Community

Report No. CC38/2022

Corporate and Community Services



**SUBJECT:** *MAYORAL & COUNCILLOR FEES 2022-23*

**RESPONSIBLE OFFICER:** *Chief Finance Officer – Matthew Plumridge*

### **SUMMARY**

The Local Government Remuneration Tribunal (the Tribunal) has released its determination on categories of Councils and the maximum and minimum levels for Mayor and Councillor Fees for 2022-23.

Council is required to set the level of fees to be paid to the Mayor, Deputy Mayor (if applicable) and Councillors for 2022-23 and if Council does not elect to set the fees, then the minimum determination of the Tribunal will apply. Council is classified as a Regional Centre.

### **RECOMMENDATION**

1. That Council sets the annual Mayoral Fee for 2022-23 at \$62,510 in accordance with the provisions of Section 249 of the *Local Government Act 1993*.
2. That Council sets the annual Councillor Fee for 2022-23 at \$25,310 in accordance with the provisions of Section 248 of the *Local Government Act 1993*.
3. That Council sets the Deputy Mayor annual allowance for 2022-23 at \$1,200 with the Mayoral fee adjusted accordingly.

### **BACKGROUND**

Pursuant to Sections 239 and 241 of the *Local Government Act 1993* (the Act), the Tribunal has made its determination for categories of Councils and the maximum and minimum levels for Mayor and Councillor Fees for 2022-23.

Council is required to set the fees to be paid to the Mayor and Councillors and to determine if a separate fee or allowance is to be paid to the Deputy Mayor. If Council does not elect to set the fees, then the minimum determinations of the Tribunal will apply.

### **REPORT/PROPOSAL**

The Tribunal has handed down its determinations pursuant to Section 239 (categorisation of Councils and Mayoral offices) and Section 241 (determination of fees) of the Act. Council is classified in the Regional Centre category.

Each year the Tribunal sets a minimum and a maximum fee for the Mayor and Councillors within each category. It is a matter for each Council to fix the fees payable to the Mayor and Councillors within these ranges.

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**Corporate and Community Services**



The table below shows the descriptive titles for Councils and determinations of the Tribunal for annual fees for 2022-23.

Category		Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
		Minimum	Maximum	Minimum	Maximum
General Purpose Councils - Metropolitan	Principal CBD	\$28,750	\$42,170	\$175,930	\$231,500
	Major CBD	\$19,180	\$35,520	\$40,740	\$114,770
	Metropolitan Large	\$19,180	\$31,640	\$40,740	\$92,180
	Metropolitan Medium	\$14,380	\$26,840	\$30,550	\$71,300
	Metropolitan Small	\$9,560	\$21,100	\$20,370	\$46,010
General Purpose Councils - Non-metropolitan	Major Regional City	\$19,180	\$33,330	\$40,740	\$103,840
	Major Strategic Area	\$19,180	\$33,330	\$40,740	\$103,840
	Regional Strategic Area	\$19,180	\$31,640	\$40,740	\$92,180
	<b>Regional Centre</b>	<b>\$14,380</b>	<b>\$25,310</b>	<b>\$29,920</b>	<b>\$62,510</b>
	Regional Rural	\$9,560	\$21,100	\$20,370	\$46,040
	Rural	\$9,560	\$12,650	\$10,180	\$27,600
County Councils	Water	\$1,900	\$10,550	\$4,080	\$17,330
	Other	\$1,900	\$6,300	\$4,080	\$11,510

\* This fee must be paid in addition to the fee paid to the Mayor as a Councillor (Sec 249(2) of the Act).

The table below shows the minimum and maximum fees applicable for the year commencing 1 July 2022, the current 2021-22 fees, and the fees included in the draft 2022-23 budget. Council has previously determined a Deputy Mayoral allowance of \$1,200.

	Fees as set by Council for 2021-22	Fees as determined by tribunal for 2022-23		Draft Budget 2022-23
		Minimum	Maximum	
Mayor	\$61,280	\$29,920	\$62,510	\$61,282
Councillor	\$24,810	\$14,380	\$25,310	\$25,306

The fees set by Council for the 2020-21 year were the maximum amounts as determined by the Tribunal for that year and were reflective of the category or Regional Rural. Council is now classified as Regional Centre.

Council is required to fix by resolution the annual fees paid to the Mayor and Councillors pursuant to Sections 248 and 249 of the Act. Should Council not determine or fix an annual fee, then in accordance with Sections 248 (4) and 249 (4) the minimum remuneration levels as determined by the Tribunal will apply.

The fees fixed by Council must be in the range determined and it is mandatory for the fees to be paid to the Mayor and Councillors. However, where the payment of an annual fee adversely affects a Councillor's entitlement to a pension, benefit or allowance, the Council may agree to the non-payment or reduction of the annual fee.

Council may pay the Deputy Mayor a fee determined by Council for such time as the Deputy Mayor acts in the office of the Mayor. The amount of such fees so paid must be deducted from the Mayor's annual fee. The fee historically applied to this position has been \$1,200 per annum.

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The draft 2022-23 Operational Plan provided for a Mayoral Allowance of \$61,282 and Councillor Fees of \$328,978 (being \$25,306 per Councillor).

Council has historically applied the maximum allowances and the recommendation in this report is that Council applies the maximum available under the Tribunal determination for the Mayoral Allowance and Councillor Fees, being \$62,510 and \$25,310 respectively, and that the Deputy Mayor allowance be set at \$1,200.

If Council elects to apply the maximum levels available under the determination, a budget adjustment of \$1,280 will be required when the draft 2022-23 Operational plan is adopted.

A link to the Tribunal determination is provided [here](#):

**OPTIONS**

1. Fix a fee structure anywhere between the minimum and maximum levels as determined by the Local Government Remuneration Tribunal.
2. Fix the fees at the minimum determination of the Local Government Remuneration Tribunal (Mayor \$29,920 and Councillor \$14,380). This would result in a budget saving of \$173,400, but fees would be significantly less than current levels.
3. Fix the fees at the maximum determination of the Local Government Remuneration Tribunal (Mayor \$62,510 and Councillor \$25,310). This would have a \$1,280 budget impact.
4. Retain the fee for the Deputy Mayor at \$1,200 or set the fee to a different amount, with the amount of such fee to be deducted from the Mayor's annual fee.

**CONSULTATION**

Acting General Manager (Director Corporate and Community Services)  
Acting Director Corporate and Community Services (Human Resource Manager)  
Chief Finance Officer  
Governance and Council Support Coordinator  
Finance Operations and Administration Coordinator  
Management Accountant

**STRATEGIC LINKS**

**a. Delivery Program**

Councillors are elected to provide strategic leadership for the community. This report is linked to Item 5 - "Civic leadership and effective governance" of the Community's Desired Outcome as adopted in the Community Strategic Plan.

**b. Other Plans**

N/A

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## **IMPLICATIONS**

### **a. Policy and Procedural Implications**

N/A

### **b. Financial Implications**

The recommendation to this report is for the fees to be set at the maximum levels available under the determination and if supported by Council will result in a \$1,280 funding adjustment being required when the draft 2022-23 Operational Plan is adopted.

Superannuation contributions as per Council resolution is to be paid on top of the recommended fees at the Superannuation Guarantee Rate for those Councillors who elect to receive a Superannuation Contribution.

### **c. Legislative Implications**

Councils are required under Sections 248 and 249 of the Act to fix the annual fees to be paid to the Mayor and Councillors. Should Council not determine or fix an annual fee, then in accordance with Sections 248 (4) and 249 (4) the minimum remuneration levels as determined by the Tribunal will apply.

Categorisation of Councils and Mayoral Offices are covered under Section 239 of Act.

Section 241 requires the Local Government Remuneration Tribunal to determine each year the minimum and maximum fees for Councillors and Mayors in each of the categories determined under Section 239.

### **d. Risk Implications**

N/A

### **e. Other Implications**

N/A

## **CONCLUSION**

No obligation exists for Council to accept any increase determined by the Tribunal, provided that the Councillor and Mayoral Fees are set within the prescribed ranges.

Council is required to set the fees to be paid to the Mayor and Councillors and to determine if a separate fee or allowance is to be paid to the Deputy Mayor. If Council does not make an election to set the fees then the minimum determinations of the Tribunal will apply.

## **ENCLOSURES**

There are no enclosures for this report.

Corporate and Community

Report No. CC39/2022

Corporate and Community Services



**SUBJECT:** ***MARCH 2022 REVIEW OF THE 2017-21 DELIVERY PROGRAM***

**RESPONSIBLE OFFICER:** ***Chief Finance Officer - Matthew Plumridge***

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### **SUMMARY**

The purpose of this report is for Council to note the Quarterly update on the progress against Council's 2017-21 Delivery Program in the Operational Plan 2021-22.

### **RECOMMENDATION**

**That Council notes the progress in implementing the 2017-21 Delivery Program as at 31 March 2022.**

### **BACKGROUND**

Section 404(5) of the *Local Government Act 1993* requires the General Manager to provide regular progress reports to Council with respect to progress against the principal activities detailed in its Delivery Program with reports provided at least every six months.

The Quarterly Budget Review Statement required under clause 203 of the *Local Government (General) Regulation 2021*, provide financial information in regards to estimates of income and expenditure and is separately reported to Council.

Council adopted the 2017-21 Delivery Program in June 2017 and the 2021-22 Operational Plan in June 2021. The Delivery Program outlines the activities that Council will undertake to implement the strategies identified in the Community Strategic Plan and is the single point of reference for all principal activities undertaken by an elected Council during its term in office.

At the end of each quarter a report is prepared to assess Councils progress against 2017-21 Delivery Program actions and the Capital Works Program.

### **REPORT/PROPOSAL**

The 2021-22 Operational Plan is a one year plan (the final year of an extended four year 2017-21 Delivery Program) developed to implement the adopted actions from the 2017-21 Delivery Program.

### **2017-21 Delivery Program**

At 31 March 2022, 31 (14%) of the actions (from the Operational Plan) were completed and 140 (62%) were in progress. The in progress actions will continue to be monitored and reported as part of the quarterly review process. 5 Actions are at Risk, 1 Action is Not Progressing and 6 actions are proposed to be carried forward to the next plan.

Table 1 shows the overall status of actions at 31 March 2022.

## Corporate and Community

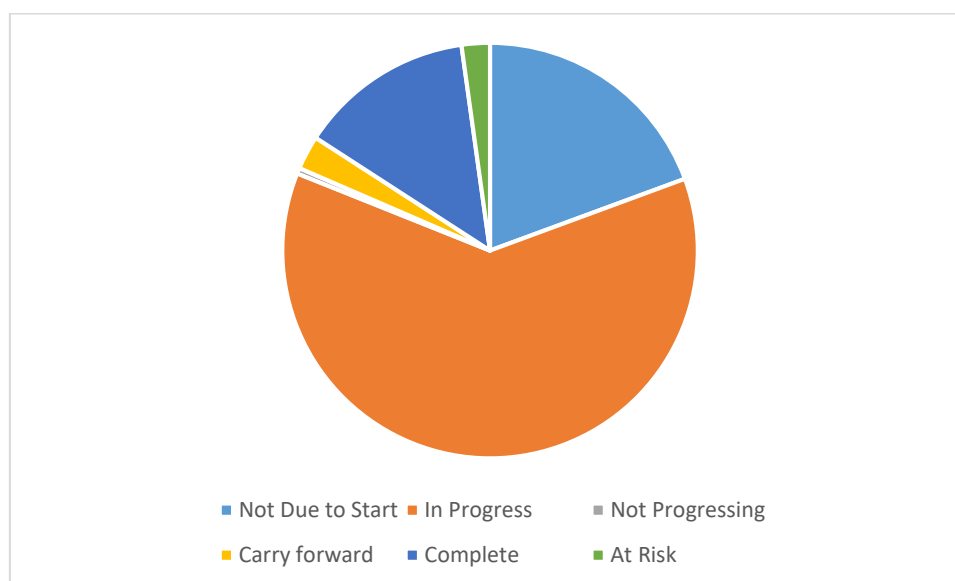
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## Corporate and Community Services



Table 1

	Connected, Safe & Creative Community	Sustainable & Prosperous Economy	Sustainable & Healthy Environment	Accessible Infrastructure, Services & Facilities	Civic Leadership & Effective Governance	Total	%
Not Due to Start	7	1	12	4	20	44	19%
In Progress	36	15	38	16	35	140	62%
Not Progressing	0	0	1	0	0	1	0%
Carry forward	0	0	0	0	6	6	3%
Complete	3	8	1	0	19	31	14%
At Risk	0	1	4	0	0	5	2%
<b>Total</b>	<b>46</b>	<b>25</b>	<b>56</b>	<b>20</b>	<b>80</b>	<b>227</b>	



Details of the projects have been included in **Enclosure 1**.

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## Corporate and Community Services



The At Risk Actions are outlined below:

<b>"At Risk" Measures</b>	<b>Reason</b>	<b>COVID-19 Related</b>
<b>2.1.5: Finalise and commence implementation of the Cessnock Commercial Precinct, Public Domain Plan, DCP and s94 Plan:</b>  Finalise the Hydro Aluminium Planning Proposal, DCP and Section 7.11 Plan  Target: Council adoption by 31 December 2022	DPE has advised that the zoning footprint being used for the draft BCAR is sufficient to proceed.  Awaiting updated traffic study to reflect the proposed zoning.  Report to be prepared for Council consideration June/July	NO
<b>3.1.1: Finalise Cessnock City Planning Strategy and commence implementation:</b>  Finalise the Environmental Lands Study  Target: Final Report by 31 March 2022	Stage 2 on hold due to staff vacancy - recruitment progressing.  Draft planning proposal associated with Stage 1 with DPE for a Gateway Determination (Submitted in December).	NO
<b>3.1.1: Finalise Cessnock City Planning Strategy and commence implementation:</b>  Finalise the Heddon Greta Clifftleigh Corridor Strategy  Target: Adoption of final strategy by 30 June 2022	Draft Plan endorsed by Council for public exhibition at 16 May Council meeting.  Public exhibition from 4 April to 6 May 2022.  3 Community drop in sessions scheduled.	NO
<b>3.17: Manage Council's environmental assets</b>  Identify and map important agricultural land, significant agricultural landscapes and sensitive view sheds.  Target: Adoption of final mapping by 31 December 2021	Project delayed due to availability of the consultant.	NO
<b>3.3.1: Construct and introduce a waste transfer station at Council's Waste Management Centre:</b>  Design a permanent Administration and Education Centre, including staff amenities, for the waste transfer station and landfill operation.  Target: Finalise design of building by October 2021 Prepare tender documentation including specifications by June 2022	Demountable facilities have been introduced on-site to address immediate need and staff requirements.  Design of permanent facilities has been pushed back to better manage available staff resources.	NO

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## Corporate and Community Services



Operational plan actions proposed to be carried forward into the next Operational Plan are:

<b><i>"Carry Forward" Measures</i></b>	<b><i>Reason</i></b>	<b><i>COVID-19 Related</i></b>
<b>5.3.8: Carry out governance functions, provide advice and conduct education programs to comply with legislation and best practice</b>  Review the Fraud & Corruption Control Strategy.  Target: Completed by 31 December 2021	Project has been impacted by resource constraints in the Governance team.  A draft Strategy has been created, but other priorities including NSW Civil & Administrative Tribunal matters, have resulted in this being moved into the next Operational Plan.	NO
<b>5.3.8: Carry out governance functions, provide advice and conduct education programs to comply with legislation and best practice</b>  Review Council's Code of Conduct.  Target: Completed by 31 December 2021	Election deferral impacted this commencing. Required within 12 months of past election. Impacted by other priorities.  Will be completed prior to December 2022	NO
<b>5.3.9: Action the Strategic Property Review</b>  Progress Civic Park project to consolidate Council land and create a large development for adaptive reuse.  Target: Consolidate the site to enable creation of opportunities for underutilized urban land ad to support improved amenity within Cessnock.	Impacted by department resourcing.	NO
<b>5.3.9: Action the Strategic Property Review</b>  To benefit local sporting associations and community service groups, develop and establish a procedural framework for granting long-term tenure of land and facilities designated for community use.  Target: Adoption of a Community Lease Protocol that incorporates assessment tools and responsibility schedules to guide and improve community lease and property management services.	Project has started by has been impacted by department resourcing. Will complete in the next year.	NO



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## Corporate and Community Services



<b><i>"Carry Forward" Measures</i></b>	<b><i>Reason</i></b>	<b><i>COVID-19 Related</i></b>
<b>5.3.11: Continue implementation of the Financial Sustainability Initiative projects</b>  Continue to enhance Council's Contractor Management to ensure value for money principles can be achieved.  Target: Carry out a review of the contract/agreement documents with the view to strengthen them in line with framework by June 2022. Implementation of quarterly contractor meeting with Council high spend and high risk areas by June 2022.	Impacted by department resourcing.	NO
<b>5.3.12: Continue to improve financial systems and services to support the organisation.</b>  Collaborate on integration opportunities between project management tools/systems with Authority and PULSE.  Target: Identify possible options which will streamline current processes and improve data by June 2022.	Impacted by department resourcing.	NO

**2021-22 Capital Works Program**

At 31 March 2022, 20 of the projects from the 2021-22 Capital Works Program were completed, 64 were on track. 18 projects are proposed to be carried forward to the next program, 4 are at risk and 5 are not due to start.

## Corporate and Community

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## Corporate and Community Services



Table 2 shows a summary the overall status of projects at 31 March 2022.

Table 2

Program	Complete	On track	At Risk	Carry forward	Not due to Start	Total
Community Buildings Construction (CBC)	2	1	-	-	-	3
Recreation Buildings Construction (CBR)	3	-	-	-	-	3
Bridge Construction Program (CBS)	-	4	-	1	-	5
Drainage Construction Program (CDR)	1	5	1	3	-	10
Cemeteries Facilities Construction (CFC)	1	1	-	-	-	2
Recreation Facilities Construction (CFR)	2	4	3	1	-	10
Traffic Facilities Program (CFT)	1	4	-	1	-	6
Waste Facilities Construction (CFW)	-	1	-	3	-	4
Pathway Construction (CPW)	-	4	-	-	-	4
Local Road Construction (CRL)	-	1	-	-	-	1
Safer Roads (CRR)	-	2	-	-	-	2
Signage/Vineyard Roads (CRV)	1	-	-	-	-	1
Branxton Town Centre (CTB)	-	4	-	-	-	4
Kurri Kurri Town Centre (CTK)	1	1	-	1	-	3
Pre-Construction Design (DCP)	-	2	-	-	-	2
Airport Construction (PCA)	1	2	-	-	3	6
Floodplain Management (PMF)	-	7	-	1	-	8
Airport Renewal (PRA)	-	1	-	-	-	1
Cultural and Community Buildings (RBC)	1	5	-	-	-	6
Recreation Buildings Renewal (RBR)	-	1	-	1	-	2
Cessnock Civic Revitalisation (RCC)	-	1	-	-	-	1
Pools Facilities Renewal (RFP)	1	1	-	-	1	4
Recreation Facilities Renewal (RFR)	2	2	-	-	1	5
Gravel Rehab & Resheeting (RRG)	-	1	-	-	-	1
Local Road Renewal (RRL)	-	9	-	4	-	13
Regional Road Renewal (RRR)	1	1	-	2	-	4
<b>Total</b>	<b>20</b>	<b>64</b>	<b>4</b>	<b>18</b>	<b>5</b>	<b>111</b>

## Projects identified as At Risk

Strategy	Action	Commentary
<b>CDR: Drainage Construction Program</b>	Cruickshank St Bellbird – drainage upgrade	Resources constraints are impeding delivery
	Phase 2 detail design	
<b>CFR: Recreation Facilities Construction Program</b>	East End Oval – Construction of Retaining Wall	Works should commence in the fourth quarter, but likely to complete in 2023 financial year.
<b>CFR: Recreation Facilities Construction Program</b>	Carmichael Park Bellbird - Masterplan	Carmichael Park Masterplan adopted - Awaiting for boundary adjustment to be finalised. Fencing works to commence once this is completed. Additional Carmichael Park masterplan works are progressing. New sporting facilities (4 bay cricket nets, multi purpose court and rebound wall) tender is going to Council in May 2022.
<b>CFR: Recreation Facilities Construction Program</b>	Crawfordville Community Hall, Millfield - Skate Park Stage 2 - Construction	Works should commence in the fourth quarter but likely to be completed in the next financial year.

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The table below outlines projects being carried forward to the 22-23 Capital Works Program:

<b>Program</b>	<b>Capital Action</b>
<b>CBS: Bridge Construction Program</b>	Cuneens Bridge, Wollombi - Phase 3 Demolition
<b>CDR: Drainage Construction Program</b>	Northcote Street, Kurri Kurri - Phase 1 Investigation and design
<b>CDR: Drainage Construction Program</b>	Keelendi Street, Bellbird - Phase 1 Investigate & Design
<b>CDR: Drainage Construction Program</b>	Various - Roadside Drainage Program
<b>CFR: Recreation Facilities Construction Program</b>	Poppethead Park Kitchener - Masterplan implementation
<b>CFT: Traffic Facilities Program</b>	Kerlew Street and Occident Street, Nulkaba Phase 1 Investigation and design Phase 2 Detailed design Phase 3 Construct
<b>CFW: Waste Facilities Construction Program</b>	Cessnock Waste Management Centre - Education and Administration Building - Construction
<b>CFW: Waste Facilities Construction Program</b>	Cessnock Waste Facility New Landfill Development – Design
<b>CFW: Waste Facilities Construction Program</b>	Cessnock Waste Management Centre - Remediation - Stage 1 Capping Design
<b>CTK: Kurri Kurri Town Centre Program</b>	Lang Street, Kurri Kurri - Upgrade Town Centre Stage 1 - Phase 2 Detailed Design & Phase 3 Construct
<b>PMF: Floodplain Management Program</b>	Black Creek, Restoration Plan Phase 1 Investigate & Design Strategies
<b>RBR: Recreation Buildings Renewal Program</b>	Cessnock Sportsground - Replacement of Grandstand Seating
<b>RRL: Local Road Renewal Program</b>	Aberdare St, Kitchener - Renew Stage 2 from from Abermain to Abernethy - Phase 2 Detailed design and Phase 3 Construct
<b>RRL: Local Road Renewal Program</b>	Old Maitland Road, Sawyers Gully - Sealing unsealed section fo road at the northern end of Old Maitland Road Phase 1 Investigate & design, Phase 2 Detailed Design, Phase 3 Construct
<b>RRL: Local Road Renewal Program</b>	Various - Renew car parks - Phase 2 Detailed design - Construct
<b>RRL: Local Road Renewal Program</b>	Deasy's Road, Pokolbin - Renew Road Stage 2 - Phase 2 Detailed Design, Phase 3 Construct

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RRR: Regional Road Renewal Program	Great North Road - Ramsays Leap Slope Stabilisation Phase 2 Detailed Design, Phase 3 Construct
RRR: Regional Road Renewal Program	Wollombi Road, Millfield - Renew road Stage 7.2 from Hayes Road 1269m towards Cedar Creek Road Millfield - Phase 1 Investigate & design, Phase 2 Detailed design and Phase 3 Construct

Detailed information on the Capital Works Program is included in **Enclosure 2**.

**OPTIONS**

N/A

**CONSULTATION**

The Acting General Manager, Directors, Managers and Coordinators provided the information for this report and its enclosures.

**STRATEGIC LINKS**

**a. Delivery Program**

This report is part of the organisation's governance framework – providing feedback on the progress against the key plans adopted by Council. This is in line with the community's desired outcome of: *"Civic Leadership and Effective Governance."*

**b. Other Plans**

N/A

**IMPLICATIONS**

**a. Policy and Procedural Implications**

N/A

**b. Financial Implications**

The quarterly budget review forecasts are reported separately to Council.

**c. Legislative Implications**

This report satisfies the requirements of Section 404 of the *Local Government Act 1993*.

**d. Risk Implications**

N/A

**e. Other Implications**

N/A

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### **CONCLUSION**

The review of the 2017-21 Delivery Program against the Operational Plan 2021-22, for the quarter ended 31 March 2022, is submitted for Council's consideration.

### **ENCLOSURES**

- 1 [↓](#) March 2022 - Operational Plan Action Update (Provided under Separate Cover)
- 2 [↓](#) March 2022 - Capital Programs Update (Provided under Separate Cover)

# Placeholder for Enclosure 1

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March 2022 - Operational Plan Action Update (Provided  
under Separate Cover)

## Placeholder for Enclosure 2

Corporate and Community No. CC39/2022

March 2022 - Capital Programs Update (Provided under  
Separate Cover)

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Corporate and Community Services



**SUBJECT:** *INVESTMENT REPORT - APRIL 2022*

**RESPONSIBLE OFFICER:** *Chief Finance Officer – Matthew Plumridge*

### **SUMMARY**

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

### **RECOMMENDATION**

**That Council receives the Investment Report for April 2022 and notes that:**

- **Investments are held in accordance with Council's Investment Policy, which is in accordance with the Ministerial Investment Order.**
- **Council's month end cash and investments balance was \$76,952,346.**

### **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**

The Responsible Accounting Officer has certified that this report is produced in accordance with Clause 212 of the *Local Government (General) Regulation 2021* and that all investments have been made in accordance with the *Local Government Act 1993*, *Local Government (General) Regulation 2021* and Council's Investment Policy.

#### **General Investment Commentary**

Council monitors and manages its cash and investment portfolio by taking into consideration credit ratings of financial institutions, interest rates offered for periods of investment, counterparty exposures and cash flow requirements.

Following assessment of projected cash flow requirements, surplus funds are invested in accordance with Council's Investment Policy. Investment cash returns of the portfolio to the end of April 2022 was 0.42%, exceeding the benchmark of 0.09 % of the Investment Policy.

Interest rates have started to increase compared to previous unprecedented low levels of the past 2 years. The official cash rate of the Reserve Bank of Australia (RBA) has been increased to 0.35% during a scheduled RBA Board meeting held on 3 May 2022. This is an increase of 0.25% from earlier rate of 0.10% since November 2020. Returns will continue to be monitored and any adjustment to budgeted income will be reported in future quarterly budget reviews.



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**Investment Portfolio Information****Table 1** Total cash and investments held by Council as at 30 April 2022

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			0.00%	9,411
	Commonwealth Bank	At Call			0.01%	41
1243	AMP Bank	At Call			0.50%	500
1358d	National Bank	TD	330	25-May-22	0.36%	1,000
1369c	National Bank	TD	367	20-May-22	0.37%	1,000
1410b	National Bank	TD	442	15-Dec-22	0.40%	1,000
1434a	Macquarie bank	TD	365	22-Sep-22	0.40%	1,000
1435a	National Bank	TD	392	06-Oct-22	0.40%	1,000
1436a	National Bank	TD	400	20-Oct-22	0.40%	1,000
1437a	National Bank	TD	435	15-Dec-22	0.42%	1,000
1443a	Suncorp Bank	TD	289	02-Jun-22	0.33%	1,000
1445b	Commonwealth Bank	TD	350	09-Jun-22	0.41%	1,000
1446a	Suncorp Bank	TD	378	08-Sep-22	0.35%	1,000
1449a	Commonwealth Bank	TD	364	07-Jul-22	0.42%	1,000
1450	National Bank	TD	371	12-May-22	0.37%	1,000
1457	Macquarie bank	TD	360	16-Jun-22	0.40%	1,000
1458b	Commonwealth Bank	TD	173	23-Jun-22	0.42%	1,000
1459b	Commonwealth Bank	TD	179	29-Jun-22	0.42%	1,000
1460	Macquarie bank	TD	369	29-Jun-22	0.40%	1,000
1462	Bank of Queensland	TD	278	04-May-22	0.40%	1,500
1463	TCorp	Growth fund			0.00%	4,000
1464	Macquarie bank	TD	329	14-Jul-22	0.40%	1,000
1466	National Bank	TD	329	14-Jul-22	0.32%	1,000
1467	Suncorp Bank	TD	364	18-Aug-22	0.35%	1,500
1469	Commonwealth Bank	TD	324	21-Jul-22	0.39%	1,000
1470	Macquarie bank	TD	378	22-Sep-22	0.40%	1,000
1471	Macquarie bank	TD	392	06-Oct-22	0.40%	1,000
1472	AMP Bank	TD	735	14-Sep-23	0.75%	1,000
1473	National Bank	TD	399	20-Oct-22	0.40%	2,000
1474	Westpac Bank	TD	448	12-Jan-23	0.42%	4,000
1475	Westpac Bank	TD	462	09-Feb-23	0.50%	4,000
1476	Westpac Bank	TD	476	16-Mar-23	0.56%	4,000
1477	National Bank	TD	490	13-Apr-23	0.80%	4,000
1478	Suncorp Bank	TD	518	15-Jun-23	0.90%	3,000
1479	Commonwealth Bank	TD	282	10-Nov-22	0.59%	3,000
1480	Commonwealth Bank	TD	441	11-May-23	1.05%	3,000
1481	AMP Bank	TD	490	13-Jul-23	1.35%	4,000
1482	Macquarie Bank	TD	110	12-Jul-22	0.55%	3,000
1483	Commonwealth Bank	TD	533	12-Oct-23	2.81%	4,000
<b>TOTAL</b>						<b>76,952</b>

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**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%	15,000	22.22%
Westpac Bank	A1+	25%	12,000	17.78%
National Bank	A1+	25%	14,000	20.74%
Suncorp Bank	A1	25%	6,500	9.63%
Macquarie Bank	A1	25%	9,000	13.33%
AMP Bank	A2	10%	5,500	8.15%
Bank of Queensland	A2	10%	1,500	2.22%
TCorp	Unrated	10%	4,000	5.93%
<b>TOTAL</b>			<b>67,500</b>	<b>100.00%</b>

In accordance with the current Investment Policy, figures in Table 2 above exclude cash balances in Council's main operating account held with Commonwealth Bank of Australia.

**Investment in NSW Treasury Corporation (TCorp)**

During August 2021, Council invested an amount of \$4M in TCorp's Investment Management (TCorplM) Medium Term Growth Fund, in line with Council's Investment Policy. TCorplM Funds are specifically designed to meet the needs of NSW public sector clients. The fund strategy is to provide a balanced exposure to growth and defensive assets, with medium return potential over the medium term and with moderate risk of negative annual returns. The minimum suggested timeframe for investment in the fund is 3-7 years however Council may redeem its investment at any time.

TCorp operates pooled funds, whereby its clients' investments are combined with those of other investors. This pool is used to buy investments that are managed on behalf of all investors in the fund. TCorplM Funds are unit trusts. Upon investing in a fund, investors are allocated units in the fund. The value of an investment in the fund will vary as the fund's daily unit price changes to reflect increases or decreases in the market value of the fund's underlying assets.

Distributions are made annually and are automatically reinvested into the fund to buy additional units. Each month Council accrues estimated returns based on statements from TCorp. The April preliminary accrued return was -1.24% leading to a year to date negative return of -5.03%. As the investment was only placed in August 2021 there have not been any distributions received. Rates of return will fluctuate each month and possibly be negative from time to time with the medium term investment horizon.

The fund performance summary as at 31 March 2022 is provided below. The April 2022 data was not yet available at the time of preparing this report. The benchmark used by TCorp is CPI + 2.00% p.a. (over rolling 7 years).

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**Table 3** NSW Treasury Corporation Performance Summary

	10 year (% pa)	7 year (% pa)	3 year (% pa)	1 year %	FYTD %	1 month %
TCorplm Medium Term Growth Fund	5.22	3.63	3.21	1.73	-1.82	-1.35
Benchmark: CPI + 2.0% p.a. (over rolling 7 years)	4.12	3.96	4.29	5.36	4.32	0.51
Return above benchmark p.a.	1.10	-0.33	-1.08	-3.63	-6.14	-1.86

**Table 4** 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	63,000	81.87%
Cash/At Call Deposits	Low	Low	9,952	12.93%
Capital Growth Fund	Medium	Medium	4,000	5.20%
<b>TOTAL</b>			<b>76,952</b>	<b>100.00%</b>

**Table 5** 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)	0.42%	0.82%
BBSW Average Interest Rate (year to date) *	0.09%	0.05%
Actual Investment Interest Earned (for the current month)	\$31,643	\$21,038
Actual Investment Interest Earned (year to date)^	\$217,093	\$317,994
Budget Investment Interest (year to date)	\$175,000	\$270,830
Original Budget Investment Interest (annual)	\$210,000	\$325,000
TCorp unrealised movement (year to date)	-5.03%	-

Investment and Cash Balances (Par Value)	This Year	Last Year
Opening Balance as at 1 July 2021	\$54,388,548	\$47,140,822
Month End Balance as at 30 April 2022	\$76,952,346	\$47,621,694

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

^ Excludes TCorp accrued returns, these will be included once half year distributions are realised

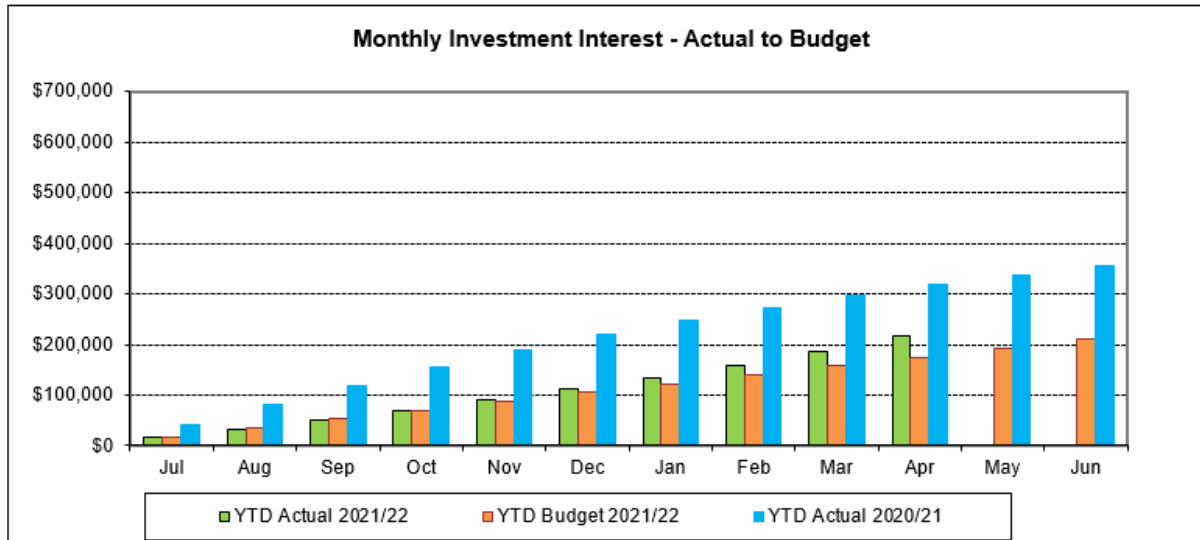
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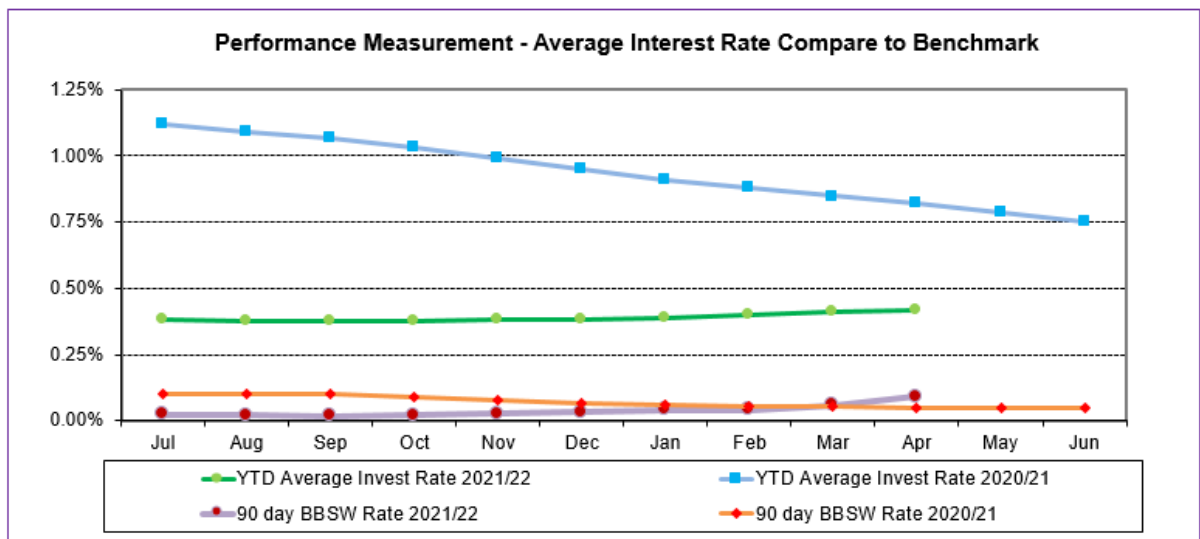
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**Graph 1** Actual Term Deposit interest earned compared to budget for this year and last year



**Graph 2** Current year Term Deposit portfolio performance to prior year performance



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**Table 6** Internal and external restrictions over cash and investments held

Month End Totals \$'000	Apr 2022	Mar 2022	Feb 2022	Jan 2022	Dec 2021	Nov 2021
Developer contributions	24,619	24,513	22,487	22,622	22,684	21,036
Committed developer contributions	1,236	1,366	2,562	2,627	2,396	2,830
RMS contributions	817	820	982	993	993	866
Specific purpose unexpended grants	6,769	7,063	6,954	7,051	6,454	5,192
Domestic waste management reserve	430	430	430	430	430	430
Stormwater management	472	574	764	674	691	622
<b>External Restrictions</b>	<b>34,343</b>	<b>34,766</b>	<b>34,179</b>	<b>34,397</b>	<b>33,648</b>	<b>30,976</b>
Month End Totals \$'000	Apr 2022	Mar 2022	Feb 2022	Jan 2022	Dec 2021	Nov 2021
Plant and vehicle replacement	2,941	3,105	3,031	2,935	2,935	2,961
Employees leave entitlement	2,840	2,814	2,870	2,838	2,838	2,897
Carry over works	1,140	1,296	1,317	1,429	1,430	1,285
Bridge replacement	644	644	644	499	499	595
Insurance provisions	1,282	1,284	1,292	1,413	1,413	1,301
Miscellaneous and property	185	185	169	169	169	169
Grant Fund Leverage	101	132	140	179	179	179
Operations and programs	743	743	743	688	688	688
Property investment fund	3,225	3,224	268	283	294	312
Civil Works	2,634	2,452	2,480	2,518	2,510	2,458
Waste depot and rehabilitation	6,833	6,833	6,833	6,833	6,833	6,833
Unexpended loan funds	85	85	85	97	117	167
Committed projects (SRV)	1,107	1,746	1,371	1,309	1,350	1,502
Security deposits and bonds	3,726	3,638	3,585	3,563	3,639	3,644
Financial Assistance Grant in Advance	6,115	0	0	0	0	0
<b>Internal Restrictions</b>	<b>33,601</b>	<b>28,181</b>	<b>24,828</b>	<b>24,753</b>	<b>24,894</b>	<b>24,991</b>
<b>Unrestricted</b>	<b>9,008</b>	<b>8,754</b>	<b>12,187</b>	<b>8,859</b>	<b>10,436</b>	<b>13,484</b>
<b>Total Cash &amp; Investments</b>	<b>76,952</b>	<b>71,701</b>	<b>71,194</b>	<b>68,009</b>	<b>68,978</b>	<b>69,451</b>

Externally restricted funds have decreased by \$0.42m due to decrease in unexpended grants. Internally restricted funds have increased by \$5.42m with decrease in committed projects by \$0.63m and receipt of Financial Assistance Grant in advance of \$6.11m.

It is expected that cash will continue to be satisfactory with increases towards the end of May as the next rates instalment due date approaches. Council levies rates up front in July with the option of quarterly payments due at the end of August, November, February and May, driving higher levels of cash balances at those times.

The overall level of cash and investments generally remains relatively stable with increases during months when rate instalments are due (August, November, February and May). Monthly expenditure is relatively static throughout the year, with the exception where major payments are made for such things as contracts, insurances or other significant items.

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Restrictions over cash and investments are subject to change and will only be final once audited and published in the annual financial statements.

**CONSULTATION**

Director Corporate and Community Services  
Chief Finance Officer  
Management Accountant  
Finance Operations & Administration Coordinator  
Finance staff

**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.

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Investments are held in accordance with Council's Investment Policy.

**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 from developer contributions, payments in advance for grant projects, Domestic Waste Management, and stormwater management income to be applied to specific purposes and not available for general operational projects.

**c. Legislative Implications**

This report meets Council's statutory obligations under the *Local Government (General) Regulation 2021* and the *Local Government Act 1993*.

**d. Risk Implications**

Investment risks are detailed within this report.

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**e. Other Implications**

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

**CONCLUSION**

The report details investments held at month end and meets Councils reporting obligations.

**ENCLOSURES**

There are no enclosures for this report.

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Report No. CC41/2022

Corporate and Community Services



**SUBJECT:** *DISCLOSURES OF INTERESTS IN WRITTEN RETURNS*

**RESPONSIBLE OFFICER:** *Chief Finance Officer – Matthew Plumridge*

### **SUMMARY**

Clause 4.24 of Council's Code of Conduct (the Code) 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 and Clause 4.21 requires that such returns are to be lodged with the General Manager within 3 months after becoming a Councillor or designated person.

The purpose of this report is to table returns received from designated persons for the period 1 February 2022 – 30 April 2022.

### **RECOMMENDATION**

**That Council notes the tabling of the disclosures of interests written returns for the period 1 February 2022 – 30 April 2022 in accordance with Council's Code of Conduct.**

### **BACKGROUND**

Part 4 of the Code governs matters concerning pecuniary interests and disclosures of interests in written returns. The General Manager must keep a register of returns lodged and table them at a meeting of Council.

### **REPORT/PROPOSAL**

Clause 4.21 of the Code 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 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 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*



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*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 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.

Returns in this period have been received from:

Designated Staff
Nicole Benson - Acting Infrastructure Manager

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). To book an appointment to view the register, please e-mail [council@cessnock.nsw.gov.au](mailto:council@cessnock.nsw.gov.au) with your requested inspection time.

**OPTIONS**

N/A

**CONSULTATION**

Designated persons were provided the Self-Help Guide from the Office of Local Government to assist them in the completion of their returns.

**STRATEGIC LINKS**

**a. Delivery Program**

Completion of the written returns for the period 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 2017-2021 – *continue to educate staff on statutory compliance obligations*, and
- strategic action 5.3.7 within the Operational Plan 2020-2021 – *continue to educate staff on statutory compliance obligations*.

**b. Other Plans**

N/A

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Clause 4.24 of the Code 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.

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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.

At all other times, the register of returns is available for inspection in accordance with the *Government Information (Public Access) Act 2009 (NSW)*. To book an appointment to view the register, please e-mail [council@cessnock.nsw.gov.au](mailto:council@cessnock.nsw.gov.au) with your requested inspection time.

**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.

**ENCLOSURES**

There are no enclosures for this report

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**SUBJECT:** *RESOLUTIONS TRACKING REPORT*

**RESPONSIBLE OFFICER:** *Chief Finance Officer - Matthew Plumridge*

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**SUMMARY**

The enclosure contains pending actions from previous meetings as well as completed actions for period 13 April 2022 to 9 May 2022.

**RECOMMENDATION**

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

**ENCLOSURES**

- 1 Completed Actions
- 2 Outstanding Actions

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 18/11/2020	Waghorn, Peter	Paynes Crossing Bridge - Acquisition of Land	18/05/2022	23/11/2020	28/04/2022
WI90/2020		Allan, Darrylen				
<p><b>30 Nov 2020 11:52am Kerr, Katrina</b> Item 1 – Progressed acquisition., Item 2 – Awaited acquisition to execute documents.</p> <p><b>01 Apr 2021 5:19pm Leayr, Renae - Email</b> Action Item - Paynes Crossing Bridge - Acquisition of Land</p> <p><b>28 Apr 2021 10:29am Rathborne, Michael - Target Date Revision</b> Target date changed by Rathborne, Michael from 17 March 2021 to 30 June 2021 - Easement documentation sent to client for signature after final plans provided.</p> <p><b>25 Jun 2021 12:28pm Keegan, Robyn - Target Date Revision</b> Target date changed by Keegan, Robyn from 30 June 2021 to 31 August 2021 - Survey requirements for private land acquisition deferred until W&amp;I project managers establish if land acquisition or consent is required for works planned on a portion of existing road situated on land owned by Rail Authority.</p> <p><b>02 Sep 2021 3:11pm Keegan, Robyn - Target Date Revision</b> Target date changed by Keegan, Robyn from 31 August 2021 to 29 October 2021 - Requirement for land acquisition/consent for works planned on Rail Authority land not yet determined.</p> <p><b>11 Oct 2021 3:07pm Keegan, Robyn - Target Date Revision</b> Target date changed by Keegan, Robyn from 29 October 2021 to 17 December 2021 - No further update available.</p> <p><b>26 Oct 2021 2:18pm Keegan, Robyn - Target Date Revision</b> Target date changed by Keegan, Robyn from 17 December 2021 to 25 February 2022 - Advised by Chief Financial &amp; Administration Officer no update was available but will investigate the completion date.</p> <p><b>25 Jan 2022 12:12pm Waghorn, Peter</b> Request for payment of compensation due to Mr I McDonald processed. Deposited plans to adjust boundaries related to the land swap and dedicate the road are pending registration.</p> <p><b>29 Mar 2022 7:55am Boughton-Ingham, Petra</b> 28 Mar 2022 Peter Waghorn, Compensation due to Mr Ian McDonald was paid last month. The plan that will dedicate a portion of his land for road purposes and also exchange / transfer CCC-owned land to Mr McDonald has been registered.</p> <p><b>12 Apr 2022 10:20am Keegan, Robyn - Target Date Revision</b> Target date changed by Keegan, Robyn from 25 February 2022 to 18 May 2022 - Compensation due to Mr Ian McDonald was paid last month. The plan that will dedicate a portion of his land for road purposes and also exchange / transfer CCC-owned land to Mr McDonald has been prepared for registration with Land Registry Services.</p> <p><b>28 Apr 2022 4:06pm Waghorn, Peter - Completion</b> Action completed by Waghorn, Peter</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 21/07/2021	Jeffery, Warren	East Branxton Footpath Cycleway Project	30/04/2022	23/07/2021	2/05/2022
BN19/2021		Moloney, David				
<p><a href="#">1776</a></p> <p><b>05 Aug 2021 10:03am Cocking, Tracey</b> Item 1 - Scheduled 2 reports to Ordinary meeting of Council for September 2021 in response to the 2 petitions tabled at July's Ordinary meeting relating to pathway at Branxton and East Branxton.</p> <p><b>03 Sep 2021 8:48am Cocking, Tracey</b> Item 1 - Progressed 2 reports in response to 2 petitions in line with available resources.</p> <p><b>26 Oct 2021 2:20pm Meyers, Kristy</b> Item 1 - Reports being prepared to present to the new Council as per Council resolution.</p> <p><b>04 Feb 2022 1:04pm Cocking, Tracey</b> Item 1 - Report to be present at April 2022 Ordinary meeting.</p> <p><b>22 Feb 2022 11:34am Cocking, Tracey</b> Item 1 - Submitted application under the TfNSW Walking &amp; Cycling Program 2022 for \$206,000 funding of detailed design for shared pathway on Dalwood Street, East Branxton.</p> <p><b>02 May 2022 3:40pm Cocking, Tracey</b> Item 1 - Scheduled report to Ordinary Meeting of 18 May 2022.</p> <p><b>02 May 2022 3:42pm Jeffery, Warren - Completion</b> Action completed by Cocking, Tracey</p>						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 18/08/2021	Jeffery, Warren	Pedestrian Access Elizabeth Street, Abermain	25/05/2022	23/08/2021	2/05/2022
BN21/2021 <a href="#">1799</a> <b>03 Sep 2021 9:08am Cocking, Tracey</b> Item 1 - Commenced investigation in preparation of consultation. <b>27 Oct 2021 2:10pm Cocking, Tracey</b> Item 1 - Commenced investigation and drafted concept plans for consultation purposes. <b>04 Feb 2022 1:03pm Cocking, Tracey</b> Item 1 - Drafted concept plans and community consultation due to commence mid February 2022. <b>22 Feb 2022 11:30am Cocking, Tracey</b> Item 1 - Commenced community consultation on 16 February 2022, submissions close 3 March 2022. <b>04 Apr 2022 2:16pm Cocking, Tracey</b> Item 1 - Scheduled Report to Ordinary meeting of Council for May 2022. <b>02 May 2022 3:43pm Jeffery, Warren - Completion</b> Action completed by Cocking, Tracey						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 16/02/2022	Moloney, David	Cooper Street/Charlton Avenue Intersection	20/04/2022	21/02/2022	27/04/2022
BN2/2022 <a href="#">44</a> <b>07 Mar 2022 12:10pm Meyers, Kristy</b> Councillor Briefing scheduled for 6 April 2022. <b>27 Apr 2022 9:12am Meyers, Kristy</b> W118/2022 Report prepared for 20 April 2022 Council meeting and deferred. Refer to W118/2022 for future report. <b>27 Apr 2022 9:28am Moloney, David - Completion</b> Action completed by Meyers, Kristy						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 16/02/2022	Bent, Geoffrey	Frame Drive and Gingers Lane Roadworks	20/04/2022	21/02/2022	2/05/2022
BN3/2022 <a href="#">45</a> <b>07 Mar 2022 12:11pm Meyers, Kristy</b> Councillor Briefing scheduled for 6 April 2022. <b>02 May 2022 9:14am Bamford, Nicole</b> Report prepared to Council 20 April 2022 <b>02 May 2022 9:16am Bent, Geoffrey - Completion</b> Action completed by Bamford, Nicole						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 16/03/2022	Eveleigh, Nathan	RV Dumping Point - Turner Park	18/05/2022	23/03/2022	27/04/2022
BN10/2022 <a href="#">89</a>		Moloney, David				
<b>28 Mar 2022 11:14am Eveleigh, Nathan</b> Costings and report being prepared for the May Council meeting. <b>28 Mar 2022 11:15am Eveleigh, Nathan - Target Date Revision</b> Target date changed by Eveleigh, Nathan from 13 April 2022 to 18 May 2022 - Resolution is to prepare a report for May meeting. <b>27 Apr 2022 11:19am Eveleigh, Nathan - Completion</b> Action completed by Eveleigh, Nathan						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 16/03/2022	Eveleigh, Nathan	Richmond Vale Rail Trail	18/05/2022	23/03/2022	27/04/2022
BN14/2022 <a href="#">93</a>		Moloney, David				
<b>27 Apr 2022 11:20am Eveleigh, Nathan - Completion</b> Action completed by Eveleigh, Nathan						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 20/04/2022	Hawkins, Paige	Development Application 8/2021/21319/1 proposing Phased Development - Phase 1: Use of Existing Open Air Structure as Function Centre, Change of Use of Existing Shed to Amenities Building, and Construction of Storage Shed Phase 2: Enclosure of Open...	18/05/2022	26/04/2022	5/05/2022
PE20/2022 <a href="#">60</a>		Mickleson, Peter				
<b>27 Apr 2022 10:05am Hawkins, Paige</b> Notice of determination being prepared. <b>05 May 2022 11:28am Hawkins, Paige - Completion</b> Action completed by Blake, Yvonne						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 20/04/2022	Allan, Darrylen	Minutes of the Organisation and General Managers Review Committee Meeting Held on 9 March 2022	18/05/2022	26/04/2022	29/04/2022
MM6/2022 <a href="#">68</a>		Allan, Darrylen				
<b>29 Apr 2022 10:37am Larsen, Robyn</b> All relevant actions complete. <b>29 Apr 2022 10:38am Allan, Darrylen - Completion</b> Action completed by Larsen, Robyn						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 20/04/2022	Allan, Darrylen	Amendments to the Organisational and General Manager's Performance Review Committee Charter and Membership	18/05/2022	26/04/2022	29/04/2022
MM7/2022 <a href="#">69</a> <b>29 Apr 2022 10:36am Larsen, Robyn</b> Organisational and General Managers Performance Review Committee Charter updated 28/4/2022 <b>29 Apr 2022 10:36am Allan, Darrylen - Completion</b> Action completed by Larsen, Robyn		Allan, Darrylen				

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 20/04/2022	Varghese, Arun	Minutes of the Audit and Risk Committee meeting held 23 February 2022	18/05/2022	26/04/2022	26/04/2022
GMU11/2022 <a href="#">72</a> <b>26 Apr 2022 11:28am Varghese, Arun - Completion</b> Action completed by Varghese, Arun		Maginnity, Robert				

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 20/04/2022	Ryl, Julia	Development Application 8/2020/20942/1 Proposing the Phased Construction of an Animal Boarding and Training Establishment for One-Hundred (100) Dogs	18/05/2022	26/04/2022	5/05/2022
PE19/2022 <a href="#">73</a> <b>27 Apr 2022 10:07am Maher, Janine</b> Notice of determination being prepared. <b>05 May 2022 11:23am Ryl, Julia - Completion</b> Action completed by Blake, Yvonne		Mickleson, Peter	1 Neath Road, Neath			

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 20/04/2022	Rush, Iain	Proposed Amendments to the Cessnock Local Environmental Plan 2011 to include Agritourism and Optional Clause for Farm Gate Premises	18/05/2022	26/04/2022	26/04/2022
PE23/2022 <a href="#">74</a> <b>26 Apr 2022 3:15pm Rush, Iain - Completion</b> Action completed by Rush, Iain		Mickleson, Peter				

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 20/04/2022	Plumridge, Matthew	Additional Special Rate Variation	18/05/2022	26/04/2022	28/04/2022
CC21/2022 <a href="#">79</a> <b>28 Apr 2022 9:07am Plumridge, Matthew - Completion</b> Action completed by Plumridge, Matthew						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 20/04/2022	Chadwick, Teresa	Revised Draft Code of Meeting Practice 2022	18/05/2022	26/04/2022	28/04/2022
CC22/2022 <a href="#">80</a> <b>28 Apr 2022 9:41am Chadwick, Teresa - Completion</b> Action completed by Chadwick, Teresa						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 20/04/2022	Hillman, Amanda	Adoption of Records Management Policy	18/05/2022	26/04/2022	26/04/2022
CC23/2022 <a href="#">81</a> <b>26 Apr 2022 10:31am Hillman, Amanda</b> Document sent to Governance to update on Intranet, Website & Pulse. <b>26 Apr 2022 10:33am Hillman, Amanda - Completion</b> Action completed by Hillman, Amanda						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 20/04/2022	Roberts, Deslie	Donations under Section 356 - Rates Subsidy Policy	18/05/2022	26/04/2022	26/04/2022
CC26/2022 <a href="#">84</a> <b>26 Apr 2022 9:20am Roberts, Deslie</b> Letters sent to applicants advising Rate Subsidy has been approved <b>26 Apr 2022 9:21am Roberts, Deslie - Completion</b> Action completed by Roberts, Deslie						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 20/04/2022	Spooner, Eliza	Bi-Annual Compliments and Complaint Handling Report - July - December 2021	18/05/2022	26/04/2022	26/04/2022
CC29/2022 <a href="#">87</a> <b>26 Apr 2022 8:18am Spooner, Eliza - Completion</b> Action completed by Spooner, Eliza						



Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 20/04/2022	Chadwick, Teressa	Draft Councillors Expenses and Facilities Policy	18/05/2022	26/04/2022	28/04/2022
CC32/2022 <a href="#">90</a>		Allan, Darrylen				
<b>28 Apr 2022 9:52am Chadwick, Teressa - Completion</b> Action completed by Chadwick, Teressa						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 20/04/2022	Moloney, David	Appointment of Delegates and Representatives - Lower Hunter Zone District Liaison Committee	18/05/2022	26/04/2022	27/04/2022
WI13/2022 <a href="#">91</a>		Moloney, David				
<b>27 Apr 2022 12:01pm Moloney, David - Completion</b> Action completed by Meyers, Kristy						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 20/04/2022	Gordon, Matthew	Tender T2022-06 Millfield Skatepark Extension	18/05/2022	26/04/2022	2/05/2022
WI14/2022 <a href="#">92</a>		Moloney, David				
<b>02 May 2022 3:00pm Meyers, Kristy</b> Acceptance letter sent. All procurement finalised. <b>02 May 2022 3:01pm Gordon, Matthew - Completion</b> Action completed by Meyers, Kristy						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 20/04/2022	Donnelly, Patricia	Minutes of the Community Engagement, Awards and Grants Committee	18/05/2022	26/04/2022	6/05/2022
WI26/2022 <a href="#">103</a>		Moloney, David				
<b>28 Apr 2022 4:26pm Donnelly, Patricia</b> Items 11 & 12 - Groups advised of outcomes and thanked via e-mail. Finance request for EFT payments lodged 28 April 2022. <b>03 May 2022 11:55am Donnelly, Patricia</b> Recreation have completed items 6, 7, 8, 9 and 10 by 29 April 2022 including: - writing to all applicants advising of the outcome of their applications and thanking them for their support and commitment to the enhancement of the sporting and community facilities., - requesting EFT transfers through to Council's Finance Department to distribute grant funds to successful applicants., - requesting Finance to transfer \$7,268 from the community facilities grant scheme funds to the sporting facilities grant scheme funds. <b>06 May 2022 2:24pm Donnelly, Patricia</b> Item 1 - noted for next committee meeting., Item 2 - Saved in CM DOC2022/053243, Item 3 - Transfer and cheques requests submitted to finance 6 may 2022, Item 4 - Funds transferred for program to be conducted., Item 5 - All groups advised and thanked. <b>06 May 2022 2:27pm Donnelly, Patricia - Completion</b> Action completed by Donnelly, Patricia						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 20/04/2022	Chadwick, Tony	Implementation of LGA Signage Strategy - Illuminated Signage	18/05/2022	26/04/2022	3/05/2022
W121/2022 <a href="#">99</a>		Maginnity, Robert				
<b>03 May 2022 3:39pm Chadwick, Tony - Completion</b> Action completed by Chadwick, Tony						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 20/04/2022	Chadwick, Tony	Bus Shelter Advertising	18/05/2022	26/04/2022	3/05/2022
W122/2022 <a href="#">100</a>		Maginnity, Robert				
<b>03 May 2022 3:39pm Chadwick, Tony - Completion</b> Action completed by Chadwick, Tony						

## Report CC42/2022 - Resolutions Tracking Report

Enclosure 2

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN11/2022	Ordinary Council 16/03/2022	Moloney, David	Business With Notice	Flooding issues Appleton Avenue and Hospital Road, Weston	27/07/2022	
<a href="#">90</a> <b>MOTION</b> 90 <b>RESOLVED</b>	<b>Moved:</b>	Moloney, David Councillor Sander	<b>Seconded:</b>	Councillor Grine		
<p>1. That the General Manager bring back a report to Council regarding the ongoing flooding issues in Appleton Avenue and Hospital Road Weston.</p> <p>2. That the report include investigations into the overland flooding issues, drainage options and costings for these works.</p> <p>28 Mar 2022 2:24pm Meyers, Kristy Report being drafted for 18 May Council meeting.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN12/2022	Ordinary Council 16/03/2022	Eveleigh, Nathan	Business With Notice	Kurri Kurri Rugby League Sporting Ground	15/06/2022	
<a href="#">91</a> <b>MOTION</b> 91 <b>RESOLVED</b>	<b>Moved:</b>	Moloney, David Councillor Hill	<b>Seconded:</b>	Councillor Hawkins		
<p>1. That the General Manager prepare a report for council with respect to the current operational maintenance and possible future upgrades or expansion of the Kurri Kurri Sports Ground (Hopetoun Street, Kurri Kurri).</p> <p>2. That the report consider;</p> <ul style="list-style-type: none"> <li>a. The current procedures, council or otherwise, surrounding regular maintenance undertaken on this site and the cost (if any) to council for this.</li> <li>b. The existence of any ongoing drainage issues on the grounds created by inadequate drainage systems and runoff from the neighbouring cricket oval and RV Park. This should include any estimated costs to resolve these issues.</li> <li>c. The current suitability of the existing storage and amenities facilities at the sports ground with consideration towards the growth of the junior and senior football clubs in recent years.</li> </ul> <p>3. Any existing master plan for this sporting ground and surrounding amenities be provided at the same council meeting.</p> <p>28 Mar 2022 11:17am Eveleigh, Nathan - Target Date Revision Target date changed by Eveleigh, Nathan from 13 April 2022 to 18 May 2022 - Report to be prepared for May Council meeting following engagement with stakeholders.</p> <p>27 Apr 2022 11:18am Eveleigh, Nathan - Target Date Revision Target date changed by Eveleigh, Nathan from 18 May 2022 to 15 June 2022 - Unable to draft report to meet business paper cycle for May meeting.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN13/2022	Ordinary Council 16/03/2022	Allan, Darrylen	Business With Notice	Domestic Violence Strategies and Policies	27/05/2022	
<a href="#">92</a> <b>MOTION</b> 92 <b>RESOLVED</b>	<b>Moved:</b>	Allan, Darrylen Councillor Burke	<b>Seconded:</b>	Councillor Dunn		
<p>1) That the General Manager bring back a report to council outlining the following:</p>						

- a) What strategies and policies does council have relating to Domestic Violence for staff and within the community?
  - b) Does Council have a Gender Equity strategy within Council? If not is there a plan for council to undertake one.
  - c) What programs does council have or are involved in that support the community regarding Domestic Violence?
  - d) What strategies does council have in place to support someone who is experiencing domestic violence in the community?
- 2) That the General Manager provide a report to the Strategic Property and Community Facilities Committee outlining:
- a) What vacant land does Council have that could be identified to be used for support services involving Domestic Violence?
  - b) Any recent requests to Council from Domestic Violence support services requesting council assistance with obtaining land for their services.
  - c) What options are available to Council to work with Domestic Violence support services to provide land if requested?

11 Apr 2022 4:53pm Keegan, Robyn - Target Date Revision

Target date changed by Keegan, Robyn from 13 April 2022 to 27 May 2022 - A report is being prepared for the 18 May 2022 Council meeting to address resolution 1. Resolution 2 will be an agenda item for the next Strategic Property and Community Facilities Committee.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN15/2022	Ordinary Council 20/04/2022	Chadwick, Tony	Business With Notice	Pilot Job Shuttle Program (Youth)	27/08/2022	
<a href="#">104</a> <b>MOTION</b> 104 <b>RESOLVED</b>	<b>Moved:</b>	Maginnity, Robert Councillor Watton	<b>Seconded:</b>	Councillor Hawkins		
That the General Manager prepare a report to Council outlining the implications, resourcing requirements, funding opportunities and processes necessary for a program to:						
1. Liaise, and work alongside community-based organisations and businesses within our LGA, to develop and implement a Cessnock to Wine Country Pilot Job Shuttle Program;						
2. Research appropriate, relevant grants that may assist in local businesses and organisations facilitating said Cessnock Pilot Job Shuttle Program.						
03 May 2022 3:41pm Chadwick, Tony						
That the General Manager prepare a report to Council outlining the implications, resourcing requirements, funding opportunities and processes necessary for a program to: 1. Liaise, and work alongside community-based organisations and businesses within our LGA, to develop and implement a Cessnock to Wine Country Pilot Job Shuttle Program; Action Taken: Council have booked a meeting with job active providers and community groups on 10 June 2022 to discuss the Pilot Job Shuttle Program. Individual discussion will occur prior to this meeting., 2. Research appropriate, relevant grants that may assist in local businesses and organisations facilitating said Cessnock Pilot Job Shuttle Program., Action Taken: Potential funding sources include Resources for Regions or Stronger Country Communities Grants as these funds allow community programs. Program costs need to be developed before an application can be made.						
03 May 2022 3:49pm Chadwick, Tony - Target Date Revision						
Target date changed by Chadwick, Tony from 18 May 2022 to 27 August 2022 - Consultation and program costs need to be developed before a recommendation can be made to Council.						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN16/2022	Ordinary Council 20/04/2022	Harris, Kate	Business With Notice	Safety Hand Rails - Bridges Hill Park	30/06/2022	
<a href="#">105</a> <b>MOTION</b> 105 <b>RESOLVED</b>	<b>Moved:</b>	Moloney, David Councillor Moores	<b>Seconded:</b>	Councillor Sander		
<p>That the General Manager determine the cost to fit and install a safety rail and ramp in the newly installed King Street steps, leading to Bridges Hill Park, so that the project can be included for consideration in the draft 2022-23 Operational Plan.</p> <p>02 May 2022 3:13pm Meyers, Kristy Development of costing underway for the installation of handrail.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN17/2022	Ordinary Council 20/04/2022	Moloney, David	Business With Notice	Working with Cessnock Correctional Centre	31/07/2022	
<a href="#">106</a> <b>MOTION</b> 106 <b>RESOLVED</b>	<b>Moved:</b>	Moloney, David Councillor Jurd	<b>Seconded:</b>	Councillor Hawkins		
<p>That the General Manager investigate and a report come back to Council on the use of the inmates from Cessnock Correctional Centre to assist with their rehabilitation back into the community and help the council staff with the ground maintenance on a needs basis so it doesn't affect any council staff. This could help staff with the large areas of lawn mowing and edging they are currently trying to keep at high standard.</p> <p>27 Apr 2022 1:39pm Meyers, Kristy Email sent to Corrective Services 27/4/2022 seeking meeting to discuss options.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN18/2022	Ordinary Council 20/04/2022	Chadwick, Tony	Business With Notice	Cessnock LGA Hall Booking/Management	18/05/2022	
<a href="#">107</a> <b>MOTION</b> 107 <b>RESOLVED</b>	<b>Moved:</b>	Maginnity, Robert Councillor Watton	<b>Seconded:</b>	Councillor Jurd		
<p>That the General Manager prepare a report to council outlining the implications, resourcing requirements, funding opportunities and processes necessary to overhaul the current practices Cessnock City Council has adopted relating to hall bookings, maintenance and potential promotions. The following points are to be considered:</p> <ol style="list-style-type: none"> <li>1. Adopt a more streamlined, user-friendly online system (potential to link in across platforms i.e. social media sites) enabling customers to clearly and efficiently make their hall selection and booking</li> <li>2. Research appropriate grants and / or other funding streams that will enable new systems to be incorporated, updated and made relevant</li> <li>3. Provide valid training, support and assistance where applicable for volunteers looking after council halls to help ensure standards are met across all halls (i.e. cleaning, maintenance, customer service etc.).</li> <li>4. Estimation of costs to update to a new system.</li> <li>5. Consultation to take place with the 355 Committees as to the current processes in place.</li> </ol>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN30/2021	Ordinary Council 17/11/2021	Eveleigh, Nathan	Business With Notice	Cessnock Pool Disability Access Improvement and Solar Energy for Public Pools	20/07/2022	
<a href="#">1907</a> <b>MOTION</b> 1907 <b>RESOLVED</b>	<b>Moved:</b>	Moloney, David Councillor Fitzgibbon	<b>Seconded:</b>	Councillor Burke		
<p>1. That the General Manager bring a report back to Council with options and costs on:-</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Improving access from the disability carpark adjacent to the pool</li> <li><input type="checkbox"/> Mounting solar lights on the two pillars at the front entrance of the pool</li> </ul> <p>2. The report include an update and timeframe on the installation of solar energy for the 3 pool complexes.</p> <p>3. That the General Manager investigates the feasibility of moving the historic archway from across the road that leads over the small bridge into the carpark being placed back at the disabled entrance to the pool.</p> <p><b>22 Feb 2022 12:39pm Eveleigh, Nathan</b> Item 1: Disability access - to be reviewed following completion of Splash Pad. Disability access is still available to Cessnock Pool., Solar lighting - awaiting Heritage advice given the classification of the entry building. , Item 2: Installation of solar energy for the 3 pool complexes. Procurement for Branxton &amp; Cessnock in progress., Item 3: Relocation of archway in Apex Park - Awaiting Heritage advice and seeking information around the Apex Masterplan to go on exhibition this week.</p> <p><b>22 Feb 2022 1:35pm Eveleigh, Nathan - Target Date Revision</b> Target date changed by Eveleigh, Nathan from 16 March 2022 to 19 May 2022 - Subject to heritage advice and Apex Park Masterplan exhibition, a report will be prepared for Council for any works to be considered for funding as part of the 2022/23 works program (where permissible).</p> <p><b>27 Apr 2022 11:28am Eveleigh, Nathan</b> Heritage advice received. Apex Park MP on public exhibition and archway relocation noted. Seeking solar installation costings and then report can be prepared for Council consideration.</p> <p><b>27 Apr 2022 11:29am Eveleigh, Nathan - Target Date Revision</b> Target date changed by Eveleigh, Nathan from 19 May 2022 to 20 July 2022</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN33/2020	Ordinary Council 18/11/2020	Awal, Rabiul	Business With Notice	Laneway Access to Units/Granny Flats etc	27/07/2022	
<a href="#">1514</a> <b>MOTION</b> 1514 <b>RESOLVED</b>	<b>Moved:</b>	Moloney, David Councillor Olsen	<b>Seconded:</b>	Councillor Dunn		
<p>That the General Manager provide a report to Council regarding options that council could change as it relates to development applications for the approval of units, granny flats or houses that will only have access off laneways to have the following conditions included,</p> <p>1. The laneway, if it has no name, be named with all costs to the developer</p> <p>2. The laneway be sealed by the developer so as not to create dust issues for existing residents</p> <p>3. All costs to be borne by the developer</p> <p>4. The Council's preference is for access off existing roads, not laneways</p> <p><b>23 Nov 2020 11:38am Blake, Yvonne - Reallocation</b> Action reassigned to Kerr, Katrina by: Blake, Yvonne for the reason: This report relates to Council Policy D5.3 - Development Applications Adjacent to Rear Lanes, which is the responsibility of the Roads, Bridges &amp; Drainage Manager in W&amp;I.</p> <p><b>30 Nov 2020 11:50am Kerr, Katrina</b></p>						

Commenced drafting report to Council.

**13 Apr 2021 9:28am Bates, Kelly**

Item 1 - Commenced drafting report to Council.

**10 Aug 2021 9:30am Bates, Kelly - Target Date Revision**

Target date changed as a result of current resources and competing priorities.

**31 Jan 2022 1:38pm Benson, Nicole**

Resources now allow for this task to be completed. Work on the matter is scheduled to recommence in March 2022.

**02 May 2022 12:59pm Awal, Rabiul - Target Date Revision**

Target date changed by Awal, Rabiul from 27 May 2022 to 27 July 2022 - Will be updated as per the consultation with the Development team.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN4/2022	Ordinary Council 16/02/2022	Moloney, David	Business With Notice	Cessnock Pool - Family Free Days	29/06/2022	
<a href="#">46</a> <b>MOTION</b> 46 <b>RESOLVED</b>	<b>Moved:</b>	Moloney, David Councillor Burke	<b>Seconded:</b>	Councillor Dunn		
<p>1. That the General Manager reintroduce one family free Sunday within the remainder of the 2021/2022 summer season at Cessnock, Branxton and Kurri Kurri Pools if COVID-19 restrictions allow, with funding of \$5000 from savings within the civic expenses funding allocation and \$2000 from the elected members conference allocation.</p> <p>2. That the General Manager bring back a report to council with a program to include the Family Free Day program into future operations of the pool.</p>						
<p><b>07 Mar 2022 12:52pm Meyers, Kristy</b> 1 - A Family Fun Day is being organised for end March. A memo will be sent out to Councillors to advise of date once finalised. Communications will be added to the Council website and other social media., 2 - Report scheduled to be presented to Council in May.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN5/2022	Ordinary Council 16/02/2022	Maginnity, Robert	Business With Notice	Community and Cultural Precinct	16/03/2022	
<a href="#">47</a> <b>MOTION</b> 47 <b>RESOLVED</b>	<b>Moved:</b>	Maginnity, Robert Councillor Burke	<b>Seconded:</b>	Councillor Moores		
<p>That the General Manager bring back a report to the April Council meeting outlining;</p> <p>1. Any current plans in place covering the gateway area surrounding the Cessnock Performing Arts Centre(CPAC); and</p> <p>2. The steps required to develop a community and cultural precinct plan for the gateway area surrounding the CPAC.</p>						
<p><b>01 Mar 2022 10:33am Keegan, Robyn</b> Meeting organised to discuss the Community &amp; Cultural Precinct with Natalie Drage, Tony Chadwick and Nicole Benson on 7/3/22.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN6/2022	Ordinary Council 16/03/2022	Alexander, Michael	Business With Notice	Waste Vouchers	31/07/2022	
<a href="#">86</a> <b>MOTION</b> 86 <b>RESOLVED</b>	<b>Moved:</b>	Moloney, David Councillor Olsen	<b>Seconded:</b>	Councillor Jurd		
<p>That the General Manager organise a briefing/workshop to discuss the best way to move forward with our current waste voucher system. The briefing would be to discuss the following but not limited to these suggestions:</p> <ol style="list-style-type: none"> <li>1 Possible introduction of kerb side pick up and how it could work</li> <li>2 Introduction of a card system that totals weight dropped compared to using our current voucher system of one voucher per delivery.</li> <li>3 Costings for any changes to improve the system</li> <li>4 Any suggestions supplied by other Councillors or staff.</li> </ol>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN8/2022	Ordinary Council 16/03/2022	Awal, Rabiul	Business With Notice	Dry Creek Road Ellalong	27/07/2022	
<a href="#">87</a> <b>MOTION</b> 87 <b>RESOLVED</b>	<b>Moved:</b>	Moloney, David Councillor Dunn	<b>Seconded:</b>	Councillor Hawkins		
<ol style="list-style-type: none"> <li>1. That the General Manager prepare a report for the Road Review Committee with respect to the ownership and maintenance of the whole of Dry Creek Road Ellalong</li> <li>2. That the report consider; <ol style="list-style-type: none"> <li>2.1 The current status of the entire length of the road.</li> <li>2.2 The current public use of the entire length of the road.</li> <li>2.3 The current engineering standard of both the council and crown owned parts of the road.</li> <li>2.4 Council's obligations with respect to triggers of transfer from crown, specifically but not limited to any DA's that fall in the zone of crown road.</li> <li>2.5 Any policies or schedules that relate to these types of roads.</li> <li>2.6 Options for a resolution to any issues that arise with regard to council's obligation to provide access to property and possible maintenance, including initial serviceability, addition to any schedules or programs, external sources of funding, and costing for any associated upgrades or repairs.</li> </ol> </li> </ol> <p>02 May 2022 12:50pm Awal, Rabiul - Target Date Revision Target date changed by Awal, Rabiul from 18 May 2022 to 27 July 2022 - Report being prepared for Road Review Committee.</p>						



Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN9/2022	Ordinary Council 16/03/2022	Awal, Rabiul	Business With Notice	Bellamy Street Millfield	27/07/2022	
<a href="#">88</a> <b>MOTION</b> 88 <b>RESOLVED</b>	<b>Moved:</b>	Moloney, David Councillor Dunn	<b>Seconded:</b>	Councillor Hawkins		
<p>1. That the General Manager prepare a report for the Road Review Committee with respect to the maintenance of the Council owned portion of Bellamy Street Millfield.</p> <p>2. That the report consider;</p> <p>2.1 The current standard of both the maintained and un-maintained sections of the council owned portion of the road.</p> <p>2.2 The engineering standards of the road and obligations to land owners when the road was transferred from crown lands and upon issuing of occupation certificates.</p> <p>2.3 The current public use of the council owned portion of the road.</p> <p>2.4 The current maintenance schedule of the council owned portion of the road, and possible future plans to add the entirety of the council owned portion of the road to the maintenance schedule.</p> <p>2.5 Any other policies or schedules that relate to these types of roads.</p> <p>2.6 Options for a resolution to any issues that arise with regard to council's obligation to provide access to property and possible maintenance, including initial serviceability, addition to any schedules or programs, external sources of funding, and costing for any associated upgrades or repairs.</p> <p>2.7 What developments have been approved along Bellamy Street Millfield.</p> <p>02 May 2022 12:42pm Meyers, Kristy Report being prepared for next Roads Review Committee Meeting.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC15/2022	Ordinary Council 16/03/2022	Drage, Natalie	Corporate and Community	Her Majesty, The Queen - Platinum Jubilee	31/05/2022	
<a href="#">74</a> <b>MOTION</b> 74 <b>RESOLVED</b>	<b>Moved:</b>	Allan, Darrylen Councillor Dunn	<b>Seconded:</b>	Councillor Hill		
<p>1. That Council notes the proposed list of events to celebrate the Platinum Jubilee of Her Majesty, The Queen including submission of an expression of interest application seeking funding to deliver a community tree planting event at Bridges Hill Park, Cessnock.</p> <p>2. That the General Manager proceed with the planning and delivery of events listed in this report.</p> <p>28 Mar 2022 9:05am Drage, Natalie Resolution noted. Outcome of grant application seeking funding to deliver a community tree planting event not yet known. Planning of events has commenced.</p> <p>28 Mar 2022 9:10am Drage, Natalie - Target Date Revision Target date changed by Drage, Natalie from 13 April 2022 to 29 April 2022 - Date changed to allow further time for the outcome of the grant application to be known.</p> <p>21 Apr 2022 3:40pm Drage, Natalie The EOI application has progressed to the next stage of the application process and that further application was submitted to the funding body on 21 April 2022. An announcement is expected after the close of the next stage application process and is 2 May 2022. Event planning has commenced for the Council funded events proposed to be held at the library and youth centre.</p> <p>21 Apr 2022 3:46pm Drage, Natalie - Target Date Revision Target date changed by Drage, Natalie from 29 April 2022 to 31 May 2022 - Target date changed to enable time for the funding body to determine the outcome of the grant process.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC24/2021	Ordinary Council 21/04/2021	Waghorn, Peter	Corporate and Community	Authorisation For Sale Of Land; 62 -76 Cessnock Street, Aberdare (8 Lots) - Details of Implications of Proposed Capital Works	29/04/2022	
<a href="#">1647</a> <b>MOTION</b> 1647 <b>RESOLVED</b>	<b>Moved:</b>	Allan, Darrylen Councillor Fitzgibbon	<b>Seconded:</b>	Councillor Dunn		
<ol style="list-style-type: none"> <li>That Council undertake the works on Cessnock Street, Caledonian Street and Colliery Street, Aberdare as outlined in the report.</li> <li>That funding for the work be taken from the Strategic Property Reserve.</li> <li>That Council endorse the listing and sale of the lots after the completion of the works.</li> <li>The additional costs of the works be distributed among the 8 lots and be added to the market valuation that Council currently has.</li> <li>That the General Manager has delegation to accept not less than 95% of the sale price.</li> </ol> <p><b>28 Apr 2021 10:34am Rathborne, Michael - Target Date Revision</b> Target date changed by Rathborne, Michael from 19 May 2021 to 30 November 2021 - Design and construct plans being prepared for final tender of works and acceptance of quote.</p> <p><b>19 May 2021 12:14pm Rathborne, Michael - Target Date Revision</b> Target date changed by Rathborne, Michael from 30 November 2021 to 30 November 2021 - Council works department cannot do the work. Scope of works being finalised for Tender of Work.</p> <p><b>25 Jun 2021 12:31pm Keegan, Robyn</b> Awaiting quote from Public Works Advisory for Design &amp; Construct project management of road infrastructure works.</p> <p><b>29 Jul 2021 5:17pm Keegan, Robyn</b> Public Works Advisory engaged to undertake detailed design 13 July 2021. Per submitted program schedule, PWA design tender will be awarded and design works are scheduled to commence 27 September 2021.</p> <p><b>02 Sep 2021 3:13pm Keegan, Robyn - Target Date Revision</b> Target date changed by Keegan, Robyn from 30 November 2021 to 17 December 2021 - Public Works Advisory design tender has closed and the successful consultants have commenced geo-technical investigations. The design phase is one week behind the submitted program timeline and delivery of a detailed design for kerb, gutter and drainage works is scheduled for 15 November.</p> <p><b>11 Oct 2021 3:08pm Keegan, Robyn</b> Designs have been received and are currently being reviewed and scope of works.</p> <p><b>26 Oct 2021 2:20pm Keegan, Robyn - Target Date Revision</b> Target date changed by Keegan, Robyn from 17 December 2021 to 29 April 2022 - Advised by Chief Financial &amp; Administration Officer - Design's received, works to be quote. Expected completion is April 2022.</p> <p><b>05 Nov 2021 10:05am Keegan, Robyn</b> Public Works Authority to undertake revised detailed design to reflect amended scope of works.</p> <p><b>25 Jan 2022 10:01am Waghorn, Peter</b> Public Works Advisory reviewing subcontractor's detailed design. Once approved, PWA will commence tendering for the construction works contract</p> <p><b>29 Mar 2022 7:56am Boughton-Ingham, Petra</b> 28 Mar 2022 Peter Waghorn, [Confidential]: Potholing to locate U/G assets was recommended by project managers PWA, resulting in a design contract variation and delaying finalisation of a detailed design. Pending completion of a final detailed design, tendering for a construction contract tender can commence.</p> <p><b>12 Apr 2022 10:24am Keegan, Robyn</b> The Strategic Property &amp; Community Facilities Committee (SPCFC) are scheduled to meet on 30 March 2022 and will consider amending resolution CC24/2021. Any SPCFC recommendations will be considered as part of a Cessnock City Council report requesting adoption of the SPCFC meeting minutes on 20 April 2022.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC24/2022	Ordinary Council 20/04/2022	Allan, Darrylen	Corporate and Community	Community & Cultural Precinct	18/05/2022	
<a href="#">82</a> <b>MOTION</b> 82 <b>RESOLVED</b>	<b>Moved:</b>	Allan, Darrylen Councillor Burke	<b>Seconded:</b>	Councillor Grine		
<p>1. That Council receives the report and notes the information.</p> <p>2. That a workshop be held with Councillors to define the desired outcome with respect the potential development of a Community and Cultural Precinct surrounding the Cessnock Performing Arts Centre (CPAC).</p> <p>29 Apr 2022 10:38am Larsen, Robyn Councillor Workshop to discuss the Community and Cultural Precinct to be scheduled in May 2022.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC25/2022	Ordinary Council 20/04/2022	Waghorn, Peter	Corporate and Community	Minutes of the Strategic Property & Community Facilities Committee meeting held 30 March 2022	18/05/2022	
<a href="#">83</a> <b>MOTION</b> 83 <b>RESOLVED</b>	<b>Moved:</b>	Allan, Darrylen Councillor Burke	<b>Seconded:</b>	Councillor Grine		
<p>1. That the Minutes of the Strategic Property and Community Facilities Committee of 30 March 2022 be adopted as a resolution of the Ordinary Council.</p> <p>2. That in relation to Report SPOR2/2022 Property Matter - Lot 18 Section 46 DP 758002 - 62 Cessnock Street, Aberdare, Council resolves that:-</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Works be carried out as per the Council resolution 21 April 2021 Report No. CC24/2021.</li> <li><input type="checkbox"/> The sale for all lots excluding 62 Cessnock Street continue as per the resolution of Council.</li> <li><input type="checkbox"/> A meeting be held with the Aberdare pre-school with discussions including financial capabilities, lease arrangement and purchase options.</li> <li><input type="checkbox"/> Following the meeting a report come back to the Committee outlining the following: <ul style="list-style-type: none"> <li><input type="checkbox"/> Outcomes from the meeting.</li> <li><input type="checkbox"/> Any land which is owned by Council that is occupied by pre-schools.</li> <li><input type="checkbox"/> Financial implications of similar land held within Council's assets register for land and buildings.</li> </ul> </li> </ul> <p>28 Apr 2022 3:19pm Waghorn, Peter Sale of lots excluding 62 Cessnock Street will commence on completion of drainage works, anticipated mid September 2022.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC30/2019	Ordinary Council 1/05/2019	Waghorn, Peter	Corporate and Community	Acquisition of land for road widening - Sandy Creek Road, Mt Vincent	18/05/2022	
<a href="#">893</a> <b>MOTION</b> 893 <b>RESOLVED</b>	<b>Moved:</b>	Allan, Darrylen Councillor Suvaal	<b>Seconded:</b>	Councillor Fitzgibbon		
<ol style="list-style-type: none"> <li>That Council acquire the land part Lot 120 and part Lot 122 of DP 755244 being land currently comprised in Conveyance Book 3144 No 987 and Conveyance Book 3333 No 5 for road purposes and dedicate the land to the public as public road;</li> <li>That Council authorise the General Manager to negotiate compensation with the property owners by private agreement for acquisition of the Land subject to an independent valuation report and in accordance with the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>;</li> <li>That in the event that negotiations with the property owners cannot be satisfactorily finalised, that Council make application to the Office of Local Government for approval of the Minister and the Governor to proceed with compulsory acquisition of the Land being part Lot 120 and Part Lot 122 DP 755244;</li> <li>That Council authorise the Common Seal of Cessnock City Council to be affixed to the plan of subdivision dedicating the land to be acquired as public road and Deed of Agreement for the acquisition of the Land between Cessnock City Council and the Estate of Amy Augusta Lewis and Thomas William Lewis and if necessary to the application to the Minister and the Governor for the compulsory acquisition of the Land part Lot 120 and part Lot 122 DP 755244;</li> <li>That Council authorise the General Manager and Mayor/Councillor to execute the Plan of subdivision dedicating the land to be acquired as public road and Deed of Agreement for the acquisition of the Land between Cessnock City Council and the Estate of Amy Augusta Lewis and Thomas William Lewis and if necessary to the application to the Minister and the Governor for the compulsory acquisition of the Land part Lot 120 and part Lot 122 DP 755244.</li> </ol> <p><b>04 Jun 2019 11:44am Brinkworth, Susanne - Target Date Revision</b> Revised Target Date changed by: Brinkworth, Susanne From: 29 May 2019 To: 28 Jun 2019, Reason: Awaiting advice from landowner</p> <p><b>09 Aug 2019 9:04am Brinkworth, Susanne - Target Date Revision</b> Revised Target Date changed by: Brinkworth, Susanne From: 31 Jul 2019 To: 30 Aug 2019, Reason: Owner has agreed to compensation. Deed of agreement prepared and surveyor engaged to prepare plan of subdivision</p> <p><b>03 Sep 2019 9:23am Brinkworth, Susanne - Target Date Revision</b> Revised Target Date changed by: Brinkworth, Susanne From: 30 Aug 2019 To: 21 Sep 2019, Reason: Awaiting owner to execute agreement to lodge plan of subdivision</p> <p><b>09 Mar 2020 3:41pm Rathborne, Michael - Target Date Revision</b> Revised Target Date changed by: Rathborne, Michael From: 31 Oct 2019 To: 31 Mar 2020, Reason: waiting on amendments to plans</p> <p><b>12 Mar 2020 11:01am Rathborne, Michael</b> Email sent to Solicitor for owners requesting owners consent, and agreement to be returned to CCC.</p> <p><b>08 Apr 2020 10:17am Rathborne, Michael</b> Still awaiting response from land owner. Additional letter sent to their solicitor 6.4.2020</p> <p><b>27 Apr 2020 12:38pm Rathborne, Michael - Target Date Revision</b> Revised Target Date changed by: Rathborne, Michael From: 30 Jun 2020 To: 30 Jun 2020, Reason: waiting on surveyors to identify the land in question so that the easement can be completed.</p> <p><b>28 May 2020 3:21pm Rathborne, Michael - Target Date Revision</b> Revised Target Date changed by: Rathborne, Michael From: 30 Jun 2020 To: 30 Jun 2020, Reason: Requested plans from surveyor to finalise the matter.</p> <p><b>25 Jun 2020 11:53am Keegan, Robyn - Target Date Revision</b> Revised Target Date changed by: Keegan, Robyn From: 30 Jun 2020 To: 30 Sep 2020, Reason: Still waiting on Surveyor for the plans to create the acquisitions. Will follow up again 25/6/20.</p> <p><b>04 Aug 2020 1:27pm Rathborne, Michael - Target Date Revision</b> Revised Target Date changed by: Rathborne, Michael From: 30 Sep 2020 To: 30 Sep 2020, Reason: MR contacted by owners who want this matter finalised. Surveyor has been contacted to respond asap.</p> <p><b>05 Aug 2020 10:43am Keegan, Robyn</b> Owner has contacted Council this week and wants to finalise this matter. Surveyor has been contacted to move ASAP.</p> <p><b>31 Aug 2020 12:27pm Keegan, Robyn</b></p>						

CCC Property Officer has spoken with the solicitor for the owners of the land we are to acquire last week and he has an issue with probate over the land ownership. Apparently when this matter commenced the site was owned by mother and son, after the passing of the father. Now, more recently, like late 2019, mother has passed and there are issues with the ownership transfer, which he is resolving now. Once this is in the son's name we can finalise the acquisition.

**30 Sep 2020 9:18am Larsen, Robyn**

still pending resolution of ownership before we can proceed to finalise acquisition. I spoke with the solicitor for the "owners" this morning again and he believes the matter should be resolved within a week.

**28 Oct 2020 2:46pm Keegan, Robyn - Target Date Revision**

Revised Target Date changed by: Keegan, Robyn From: 30 Sep 2020 To: 27 Nov 2020, Reason: Awaiting on ownership to be finalised by their Solicitor.

**25 Nov 2020 4:25pm Keegan, Robyn - Target Date Revision**

Revised Target Date changed by: Keegan, Robyn From: 27 Nov 2020 To: 26 Mar 2021, Reason: Owners solicitors have not responded to sorting out their ownership issues, due to probate and death of a party some time back.

**19 Jan 2021 11:48am Keegan, Robyn - Target Date Revision**

Revised Target Date changed by: Keegan, Robyn From: 26 Mar 2021 To: 30 Apr 2021, Reason: Solicitor for the owners is still working through complex probate issues.

**23 Feb 2021 10:22am Rathborne, Michael - Target Date Revision**

Target date changed by Rathborne, Michael from 30 April 2021 to 30 April 2021 - Email sent to Mark Gibbs lawyer today as a follow up.

**24 Mar 2021 4:45pm Keegan, Robyn - Target Date Revision**

Target date changed by Keegan, Robyn from 30 April 2021 to 30 May 2021 - Awaiting response from Solicitor. Will follow up again.

**28 Apr 2021 10:26am Rathborne, Michael - Target Date Revision**

Target date changed by Rathborne, Michael from 30 May 2021 to 30 June 2021 - No response from clients solicitor after repeated requests to complete the matter. Letter being sent directly to client.

**25 Jun 2021 12:27pm Keegan, Robyn - Target Date Revision**

Target date changed by Keegan, Robyn from 30 June 2021 to 31 August 2021 - As at 27 May 2021, the lack of response from the parties is understood to be due to disputed ownership of the property to be acquired and there has still been no response to correspondence and other attempts to contact the solicitor or their client. W&I project managers advised accordingly.

**02 Sep 2021 3:09pm Keegan, Robyn - Target Date Revision**

Target date changed by Keegan, Robyn from 31 August 2021 to 29 October 2021 - Peter Waghorn advised that there is no further update.

**11 Oct 2021 3:06pm Keegan, Robyn - Target Date Revision**

Target date changed by Keegan, Robyn from 29 October 2021 to 17 December 2021 - No further update available.

**26 Oct 2021 2:17pm Keegan, Robyn - Target Date Revision**

Target date changed by Keegan, Robyn from 17 December 2021 to 25 February 2022 - Advised by Chief Financial & Administration Officer no update was available but will investigate the completion date.

**25 Jan 2022 12:18pm Waghorn, Peter**

There has been no contact from the solicitor for the owners of the land since advising Council in October 2020 that he was resolving probate issues that were affecting ownership transfer. Matter will continue to be followed up by Property Services officers

**29 Mar 2022 7:53am Boughton-Ingham, Petra**

28 Mar 2021 - Target Date Revision, Request from 25 February 2022 to 30 April 2022, Update: 28 Mar 2022 Peter Waghorn, Lawyers acting in the matter were contacted by telephone 28 March and committed to providing a full update on the status of their investigation into probate issues delaying identification of the land owner from whom the land was acquired and compensation is owed

**12 Apr 2022 10:18am Keegan, Robyn - Target Date Revision**

Target date changed by Keegan, Robyn from 25 February 2022 to 18 May 2022 - Lawyers acting in the matter were contacted by telephone 28 March and committed to providing a full update on the status of their investigation into probate issues delaying identification of the land owner from whom the land was acquired and compensation is owed.

**28 Apr 2022 2:46pm Waghorn, Peter**

Awaiting advice from solicitor regarding land ownership

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
GMU10/2022	Ordinary Council 20/04/2022	Chadwick, Tony	General Manager's Unit	Expression of Interest T2022-03 Branxton RV Park	29/07/2022	
<a href="#">71</a> <b>MOTION</b> 71 <b>RESOLVED</b>	<b>Moved:</b>	Maginnity, Robert Councillor Sander	<b>Seconded:</b>	Councillor Burke		
<ol style="list-style-type: none"> <li>That Council endorses Campervan &amp; Motorhome Club of Australia LTD as the preferred applicant to manage Branxton RV Park subject to community consultation;</li> <li>That Council gives public notice of the Branxton RV Park Management proposal for a period of 28 days;</li> <li>That Council provides public notice of the intention to engage Campervan &amp; Motorhome Club of Australia LTD as the Branxton RV Park Manager subject to consideration of submissions received; and</li> <li>That the General Manager negotiate a licence agreement for Branxton RV Park Management after considering the public submissions received.</li> </ol> <p><b>03 May 2022 3:28pm Chadwick, Tony - Target Date Revision</b> Target date changed by Chadwick, Tony from 18 May 2022 to 29 July 2022 - This allows time for community consultation and agreement negotiation.</p> <p><b>03 May 2022 3:29pm Chadwick, Tony</b> Actions taken as follows: 1. That Council endorses Campervan &amp; Motorhome Club of Australia LTD as the preferred applicant to manage Branxton RV Park subject to community consultation - Noted., 2. That Council gives public notice of the Branxton RV Park Management proposal for a period of 28 days - The public consultation period will be from 18 May to 15 June 2022., 3. That Council provides public notice of the intention to engage Campervan &amp; Motorhome Club of Australia LTD as the Branxton RV Park Manager subject to consideration of submissions received - Achieved via website and paid advertisement., 4. That the General Manager negotiate a licence agreement for Branxton RV Park Management after considering the public submissions received - This will commence after 15 June 2022.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
GMU4/2022	Ordinary Council 16/02/2022	Chadwick, Tony	General Manager's Unit	Proposed Apex Park Gateway Site Vision	3/09/2022	
<a href="#">20</a> <b>MOTION</b> 20 <b>RESOLVED</b>	<b>Moved:</b>	Maginnity, Robert Councillor Sander	<b>Seconded:</b>	Councillor Moores		
<ol style="list-style-type: none"> <li>That Council endorses the concept of turning Apex Park into an iconic gateway site.</li> <li>That Council places the Concept Masterplan on public exhibition for a minimum period of 28 days and invite public submissions.</li> <li>That this report be returned to Council for endorsement at the completion of public exhibition.</li> </ol> <p><b>25 Feb 2022 3:42pm Chadwick, Tony</b> 1. That Council endorses the concept of turning Apex Park into an iconic gateway site. No action required., 2. That Council places the Concept Masterplan on public exhibition for a minimum period of 28 days and invite public submissions. The Public exhibition period ran from 1 - 28 March 2022., 3. That this report be returned to Council for endorsement at the completion of public exhibition. The draft Masterplan will be reviewed using community feedback. A report will be returned to Council once the design has been reviewed.</p> <p><b>14 Mar 2022 2:36pm Chadwick, Tony - Target Date Revision</b> Target date changed by Chadwick, Tony from 16 March 2022 to 18 May 2022 - The design will require amendment following community feedback. Once the design is revised the Council Report can be developed for May 2022.</p> <p><b>03 May 2022 3:37pm Chadwick, Tony - Target Date Revision</b> Target date changed by Chadwick, Tony from 18 May 2022 to 03 September 2022 - The Masterplan amendments will occur in the 2022/2023 financial year due to budget availability.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
GMU7/2022	Ordinary Council 16/02/2022	Allan, Darrylen	General Manager's Unit	Consideration of Final Investigation Report - Code of Conduct Complaint	20/05/2022	
<a href="#">54</a> <b>MOTION</b> 54 <b>RESOLVED</b>	<b>Moved:</b>	Allan, Darrylen Councillor Sander	<b>Seconded:</b>	Councillor Hill		
<p>1. That the investigation report into the Code of Conduct matter concerning Councillor Olsen provided by separate confidential enclosure be received and noted.</p> <p>2. That the oral submission from Councillor Olsen addressing the investigators recommendation be received and noted.</p> <p>3. That Council adopt the recommendation made by the investigator in the investigation report.</p> <p>4. That Councillor Olsen be formally censured in accordance with Clause 440(g) of the Local Government Act for breaching Clauses 3.1 (a) and (c) and Clause 7.6(h) of the Cessnock City Council Code of Conduct and the matter be referred to the Office of Local Government for further action under the misconduct provisions of the Local Government Act.</p> <p>11 Apr 2022 4:49pm Keegan, Robyn - Target Date Revision Target date changed by Keegan, Robyn from 16 March 2022 to 08 April 2022 - The matter has been referred to the Office of Local Government (OLG) as per the resolution. As at 11 April 2022, Council has not yet received any further information from the OLG in relation to this referral.</p> <p>29 Apr 2022 10:37am Larsen, Robyn As at 28 April 2022, Council has not yet received any further information from OLG in relation to this matter</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
MM5/2022	Ordinary Council 20/04/2022	Maginnity, Robert	Mayoral Minutes	Support for Hart Road, Northern Ramps - Hunter Expressway	18/05/2022	
<a href="#">67</a> <b>MOTION</b> 67 <b>RESOLVED</b>	<b>Moved:</b>	Maginnity, Robert Councillor Suvaal				
<p>1. That Council supports the fast tracking of the Hart Road Northern Ramps infrastructure additions to the Hunter Expressway, to support the increase of permanent local jobs within our Local Government Area.</p> <p>2. That Council writes to the Prime Minister, Federal Leader of Opposition, Premier Perrottet and State Leader of Opposition Chris Minns, in support of fast-tracking this project, at no cost to Council.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
MM8/2022	Ordinary Council 20/04/2022	Maginnity, Robert	Mayoral Minutes	Australian Local Government Association - Federal Election Funding Campaign	18/05/2022	
<a href="#">70</a> <b>MOTION</b> 70 <b>RESOLVED</b>	<b>Moved:</b>	Maginnity, Robert Councillor Suvaal				
<p>1. That Council supports the national funding priorities of the Australian Local Government Association (ALGA), which would contribute an estimated \$6.46 billion per year to Australia's GDP and create 43,444 jobs; and</p>						



2. That Council agrees to support and participate in the Australian Local Government Association's advocacy for their endorsed national funding priorities by writing to the local Federal Member(s) of Parliament, all known election candidates in local Federal electorates and the President of the Australian Local Government Association to:
- express support for ALGA's funding priorities;
  - to advise that Council's priority local projects and programs that could be progressed with the additional financial assistance from the Federal Government being sought by ALGA are as outlined in the Greater Cessnock Infrastructure Priorities and Cessnock City Council Economic Growth Agenda documents; and the Hart Road Northern Ramps Hunter Expressway as outlined in MM5/2022.
  - seek funding commitments from the members, candidates and their parties for these identified local projects and programs.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE14/2022	Ordinary Council 16/03/2022	Mewing, Jenny	Planning and Environment	Draft Heddton Greta - Clifftleigh Urban Corridor Structure Plan	1/07/2022	
<a href="#">68</a> <b>MOTION</b> 68 <b>RESOLVED</b>	<b>Moved:</b>	Mickleson, Peter Councillor Hill	<b>Seconded:</b>	Councillor Hawkins		
1.	That Council places the draft Heddton Greta – Clifftleigh Urban Corridor Structure Plan on public exhibition for a minimum period of 28 days.					
2.	That Council receives a further report following public exhibition of the draft Heddton Greta – Clifftleigh Urban Corridor Structure Plan.					
<b>23 Mar 2022 3:57pm Mewing, Jenny</b> Preparations being undertaken to commence community consultation between 4 April and 6 May 2022.						
<b>30 Mar 2022 1:28pm Brown, Keren - Target Date Revision</b> Target date changed by Brown, Keren from 13 April 2022 to 01 July 2022 - Public exhibition from 4 April to 6 May 2022. Three community consultation sessions scheduled.						
<b>29 Apr 2022 8:24am Mewing, Jenny</b> Consultation commenced 4 April 2022. Three community drop-in/information sessions have been held on 12, 21 and 26 April.						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE15/2022	Ordinary Council 16/03/2022	Forsyth, Karen	Planning and Environment	Proposed Amendment to the City Wide Infrastructure Contributions Plan 2020	30/06/2022	
<a href="#">69</a> <b>MOTION</b> 69 <b>RESOLVED</b>	<b>Moved:</b>	Mickleson, Peter Councillor Dunn	<b>Seconded:</b>	Councillor Moores		
1.	That Council places the draft City Wide Infrastructure Contributions Plan 2020, as amended, on public exhibition for a minimum period of 28 days.					
2.	That Council receives a further report following public exhibition of the draft City Wide Infrastructure Contributions Plan 2020, as amended.					
<b>24 Mar 2022 9:48am Larsen, Robyn - Reallocation</b> Action reassigned to Forsyth, Karen by Larsen, Robyn						
<b>24 Mar 2022 12:04pm Forsyth, Karen</b> Draft plan will be placed on exhibition from 30 March to 13 May and report will be prepared for June meeting for adoption.						
<b>08 Apr 2022 12:16pm Blake, Yvonne - Target Date Revision</b> Target date changed by Blake, Yvonne from 13 April 2022 to 30 June 2022 - Draft plan will be placed on exhibition from 30 March to 13 May and report will be prepared for June meeting for adoption.						



Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE21/2022	Ordinary Council 20/04/2022	Hamilton, Grant	Planning and Environment	Development Application 8/2021/21548/1 - Alterations to an existing dwelling and change of use of the existing dwelling to an attached secondary dwelling - 33 Water Street, Mulbring	30/06/2022	
<a href="#">61</a> <b>MOTION</b> 61 <b>RESOLVED</b>	<b>Moved:</b>	Mickleson, Peter Councillor Hill	<b>Seconded:</b>	Councillor Hawkins		
<p>That Report PE21/2022 be deferred until the next available Ordinary Council Meeting, if required, to allow for further discussion between the proponent and council regarding onsite sewage management options. Should an option for on-site wastewater disposal, to the satisfaction of Council Offices, be agreed upon, that the application can be approved under delegation.</p> <p><b>26 Apr 2022 11:02am Blake, Yvonne - Target Date Revision</b> Target date changed by Blake, Yvonne from 18 May 2022 to 30 June 2022 - Deferred until the next available Ordinary Council Meeting, if required, to allow for further discussion between the proponent and council regarding onsite sewage management options.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE22/2022	Ordinary Council 20/04/2022	Hyatt, Sarah	Planning and Environment	Development Application 8/2021/21939/1 Proposing a 336 lot subdivision to occur in 3 phases  33 Government Road, Cessnock	30/06/2022	
<b>PROCEDURAL MOTION</b> 63 <b>RESOLVED</b>	<b>Moved:</b>	Mickleson, Peter Councillor Hawkins	<b>Seconded:</b>	Councillor Jurd		
<p>That the report be deferred to the next available meeting to allow for further discussion between the applicant and Council staff.</p> <p><b>26 Apr 2022 11:04am Blake, Yvonne - Target Date Revision</b> Target date changed by Blake, Yvonne from 18 May 2022 to 30 June 2022 - Report deferred to the next available meeting to allow for further discussion between the applicant and Council staff.</p> <p><b>27 Apr 2022 12:03pm Maher, Janine</b> Correspondence issued to applicant on 26 April 2022 to invite the applicant to address outstanding issues, and attend a meeting with relevant Council staff to discuss outstanding matters. Awaiting a response from the applicant.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE24/2022	Ordinary Council 20/04/2022	Rush, Iain	Planning and Environment	Draft Local Planning Framework for the Cessnock LGA Vineyards District	30/12/2022	
<a href="#">75</a> <b>MOTION</b> 75 <b>RESOLVED</b>	<b>Moved:</b>	Mickleson, Peter Councillor Burke	<b>Seconded:</b>	Councillor Grine		
<ol style="list-style-type: none"> <li>That Council requests a Gateway determination in respect of the Cessnock Vineyards District Planning Proposal from the NSW Department of Planning and Environment, pursuant to the <i>Environmental Planning and Assessment Act 1979</i>.</li> <li>That Council requests authorisation under Section 3.31 of the <i>Environmental Planning and Assessment Act 1979</i> to act as the local plan-making authority to make the Local Environmental Plan.</li> </ol>						

3. That Council undertakes consultation with public authorities and the community as determined by the Gateway determination.
4. That Council exhibits the Draft Cessnock Vineyards District Local Character Statement and Development Control Plan with the Planning Proposal.
5. That Council receives a report back on the Planning Proposal and draft local planning framework, following public exhibition.

27 Apr 2022 12:10pm Rush, Iain - Target Date Revision

Target date changed by Rush, Iain from 18 May 2022 to 30 December 2022 - Preparing documentation for submission to DPE for Gateway determination.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE25/2022	Ordinary Council 20/04/2022	Worthing, Alex	Planning and Environment	Planning Proposal 18/2022/2 - Comprehensive LEP Review - Rural Zones	30/11/2022	
<a href="#">76</a> <b>MOTION</b> 76 <b>RESOLVED</b>	<b>Moved:</b>	Mickleeson, Peter Councillor Burke	<b>Seconded:</b>	Councillor Grine		
1.	That Council requests a Gateway determination for the RU2 Rural Landscape Zone, RU3 Forestry Zone and RU5 Village Zones Planning Proposal from the NSW Department of Planning and Environment pursuant to the <i>Environmental Planning and Assessment Act 1979</i> .					
2.	That Council requests authorisation under Section 3.31 of the <i>Environmental Planning and Assessment Act 1979</i> to act as the local plan-making authority to make the Local Environmental Plan.					
3.	That Council undertakes consultation with public authorities and the community as determined by the Gateway determination.					
4.	That Council receives a report back on the Planning Proposal and draft local planning framework, following public exhibition.					
04 May 2022 10:54am Worthing, Alex - Target Date Revision						
Target date changed by Worthing, Alex from 18 May 2022 to 30 November 2022 - With DPIE awaiting Gateway						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE26/2022	Ordinary Council 20/04/2022	Corken, Robert	Planning and Environment	Planning Proposal 18/2020/3/1 - Comprehensive LEP Review - Special Purpose Zones	18/05/2023	
<a href="#">77</a> <b>MOTION</b> 77 <b>RESOLVED</b>	<b>Moved:</b>	Mickleson, Peter Councillor Burke	<b>Seconded:</b>	Councillor Grine		
1.	That Council requests a gateway determination for the Special Purposes Planning Proposal from the NSW Department of Planning and Environment pursuant to the <i>Environmental Planning and Assessment Act 1979</i> .					
2.	That Council requests authorisation under Section 3.31 of the <i>Environmental Planning and Assessment Act 1979</i> to act as the local plan-making authority to make the Local Environmental Plan.					
3.	That Council undertakes consultation with public authorities and the community as determined by the Gateway determination.					
4.	That Council receives a report back on the Planning Proposal and draft local planning framework, following public exhibition.					
27 Apr 2022 10:18am Brown, Keren - Target Date Revision						
Target date changed by Brown, Keren from 18 May 2022 to 18 May 2023 - Gateway determination requested from Department of Planning on 22 April 2022						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE27/2022	Ordinary Council 20/04/2022	Mewing, Jenny	Planning and Environment	Employment Land Zone Reforms	1/07/2022	
<a href="#">78</a> <b>MOTION</b> 78 <b>RESOLVED</b>	<b>Moved:</b>	Mickleson, Peter Councillor Burke	<b>Seconded:</b>	Councillor Sander		
<ol style="list-style-type: none"> <li>That Council notes the changes proposed by the Department of Planning and Environment's employment land-use zone reforms.</li> <li>That Council endorses the proposed changes to the Cessnock Local Environmental Plan 2011 be exhibited by the Department of Planning and Environment.</li> <li>That Council endorses the changes to the Cessnock Local Environmental Plan 2011 proceed, if no unresolvable submissions are received by the Department relating to the Cessnock Local Environmental Plan 2011 during the exhibition period.</li> <li>That Council receives an additional report outlining any unresolvable submissions if received by the Department relating to the Cessnock Local Environmental Plan 2011 during the exhibition period.</li> </ol> <p><b>26 Apr 2022 1:05pm Brown, Keren - Reallocation</b> Action reassigned to Mewing, Jenny by Brown, Keren</p> <p><b>27 Apr 2022 10:16am Brown, Keren - Target Date Revision</b> Target date changed by Brown, Keren from 18 May 2022 to 01 July 2022 - Council resolution and response to land uses sent to Department of Planning on 27/4/22.</p> <p><b>29 Apr 2022 8:25am Mewing, Jenny</b> DPE advised of Council resolutions of 20 April 2022. DPE to undertake consultation but will provide standard wording and support material for Council to publish on its website.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE36/2020	Ordinary Council 21/10/2020	Corken, Robert	Planning and Environment	Amended Planning Proposal for the Cessnock Commercial Precinct	17/12/2022	
<a href="#">1456</a> <b>MOTION</b> 1456 <b>RESOLVED</b>	<b>Moved:</b>	Mickleson, Peter Councillor Gray	<b>Seconded:</b>	Councillor Fitzgibbon		
<ol style="list-style-type: none"> <li>That Council requests an amended Gateway determination from the Department of Planning, Industry and Environment for the Planning Proposal – Cessnock Commercial Precinct.</li> <li>That Council undertakes consultation with public authorities and the community as determined by the Department of Planning, Industry and Environment's amended Gateway determination.</li> <li>That Council receives a report back on the Planning Proposal if unresolved written objections are received during consultation with the community; otherwise forward the Planning Proposal to the Department of Planning, Industry and Environment requesting the Plan be made.</li> </ol> <p><b>03 Nov 2020 10:35am Corken, Robert</b> Sent to DPIE 27/10 for revised gateway determination.</p> <p><b>04 Mar 2021 4:20pm Brown, Keren</b> Still awaiting Gateway Determination</p> <p><b>09 Mar 2021 10:39am Corken, Robert</b> Addressing issues including flooding in CBD.</p> <p><b>23 Mar 2021 12:16pm Brown, Keren</b> Discussions regarding flooding continuing with DPIE</p> <p><b>24 May 2021 11:04am Corken, Robert</b></p>						

The DoPE has withdrawn the current gateway determination for the planning proposal and will reissue a new gateway determination because the planning proposal is substantially different from the original planning proposal. The implications of the new gateway, when issued, will be assessed in terms of this action and this action will be updated accordingly.

**21 Jun 2021 10:56am Corken, Robert - Target Date Revision**

Target date changed by Corken, Robert from 21 June 2021 to 21 August 2021 - We have not received the revised gateway determination from the Department of Planning, Infrastructure and Environment.

**26 Jul 2021 4:32pm Corken, Robert**

Still negotiating with DIPE on matters of flooding.

**04 Aug 2021 8:50am Corken, Robert - Target Date Revision**

Target date changed by Corken, Robert from 21 August 2021 to 19 November 2021 - Still negotiating with DIPE re: flooding.

**27 Aug 2021 1:20pm Corken, Robert - Target Date Revision**

Target date changed by Corken, Robert from 19 November 2021 to 17 December 2021 - Still negotiating with DIPE and BCD over flood concerns.

**30 Sep 2021 1:21pm Corken, Robert - Target Date Revision**

Target date changed by Corken, Robert from 17 December 2021 to 17 December 2022 - DIPE will be issuing a revised gateway determination. It is anticipated that they will place a 12 month time limit on the revised gateway.

**25 Jan 2022 4:22pm Corken, Robert**

Exhibition to commence in March 2022.

**23 Feb 2022 12:38pm Corken, Robert**

Public exhibition concludes 8 March 2022.

**30 Mar 2022 1:22pm Brown, Keren**

Proposal re-exhibited from 30 March to 4 May

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE4/2022	Ordinary Council 16/02/2022	Corken, Robert	Planning and Environment	18 2020 5 - Planning Proposal to Grant a Dwelling Entitlement for Lot 686 DP 619758, Known as 0 Black Hill Road, Black Hill	30/06/2023	
<a href="#">25</a> <b>MOTION</b> 25 <b>RESOLVED</b>	<b>Moved:</b>	Mickleson, Peter Councillor Dunn	<b>Seconded:</b>	Councillor Burke		
1.	That Council requests a Gateway determination for the Planning Proposal – Dwelling Entitlement for Lot 686 DP619758 from the Department of Planning and Environment pursuant to the <i>Environmental Planning and Assessment Act 1979</i> .					
2.	That Council requests authorisation under Section 3.31 of the <i>Environmental Planning and Assessment Act 1979</i> to act as the local plan-making authority to make the Local Environmental Plan.					
3.	That Council undertakes consultation with public authorities and the community as determined by the Gateway determination.					
4.	That Council be provided with a report back on the Planning Proposal if unresolved written objections are received during consultation with the community; otherwise forward the Planning Proposal to the Department of Planning and Environment requesting that the Plan be made.					
<b>23 Feb 2022 4:18pm Blake, Yvonne - Target Date Revision</b> Target date changed by Blake, Yvonne from 16 March 2022 to 30 June 2022 - Resolved at Ordinary Council Meeting held 16 February 2022 to adopt the recommendation.						
<b>24 Feb 2022 10:03am Brown, Keren</b> Gateway determination requested from DPE on 23/2/22						
<b>27 Apr 2022 10:43am Brown, Keren - Target Date Revision</b> Target date changed by Brown, Keren from 30 June 2022 to 30 June 2023 - Waiting on Gateway determination						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE46/2020	Ordinary Council 9/12/2020	Mewing, Jenny	Planning and Environment	18 2020 4 - Planning Proposal to Rezone Part of Lot 10 DP 1085485, known as 261 Averys Lane Buchanan	11/08/2022	
<a href="#">1520</a> <b>MOTION</b> 1520 <b>RESOLVED</b>	<b>Moved:</b>	Mickleson, Peter Councillor Doherty	<b>Seconded:</b>	Councillor Gray		
<ol style="list-style-type: none"> <li>That Council requests a Gateway determination for the Planning Proposal to rezone part of Lot 10 DP 1085485, from RU2 Rural Landscape Zone to R2 Low Density Residential Zone and amend the minimum lot size, to the NSW Department of Planning, Industry and Environment pursuant to the <i>Environmental Planning and Assessment Act 1979</i>.</li> <li>That Council requests authorisation under Section 3.31 of the <i>Environmental Planning and Assessment Act 1979</i> to act as the local plan-making authority to make the Local Environmental Plan.</li> <li>That Council undertakes consultation with public authorities and the community as determined by the Gateway determination.</li> <li>That Council receives a report back on the Planning Proposal if unresolved written objections are received during consultation with the community, otherwise, forwards the Planning Proposal to the Department of Planning, Industry and Environment requesting that the Plan be made.</li> </ol> <p><b>14 Dec 2020 2:22pm Gambotto, Daniela</b> Commencing resolved actions.</p> <p><b>14 Dec 2020 2:24pm Gambotto, Daniela - Target Date Revision</b> Revised Target Date changed by: Gambotto, Daniela From: 6 Jan 2021 To: 31 Mar 2021, Reason: DPIE administrative process.</p> <p><b>18 Jan 2021 2:44pm Gambotto, Daniela - Target Date Revision</b> Revised Target Date changed by: Gambotto, Daniela From: 31 Mar 2021 To: 31 Mar 2021, Reason: Planning Proposal sent to DPIE for Gateway Determination on 23/12/21.</p> <p><b>04 Mar 2021 11:40am Brown, Keren - Target Date Revision</b> Target date changed by Brown, Keren from 31 March 2021 to 01 November 2021 - Target date revised to reflect anticipated gateway timeframe</p> <p><b>04 Mar 2021 11:46am Gambotto, Daniela</b> Recommendations 1 and 2 complete. Recommendations 3 and 4 pending subject to Gateway Determination being issued by DPIE.</p> <p><b>31 May 2021 2:27pm Gambotto, Daniela - Target Date Revision</b> Target date changed by Gambotto, Daniela from 01 November 2021 to 17 May 2022 - DPIE requested further information and resubmittal of planning proposal. 12 month deadline to resubmit.</p> <p><b>30 Jun 2021 7:46am Brown, Keren - Target Date Revision</b> Target date changed by Brown, Keren from 17 May 2022 to 17 May 2022 - Resolution 1 and 2 complete. DPIE requested further information. Resolution 3 cannot be completed until the additional information is provided by the proponent.</p> <p><b>28 Oct 2021 11:42am Brown, Keren</b> Additional information provided by the proponent. Additional information currently being reviewed.</p> <p><b>27 Jan 2022 11:20am Brown, Keren</b> Further additional information provided in December. Currently undertaking internal referrals.</p> <p><b>22 Feb 2022 12:39pm Mewing, Jenny</b> Meeting to be scheduled with Proponent to discuss future progress of proposal based on outcomes of review of investigative studies.</p> <p><b>23 Mar 2022 3:53pm Mewing, Jenny</b> Meeting held with applicant 9 March 2022. Biodiversity Consultation Division of DP&amp;E to be consulted prior to further progression of proposal. , Referral sent to BCD 15 March 2022</p> <p><b>30 Mar 2022 1:31pm Brown, Keren - Target Date Revision</b> Target date changed by Brown, Keren from 17 May 2022 to 11 August 2022 - Meeting held with applicant 9 March 2022. Biodiversity Consultation Division of DP&amp;E to be consulted prior to further progression of proposal. , Referral sent to BCD 15 March 2022</p> <p><b>29 Apr 2022 8:23am Mewing, Jenny</b> BCD advice indicates additional work required prior to revised Gateway Determination request being made to DPE. This request must be submitted by 17 May 2022.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE52/2021	Ordinary Council 20/10/2021	Corken, Robert	Planning and Environment	Planning proposal to rezone land at Gingers Lane, Sawyers Gully	17/11/2022	
<b>MOTION</b> 1850 <b>RESOLVED</b>	<b>Moved:</b>	Mickleson, Peter Councillor Sander	<b>Seconded:</b>	Councillor Gray		
1.	That Council supports the planning proposal as submitted to rezone land at Gingers Lane, Sawyers Gully.					
2.	That Council requests a Gateway determination for the Gingers Lane Planning Proposal –from the Department of Planning, Industry and Environment pursuant to the Environmental Planning and Assessment Act 1979.					
3.	That Council requests authorisation under Section 3.31 of the Environmental Planning and Assessment Act 1979 to act as the local plan-making authority to make the Local Environmental Plan.					
4.	Council note the general consistency of the Gingers Lane Planning Proposal with the UGMP Principles and the high level and subjective nature of the UGMP which enables specific planning proposals to be assessed on their merits.					
5.	That an investigation area wide structure plan be developed and approved by Council prior the rezoning of the Gingers Lane Planning Proposal site.					
<b>28 Oct 2021 2:14pm Corken, Robert - Target Date Revision</b>						
Target date changed by Corken, Robert from 17 November 2021 to 17 November 2022 - Will be referred to Department of Planning, Industry and Environment for Gateway Determination.						
<b>27 Jan 2022 3:19pm Corken, Robert</b>						
Planning proposal has been forward to the Department of Planning. Council is waiting for the Gateway Determination.						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE53/2021	Ordinary Council 17/11/2021	Worthing, Alex	Deferred Business	Environmental Zoning Framework - Public exhibition outcomes and Planning Proposal 18/2021/6/1 - Environmental Zone Land Uses and Objectives	30/04/2023	
<a href="#">1884</a> <b>MOTION</b> 1884 <b>RESOLVED</b>	<b>Moved:</b>	Mickleson, Peter Councillor Doherty	<b>Seconded:</b>	Councillor Sander		
1.	That Council adopts the Environmental Zoning Framework as amended.					
2.	That Council notifies in writing the persons who made a submission with regard to the draft framework, of Council's decision.					
3.	That Council requests a Gateway determination for the Planning Proposal – Environmental Zone Land Uses and Local Objectives (18/2021/6/1) from the Department of Planning, Industry and Environment pursuant to the <i>Environmental Planning and Assessment Act 1979</i> .					
4.	That Council requests authorisation under Section 3.31 of the <i>Environmental Planning and Assessment Act 1979</i> to act as the local plan-making authority to make the Local Environmental Plan.					
5.	That Council undertakes consultation with public authorities and the community as determined by the Gateway determination.					
25 Jan 2022 3:32pm Gambotto, Daniela Planning Proposal sent to Department of Planning, Infrastructure and Environment lodged through the planning portal 14/12/2021. Request for further information received from DPIE 20/01/2022.						
27 Jan 2022 9:20am Blake, Yvonne - Target Date Revision						

Target date changed by Blake, Yvonne from 17 November 2021 to 28 February 2022 - Planning Proposal sent to Department of Planning, Infrastructure and Environment lodged through the planning portal 14/12/2021. Request for further information received from DPIE 20/01/2022.

**22 Feb 2022 10:40am Gambotto, Daniela**

Discussions with DPE ongoing. Submitting further information by mid March

**22 Feb 2022 10:43am Gambotto, Daniela - Target Date Revision**

Target date changed by Gambotto, Daniela from 28 February 2022 to 28 March 2022 - Collecting more data to submit to DPE in support of this PP.

**24 Feb 2022 10:13am Brown, Keren - Target Date Revision**

Target date changed by Brown, Keren from 28 March 2022 to 28 August 2022 - Waiting Gateway determination from DPE

**26 Apr 2022 11:42am Blake, Yvonne - Target Date Revision**

Target date changed by Blake, Yvonne from 28 August 2022 to 30 April 2023 - Awaiting Gateway determination to be issued.

**26 Apr 2022 11:43am Blake, Yvonne - Reallocation**

Action reassigned to Worthing, Alex by Blake, Yvonne - Daniela Gambotto has transferred to another department.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE54/2021	Ordinary Council 20/10/2021	Rush, Iain	Planning and Environment	Planning Proposal 18/2019/1/1 - Reclassification and Rezoning of Council Land	30/06/2022	
<a href="#">1852</a> <b>MOTION</b> 1852 <b>RESOLVED</b>	<b>Moved:</b>	Mickleston, Peter Councillor Suvaal	<b>Seconded:</b>	Councillor Dunn		
<p>1. That Council notes the outcome of community consultation for Planning Proposal 18/2019/1/1 – Reclassification and Rezoning of Council Land.</p> <p>2. That Council forwards the amended Planning Proposal for Reclassification and Rezoning of Council Land to the Minister for Planning and Public Spaces with a recommendation that the plan be made pursuant to Section 3.36 of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>3. That Council notifies submission makers of the Minister's decision.</p>						
<p><b>28 Oct 2021 12:53pm Rush, Iain - Target Date Revision</b> Target date changed by Rush, Iain from 17 November 2021 to 31 March 2022 - Final Local Environmental Plan (LEP) mapping is being prepared by Council prior to forwarding the Planning Proposal to the Department of Planning, Industry and Environment with a request the LEP amendment be made.</p> <p><b>25 Jan 2022 8:52am Rush, Iain</b> Planning Proposal forwarded to Minister for Planning, Industry and Environment for finalisation on 19 November 2021. Awaiting confirmation from Minister that Plan has been made.</p> <p><b>23 Feb 2022 9:34am Rush, Iain</b> Awaiting confirmation from the Minister that Plan has been made.</p> <p><b>08 Apr 2022 12:14pm Blake, Yvonne - Target Date Revision</b> Target date changed by Blake, Yvonne from 31 March 2022 to 30 April 2022 - Still awaiting confirmation from the Minister that Plan has been made.</p> <p><b>26 Apr 2022 3:04pm Rush, Iain - Target Date Revision</b> Target date changed by Rush, Iain from 30 April 2022 to 30 June 2022 - Planning Proposal forwarded to Minister for Planning, Industry and Environment for finalisation on 19 November 2021. Awaiting confirmation from Minister that Plan has been made.</p>						



Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE55/2021	Ordinary Council 20/10/2021	Rush, Iain	Planning and Environment	Planning Proposal 18/2020/3/1 - Comprehensive LEP Review - Recreation Zones	30/12/2022	
<a href="#">1853</a> <b>MOTION</b> 1853 <b>RESOLVED</b>	<b>Moved:</b>	Mickleson, Peter Councillor Fitzgibbon	<b>Seconded:</b>	Councillor Burke		
<ol style="list-style-type: none"> <li>That Council requests a Gateway determination for the Recreation Planning Proposal from the NSW Department of Planning, Industry and Environment pursuant to the <i>Environmental Planning and Assessment Act 1979</i>.</li> <li>That Council requests authorisation under Section 3.31 of the <i>Environmental Planning and Assessment Act 1979</i> to act as the local plan-making authority to make the Local Environmental Plan.</li> <li>That Council undertakes consultation with public authorities and the community as determined by the Gateway determination.</li> <li>That Council receives a report back on the Planning Proposal with the outcomes of the consultation with public authorities and the community.</li> </ol> <p><b>28 Oct 2021 12:52pm Rush, Iain - Target Date Revision</b> Target date changed by Rush, Iain from 17 November 2021 to 30 December 2022 - Currently preparing Planning Proposal to be submitted to the Department of Planning, Industry and Environment (DPIE) for Gateway determination. Target date for project will be further reviewed/updated to reflect timeframe specified in the conditions of the Gateway determination by DPIE.</p> <p><b>25 Jan 2022 8:57am Rush, Iain</b> Planning Proposal forwarded to the Department of Planning, Industry and Environment for Gateway determination on 1 November 2021. Awaiting outcome of Gateway determination.</p> <p><b>23 Feb 2022 9:34am Rush, Iain</b> Gateway determination issued by the Department of Planning and Environment for the Planning Proposal on 30 March 2022.</p> <p><b>11 Apr 2022 12:48pm Rush, Iain</b> Gateway determination issued by the Department of Planning and Environment for the Planning Proposal on 30 March 2022. Agency consultation commenced for 30 days on 5 April 2022 in accordance with the Gateway determination.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE56/2021	Ordinary Council 20/10/2021	Rush, Iain	Planning and Environment	Local Environmental Plan Optional Clause 5.22 - Special Flood Considerations	30/06/2022	
<a href="#">1854</a> <b>MOTION</b> 1854 <b>RESOLVED</b>	<b>Moved:</b>	Mickleson, Peter Councillor Doherty	<b>Seconded:</b>	Councillor Suvaal		
<ol style="list-style-type: none"> <li>That Council advises the Department of Planning, Industry and Environment that it would like to 'opt in' to optional clause 5.22 of the Standard Instrument (Local Environmental Plans) Order 2006.</li> <li>That Council pursuant to clause 18 of the Environmental Planning and Assessment Regulation 2000, exhibits the proposed amendments to the Flood Prone Land Development Control Plan Chapter for a period of 28 days.</li> <li>That Council receives a further report following public exhibition of the Flood Prone Land Development Control Plan Chapter.</li> </ol> <p><b>25 Oct 2021 2:36pm Rush, Iain</b> The Department of Planning, Industry and Environment were notified of Council's resolution regarding Optional Clause 5.22, Special Flood Considerations, on 25 October 2021. This satisfies Item 1 of the Council resolution.</p> <p><b>28 Oct 2021 12:47pm Rush, Iain - Target Date Revision</b></p>						



Target date changed by Rush, Iain from 17 November 2021 to 30 March 2022 - The Department of Planning, Industry and Environment were notified of Council's resolution regarding Optional Clause 5.22, Special Flood Considerations, on 25 October 2021. This satisfies Item 1 of the Council resolution. Exhibition of Draft Flood Prone Land DCP scheduled to commence on 3 November 2021. Exhibition to end on 1 December 2021. DCP to be reported back to Council for adoption in the new year.

**25 Jan 2022 9:00am Rush, Iain**

Department of Planning, Industry and Environment advised on 25 October 2021 of Council's resolution to 'opt in' to optional clause. The Draft Flood Prone Land chapter of the Cessnock DCP was placed on public exhibition for 28 days and no submissions were received. The DCP chapter is scheduled to be reported to Council for adoption at its meeting on 16 February 2022.

**23 Feb 2022 9:35am Rush, Iain**

Department of Planning, Industry and Environment advised on 25 October 2021 of Council's resolution to 'opt in' to optional clause. The Draft Flood Prone Land chapter was adopted by Council on 16 February 2022. Currently preparing the document for publication on Council's website.

**31 Mar 2022 10:31am Rush, Iain**

DPE is conducting public consultation on behalf of all councils in relation to optional cl.5.22, Special Flood Considerations. When this public consultation is complete, the outcomes will be provided to Council to help determine whether we would still like to opt into the optional clause. This matter will require a further Council report in the future.

**08 Apr 2022 12:16pm Blake, Yvonne - Target Date Revision**

Target date changed by Blake, Yvonne from 30 March 2022 to 30 April 2022 - Awaiting completion of public consultation by DPE.

**26 Apr 2022 3:12pm Rush, Iain - Target Date Revision**

Target date changed by Rush, Iain from 30 April 2022 to 30 June 2022 - Implementation of clause 5.22 of the LEP is being managed by the Department of Planning and Environment. Council is awaiting outcomes of the community consultation process that has/will be carried out by DPE.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE59/2021	Ordinary Council 17/11/2021	Brown, Keren	Planning and Environment	Planning Proposal 18/2021/3 Heritage Listing of Wills Hill Road	1/06/2022	
<a href="#">1879</a> <b>MOTION</b> 1879 <b>RESOLVED</b>	<b>Moved:</b>	Mickleson, Peter Councillor Suvaal	<b>Seconded:</b>	Councillor Fitzgibbon		
1.	That Council requests a Gateway determination for the Planning Proposal Heritage Listing of Wills Hill Road from the Department of Planning and Environment pursuant to the <i>Environmental Planning and Assessment Act 1979</i> .					
2.	That Council requests authorisation under Section 3.31 of the Environmental Planning and Assessment Act 1979 to act as the local plan-making authority to make the Local Environmental Plan.					
3.	That Council undertakes consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.					
4.	That Council receives a report back on the Planning Proposal if unresolved written objections are received during consultation with the community; otherwise, forward the Planning Proposal to the Department of Planning and Environment requesting that the Plan be made.					
<b>27 Jan 2022 11:05am Brown, Keren - Target Date Revision</b> Target date changed by Brown, Keren from 15 December 2021 to 01 June 2022 - Waiting on Gateway determination from DPIE						
<b>30 Mar 2022 1:17pm Brown, Keren</b> Gateway determination issued., Agency consultation underway., Public exhibition to commence in April.						
<b>27 Apr 2022 9:36am Brown, Keren</b> Agency consultation undertaken with Office of Environment and Heritage. Response received. Proposal on public exhibition until 20 May.						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE60/2021	Ordinary Council 17/11/2021	Corken, Robert	Planning and Environment	Planning proposal to rezone land at 532 Main Road, Cliftleigh from RU2 Rural Landscape to R2 Low Density Residential.	15/12/2022	
<a href="#">1887</a> <b>MOTION</b> 1887 <b>RESOLVED</b>	<b>Moved:</b>	Mickleson, Peter Councillor Gray	<b>Seconded:</b>	Councillor Suvaal		
<p>1. That Council considers the planning proposal after Council's adoption of the Heddon Greta - Cliftleigh Urban Corridor Master Plan.</p> <p>2. That Council prioritise the preparation and completion of the "Heddon Greta – Cliftleigh Urban Corridor Master Plan".</p> <p>3. That a report comes back to the February 2022 meeting outlining the progress of the Master "Heddon Greta – Cliftleigh Urban Corridor Master Plan".</p> <p>25 Jan 2022 4:24pm Corken, Robert - Target Date Revision Target date changed by Corken, Robert from 15 December 2021 to 15 December 2022 - Deferred pending the Main Road Corridor Study</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI12/2022	Ordinary Council 16/03/2022	Goodbun, Nathan	Works and Infrastructure	Minutes of Cessnock Local Traffic Committee Meeting held 21 February 2022	15/06/2022	
<a href="#">85</a> <b>MOTION</b> 85 <b>RESOLVED</b>	<b>Moved:</b>	Moloney, David Councillor Dunn	<b>Seconded:</b>	Councillor Moores		
<p>That the Minutes of the Cessnock Local Traffic Committee Meeting of 21 February 2022 be adopted as a resolution of the Ordinary Council.</p> <p>1. TC1/2022 - That Council notes the Terms of Reference for the operation of the Cessnock Local Traffic Committee.</p> <p>2. TC2/2022 - That Council notes the deferral of the proposed treatment pending further legal advice from Transport for NSW</p> <p>3. TC3/2022 - That Council authorises the temporary regulation of traffic for the Sunset Sounds event on Broke Road and McDonalds Road, Pokolbin in accordance with Various Roads Pokolbin _ Sunset Sounds Traffic Control Plans.</p> <p>4. TC4/2022 - That Council authorises the temporary regulation of traffic for the Winery Running Festival on Lovedale Road, Wilderness Road, and Talga Road, Lovedale in accordance with Various Roads Lovedale _ Winery Running Festival TCP's.</p> <p>5. TC5/2022 - That Council authorises installation of regulatory parking and intersection controls on various roads within Huntlee, in accordance with various Roads Huntlee _ Signage &amp; Line Marking Diagrams.</p> <p>6. TC6/2022 - 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 TCP's.</p> <p>7. TC7/2022 - That Council notes the Transport for NSW approval of temporary regulation of traffic for the SummerSalt event on Broke Road and Wilderness Road, Pokolbin, in accordance with Various Roads Pokolbin _ SummerSalt Approval.</p> <p>8. TC8/2022 - That Council authorises the installation of signage and line marking at the intersection of Quarrybylong Street &amp; Edgeworth Street, Cessnock, in accordance with the enclosed Quarrybylong Street Cessnock _ Signage &amp; Line Marking Diagram.</p> <p>9. TC9/2022 - That Council authorises installation of signage and line marking on Camp Road, Greta, in accordance with the Camp Road Greta _ Signage &amp; Line Marking Diagram.</p>						

10. TC10/2022 - That Council authorises installation of intersection controls on various roads within Abernethy, in accordance with Various Roads Abernethy \_ Signage & Line Marking Diagram.

02 May 2022 2:04pm Cocking, Tracey

Item 1 - Noted., Item 2 - Noted., Item 3 - Provided consent to applicant., Item 4 - Provided consent to applicant., Item 5 - Pending notification of changes. , Item 6 - Provided consent to applicant., Item 7 - Provided consent to applicant., Item 8 - Advised Project Manager., Item 9 - Advised Project Manager., Item 10 - Works completed.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI15/2022	Ordinary Council 20/04/2022	Harris, Kate	Works and Infrastructure	Richmond Vale Rail Trail	31/07/2022	
<a href="#">93</a> <b>MOTION</b> 93 <b>RESOLVED</b>	<b>Moved:</b>	Moloney, David Councillor Grine	<b>Seconded:</b>	Councillor Hill		
1.	That Council place the Richmond Vale Rail Trail – Stockrington to Kurri Kurri Review of Environmental Factors on Public Exhibition for a 6 week period and invite public submissions.					
2.	That a report on the outcomes of the exhibition period be provided to Council prior to Council endorsing the Richmond Vale Rail Trail – Stockrington to Kurri Kurri Review of Environmental Factors.					

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
W118/2018	Ordinary Council 7/03/2018	Harris, Kate	Works and Infrastructure	Options for Cessnock Pool	30/06/2022	
<a href="#">441</a> <b>MOTION</b> 441 <b>RESOLVED</b>	<b>Moved:</b>	Moloney, David Councillor Gray	<b>Seconded:</b>	Councillor Sander		
1.	That Council notes the Report and endorses Option C (relocate to Turner Park) as the long term strategic direction for Cessnock Pool.					
2.	That Council undertakes further work to determine the scope, design and cost of Option C (relocate to Turner Park), incorporating indoor and outdoor water and play features, with an estimated capital cost of up to \$20M to be partly funded through development contributions.					
3.	That Council endorses Option B (upgrade at current location) as an interim strategic direction for Cessnock Pool.					
4.	That Council undertakes further work to develop the scope, design and cost of upgrades identified in Option B (upgrade at current location).					
5.	That Council receives a further report on how Options B (upgrade at current location) and C (relocate to Turner Park) will be staged and funded with consideration to the outcomes and recommendations of the Review of Plant at the existing Cessnock Pool.					
<b>19 Mar 2018 3:19pm Bailey, Rebecca</b> Work on upgrade to current location has commenced. Work on scope design, and cost for relocation to Turner Park is presently unfunded. Report to Council on these matters scheduled for late 2018., Item 1: Complete, Item 2: Pending budget allocation, Item 3: Noted, Item 4: Cessnock Pool Masterplan has been adopted. Detailed designs for the splashpad currently being prepared , Item 5: Reliant on resolution 4 to be finalised						
<b>14 Jun 2018 9:52am Meyers, Kristy</b> Ongoing.						
<b>31 Oct 2018 10:48am McCloy, Natalie - Target Date Revision</b> Revised Target Date changed by: McCloy, Natalie From: 1 Nov 2018 To: 06 Mar 2019, Reason: Design Brief currently being developed with a view to finalise in November 2019						
<b>05 Mar 2019 11:44am Stovell, Vickie - Target Date Revision</b>						

Revised Target Date changed by: Stovell, Vickie From: 6 Mar 2019 To: 29 Mar 2019, Reason: Design brief advertised and closes on 22 March 2019. Once a consultant has been engaged the timeframes will be added.

**17 Apr 2019 12:43pm McCloy, Natalie - Target Date Revision**

Revised Target Date changed by: McCloy, Natalie From: 29 Mar 2019 To: 19 Apr 2019, Reason: Design brief closed. Consultant to be engaged.

**07 Jun 2019 8:40am McCloy, Natalie - Target Date Revision**

Revised Target Date changed by: McCloy, Natalie From: 19 Jun 2019 To: 19 Jun 2019, Reason: Facility Design Group has been engaged. Community engagement has commenced.

**10 Jul 2019 9:17am Benson, Nicole**

Item 3: Complete, Item 4: Works underway and report to Council due September

**03 Sep 2019 12:20pm Benson, Nicole**

Item 4: Council briefed on 28 August and report to be considered on 18 September

**15 Oct 2019 7:22am Harris, Kate**

Item 4: Draft Cessnock Pool Masterplan placed on Public Exhibition. Exhibition period closes on 22 October 2019.

**03 Nov 2019 10:25am Harris, Kate**

Item 4: Draft Cessnock Pool Masterplan placed on Public Exhibition. Submissions currently being collated with a view to report to Council before the end of the year.

**21 Jan 2020 2:40pm Stovell, Vickie - Target Date Revision**

Revised Target Date changed by: Stovell, Vickie From: 31 Mar 2020 To: 31 Mar 2020, Item 4: Cessnock Pool Masterplan has been adopted. Detailed designs for the splashpad currently being prepared.

**02 Apr 2020 10:58am Harris, Kate**

Item 4: Cessnock Pool Masterplan has been adopted. Construction plans and estimate delayed by consultant until April 2020. Report continues to be drafted inclusive of funding options.

**28 May 2020 3:13pm Benson, Nicole**

Item 4: Cessnock Pool Masterplan has been adopted. Construction plans and estimate reviewed by staff and back with consultants for final changes. Report continues to be drafted inclusive of funding options for July meeting.

**03 Aug 2020 6:54am Harris, Kate**

Item 4: Cessnock Pool Masterplan has been adopted. Construction plans and estimate are complete. A report was provided to Council outlining funding options in July 2020 and was deferred pending a Councillor briefing. A further report will be provided to Council in September following the briefing.

**09 Oct 2020 11:56am Benson, Nicole - Target Date Revision**

Revised Target Date changed by: Benson, Nicole From: 30 Sep 2020 To: 30 Oct 2020, Reason: Councillor briefing scheduled for 14 October and report included in 21 October Ordinary Council meeting agenda to address Item 4.

**29 Oct 2020 12:14pm McCloy, Natalie - Target Date Revision**

Revised Target Date changed by: McCloy, Natalie From: 30 Oct 2020 To: 31 Dec 2020, Item 4: Complete, Item 2: Reliance on resourcing and workloads, Item 5: Reliance on resourcing and workloads

**06 Nov 2020 1:48pm Benson, Nicole**

2 Reliant on a dedicated budget and additional resources, 5 Reliant on a dedicated budget and additional resources

**18 Jan 2021 11:15am Benson, Nicole**

2 Reliant on a dedicated budget and additional resources, 5 Reliant on a dedicated budget and additional resources

**09 Mar 2021 7:31am Harris, Kate**

2 Reliant on a dedicated budget and additional resources, 5 Reliant on a dedicated budget and additional resources

**28 Apr 2021 11:36am Benson, Nicole**

2 Reliant on a dedicated budget and additional resources, 5 Reliant on a dedicated budget and additional resources

**28 Jun 2021 1:30pm Harris, Kate**

Item 2: Reliance on resourcing and workloads, Item 5: Reliance on resourcing and workloads

**28 Oct 2021 10:41am Harris, Kate**

2 Reliant on a dedicated budget and additional resources, 5 Reliant on a dedicated budget and additional resources

**31 Mar 2022 1:06pm Harris, Kate**

2 Reliant on a dedicated budget and additional resources, 5 Reliant on a dedicated budget and additional resources

**31 Mar 2022 1:07pm Harris, Kate - Target Date Revision**

Target date changed by Harris, Kate from 31 March 2022 to 30 June 2022 - The completion of the remaining tasks are reliant on a dedicated budget and additional resources.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
W118/2022	Ordinary Council 20/04/2022	Moloney, David	Deferred Business	Cooper and Charlton Streets Cessnock Intersection	18/05/2022	
<a href="#">96</a> <b>MOTION</b> 96 <b>RESOLVED</b>	<b>Moved:</b>	Moloney, David Councillor Burke	<b>Seconded:</b>	Councillor Sander		
That the report be deferred.						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
W119/2022	Ordinary Council 20/04/2022	Jeffery, Warren	Works and Infrastructure	Kerlew Street, Nulkaba	22/06/2022	
<a href="#">97</a> <b>MOTION</b> 97 <b>RESOLVED</b>	<b>Moved:</b>	Moloney, David Councillor Burke	<b>Seconded:</b>	Councillor Grine		
<ol style="list-style-type: none"> <li>That Council notes the refusal of consent from Transport for NSW (TfNSW) for the installation of the proposed intersection treatment at Kerlew and Occident Streets, Nulkaba as recorded in W16/2022 Minutes of Cessnock Local Traffic Meeting held 21 February 2022.</li> <li>That Council requests TfNSW to provide as a matter of urgency the refusal letter detailing the reasons for their decision.</li> <li>That Council request a meeting with TfNSW and Clayton Barr, Member for Cessnock in regards to the refusal of the proposed intersection treatment at Kerlew St and Occident St.</li> <li>That Council has no obligation or plans to undertake works at the intersection of Wine Country Drive and Kerlew St which is a State Road intersection.</li> <li>That a report come back to Council detailing the outcomes of the meetings and requests.</li> <li>That Council remains committed to supporting the Nulkaba communities preferred preference for Option 3 for the intersection of Kerlew and Occident Streets which isolates the Correctional Centre traffic from the local road network.</li> </ol> <p><b>02 May 2022 2:40pm Cocking, Tracey</b> Item 1 - Noted, Item 2 - Advised by TfNSW that correspondence is pending signature (DOC2022/063227), Item 3 - Pending receipt of correspondence from TfNSW, Item 4 - Noted, Item 5 - Pending meeting with TfNSW, Clayton Barr and Cessnock City Council, Item 6 - Noted.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
W12/2021	Ordinary Council 17/02/2021	Waghorn, Peter	Works and Infrastructure	Sale of Land to Bellbird Bowling Club	15/06/2022	
<a href="#">1571</a> <b>MOTION</b> 1571 <b>RESOLVED</b>	<b>Moved:</b>	Allan, Darrylen Councillor Dunn	<b>Seconded:</b>	Councillor Fitzgibbon		
<ol style="list-style-type: none"> <li>That Council authorises the General Manager to undertake the process to reclassify the seven metre strip of land along the southern boundary of the Bellbird Park Bowling Club from Community to Operational.</li> <li>That Council agrees to sell the subject parcel of land once reclassified to Bellbird Park Bowling Club at the nominal cost of one dollar (\$1.00) provided the Bellbird Park Bowling Club fund associated costs for the land transfer.</li> <li>That Council authorises the General Manager to execute documents related to the reclassification and transfer of land between Cessnock City Council and the Bellbird Park Bowling Club.</li> </ol> <p><b>04 Mar 2021 11:58am Benson, Nicole - Reallocation</b> Action reassigned to Rathborne, Michael by Benson, Nicole - Michael please commence the actions as per the resolution. Liaise with my team if required. Thanks</p> <p><b>24 Mar 2021 4:49pm Keegan, Robyn - Target Date Revision</b> Target date changed by Keegan, Robyn from 17 March 2021 to 30 June 2021 - Information sent to surveyor for the club to prepare and lodge forms,</p> <p><b>29 Mar 2021 4:04pm Rathborne, Michael - Target Date Revision</b> Target date changed by Rathborne, Michael from 30 June 2021 to 30 August 2021 - Surveyor preparing documents for registration.</p> <p><b>28 Apr 2021 10:33am Rathborne, Michael - Target Date Revision</b> Target date changed by Rathborne, Michael from 30 June 2021 to 30 September 2021 - Pending survey and documentation being prepared by surveyor.</p> <p><b>25 Jun 2021 12:30pm Keegan, Robyn - Target Date Revision</b> Target date changed by Keegan, Robyn from 30 September 2021 to 31 December 2021 - Bellbird Park Bowling Club has taken responsibility for survey registration. Further work by Council Property Services to effect the transfer of land is deferred pending Strategic Property obtaining Council approval for a site-specific planning proposal to reclassify the land.</p> <p><b>02 Sep 2021 3:11pm Keegan, Robyn - Target Date Revision</b> Target date changed by Keegan, Robyn from 31 December 2021 to 31 December 2021 - Peter Waghorn advised that there is no further update.</p> <p><b>26 Oct 2021 2:19pm Keegan, Robyn - Target Date Revision</b> Target date changed by Keegan, Robyn from 31 December 2021 to 21 January 2022 - Advised by Chief Financial &amp; Administration Officer no update was available but will investigate.</p> <p><b>25 Jan 2022 10:12am Waghorn, Peter</b> In accordance with the resolution, Bellbird Park Bowling Club management are responsible for organising and registering the survey of land to be acquired but are yet to do so. A registered plan and reclassification of the land are required before the land transfer can be transacted.</p> <p><b>29 Mar 2022 7:55am Boughton-Ingham, Petra</b> 28 Mar 2022 Peter Waghorn, [Confidential]: BPBC's Secretary Manager was contacted with an offer of assistance and advised that the club had not sought quotes for land survey work to date due to their financial situation. As the cost of a partial survey is not anticipated to be high, Council Officers contacted a local surveyor on the club's behalf and was told that the previous Board had engaged Marshall Scott Surveyors to prepare a plan and the draft was sent to the club last year. MSS is following up directly with club management.</p> <p><b>12 Apr 2022 10:21am Keegan, Robyn - Target Date Revision</b> Target date changed by Keegan, Robyn from 21 January 2022 to 15 June 2022 - The Bellbird Park Bowling Club Secretary Manager was contacted with an offer of assistance and advised that the club had not sought quotes for land survey work due to a recent change of voluntary board membership. Council Officers contacted a local surveyor on the club's behalf and were advised that the previous Board had engaged Marshall Scott Surveyors to prepare a plan and the draft was sent to the club last year. Principal of Marshall Scott Surveyors is following up with the new club management directly.</p> <p><b>28 Apr 2022 3:32pm Waghorn, Peter</b> Mark Scott of Marshall Scott Surveyors is still following up with the new club Secretary Manager regarding a survey plan previously prepared and sent to the Club in draft for their review.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI20/2022	Ordinary Council 20/04/2022	Moloney, David	Works and Infrastructure	Upgrade works on Old Maitland Road Sawyers Gully	31/07/2022	
<a href="#">98</a> <b>MOTION</b> 98 <b>RESOLVED</b>	<b>Moved:</b>	Moloney, David Councillor Burke	<b>Seconded:</b>	Councillor Grine		
<ol style="list-style-type: none"> <li>That Council notes the information contained within the report regarding road safety and design, land matters, schedule, timeframes, cost estimate and budget.</li> <li>That Council contacts the grant provider and seeks to renegotiate the terms of the project to undertake works available within the current grant funded amount.</li> <li>That Council commits the current allocated funds of \$724,085.00 to fund the detailed design and associated land acquisitions for the full unsealed section of Old Maitland Road.</li> <li>That Council actively seeks further grant funding to complete the full scope of works required to upgrade Old Maitland Road, including adding it to the letter to Federal Candidates for the electorates of Hunter and Paterson as outlined in Dot Point 2 of MM8/2022.</li> </ol> <p><b>27 Apr 2022 10:21am Meyers, Kristy</b> Item 1 - Noted, Item 2 - Grant provider to be contacted. Variation being prepared., Item 3 - Noted., Item 4 - Noted. Letter sent to Federal Candidates. Greater Cessnock Infrastructure Priorities Advisory Agenda updated to include Old Maitland Road.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI21/2022	Ordinary Council 20/04/2022	Chadwick, Tony	Works and Infrastructure	Implementation of LGA Signage Strategy - Illuminated Signage	18/05/2022	
<a href="#">99</a> <b>MOTION</b> 99 <b>RESOLVED</b>	<b>Moved:</b>	Maginnity, Robert Councillor Burke	<b>Seconded:</b>	Councillor Hawkins		
<ol style="list-style-type: none"> <li>That the General Manager brings back a report outlining economic development opportunities with the possible purchase of the current illuminated signs and how Council may implement an Illuminated signage Strategy as a course of revenue.</li> <li>That the report include detailed information around road laws and safety that might be impacted through this strategy.</li> </ol> <p><b>02 May 2022 12:13pm Cocking, Tracey - Reallocation</b> Action reassigned to Chadwick, Tony by Cocking, Tracey</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI22/2022	Ordinary Council 20/04/2022	Chadwick, Tony	Works and Infrastructure	Bus Shelter Advertising	18/05/2022	
<a href="#">100</a> <b>MOTION</b> 100 <b>RESOLVED</b>	<b>Moved:</b>	Maginnity, Robert Councillor Burke	<b>Seconded:</b>	Councillor Sander		
<ol style="list-style-type: none"> <li>That the General Manager brings back a report outlining economic development opportunities available from Bus Shelter advertising.</li> <li>That the report include detailed information around road laws and safety that might be impacted through this strategy.</li> </ol>						



3. That the report include how community organisations might better access the bus shelter signs for local promotion of events and programs.

02 May 2022 12:13pm Cocking, Tracey - Reallocation  
Action reassigned to Chadwick, Tony by Cocking, Tracey

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI23/2022	Ordinary Council 20/04/2022	Jeffery, Warren	Works and Infrastructure	Main Road LED Replacement Program	15/06/2022	
<a href="#">101</a> <b>MOTION</b> 101 <b>RESOLVED</b>	<b>Moved:</b>	Moloney, David Councillor Burke	<b>Seconded:</b>	Councillor Grine		
<p>1. That Council accepts Ausgrid's proposal for the accelerated replacement of 1,825 Ausgrid lights on main roads and on residential roads over the next three years through agreeing to Ausgrid's proposal to fund the accelerated replacement and to Council funding the residual value of the old lights.</p> <p>2. That Council write to the Minister for Planning and Department of Planning and Environment on the community value of retaining the current scheme in an appropriate way moving forward.</p>						
<p>02 May 2022 3:52pm Cocking, Tracey Item 1 - Arranging GM signature to Ausgrid commitment document, Item 2 - Created draft correspondence</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI24/2022	Ordinary Council 20/04/2022	Awal, Rabiul	Works and Infrastructure	Heavy Vehicle Safety & Productivity Program for Camp Road, Greta	30/06/2022	
<a href="#">102</a> <b>MOTION</b> 102 <b>RESOLVED</b>	<b>Moved:</b>	Moloney, David Councillor Burke	<b>Seconded:</b>	Councillor Grine		
<p>1. That Council endorses an application under the Heavy Vehicle Safety and Productivity Program for Camp Road, Greta.</p> <p>2. That Council allocates the 20% co-contribution of \$300,000 for Camp Road, Greta from the Road Renewal Program in the 2022-23 Operational Plan.</p>						
<p>02 May 2022 12:57pm Awal, Rabiul - Target Date Revision Target date changed by Awal, Rabiul from 18 May 2022 to 18 May 2022 - The HVSPF Funding Application will be lodged by 18 May 22.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI25/2022	Ordinary Council 20/04/2022	Goodbun, Nathan	Works and Infrastructure	Minutes of Cessnock Local Traffic Committee Meeting held 21 March 2022	15/06/2022	
<a href="#">65</a> <b>MOTION</b> 65 <b>RESOLVED</b>	<b>Moved:</b>	Moloney, David Councillor Burke	<b>Seconded:</b>	Councillor Hawkins		
<p>1. That the Minutes of the Cessnock Local Traffic Committee Meeting of 21 March 2022 be adopted as a resolution of the Ordinary Council.</p> <p>i. TC11/2022 - That Council authorises the temporary regulation of traffic on various roads within the Cessnock Local Government Area, for the Magic Ride charity cycle event in accordance with the Various Roads Cessnock LGA _ Traffic Control Plans.</p>						



- ii. TC13/2022 - That Council authorises the temporary regulation of traffic on Lovedale Road, Wilderness Road and Talga Road, Lovedale for the Lovedale Long Lunch in accordance with Various Roads Lovedale \_ Lovedale Long Lunch Traffic Control Plans.
- iii. TC15/2022 - That Council authorises installation of signage and line marking on Oakey Creek Road, Pokolbin, in accordance with the Oakey Creek Road Pokolbin \_ Signage & Line Marking Diagram.
- 2. That Council notes that item TC12/2022 - temporary regulation of traffic on Paynes Crossing Road, Wollombi for the Wollombi Public Holiday Markets events in accordance with the Paynes Crossing Road Wollombi \_ Traffic Control Plan, was determined under delegated authority by the Mayor, as outlined in a separate report to Council CC26/2022 Decisions Made Under Delegated Authority.
- 3. That Council notes that Item TC14/2022 - installation of signage and line marking on McDonalds Road and Palmers Lane, Pokolbin, in accordance with the McDonalds Road Pokolbin \_ Signage & Line Marking Diagram, was determined under delegated authority by the Mayor, as outlined in a separate report to Council CC26/2022 Decisions Made Under Delegated Authority.

**02 May 2022 2:17pm Cocking, Tracey**

Item 1 - Adopted, Item 1i - Pending notification of applicant, Item 1ii - Pending notification of applicant, Item 1iii - Pending notification of Development Services, Item 2 - Provided consent to applicant., Item 3 - Advised Development Services.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI56/2021	Ordinary Council 21/07/2021	Brown, Keren	Works and Infrastructure	Cessnock CBD Bypasses - Reprioritisation of Operational Plan 2021-22	15/06/2022	
<a href="#">1766</a> <b>MOTION</b> 1766 <b>RESOLVED</b>	<b>Moved:</b>	Mickleson, Peter Councillor Suvaal	<b>Seconded:</b>	Councillor Dunn		
<p>1. That Council notes the availability of \$132,000 of repealed development contributions to part fund preparation of the Concept Plan for the Cessnock CBD Bypasses;</p> <p>2. That Council notes in Report WI47/2021 that Council will be seeking grant opportunities to fund concept plans for the northern and southern Cessnock CBD Bypass;</p> <p>3. That Council brings forward the review of the Cessnock LGA Traffic and Transport Strategy and Concept Plan for the Cessnock CBD Bypasses by including it in the Operational Plan 2021/22 with funding allocated as outlined in point 4;</p> <p>4. That Council allocates funding (if grant opportunities are not available as noted in point 2) by using \$132,000 of repealed developer contributions, and \$793,000 from the profits from the sale of stage 8 of Vineyard Grove Estate and 62-76 Cessnock Street, Aberdare.</p> <p>5. That Council endorses investigation and liaison into suitability of the Austar / South Maitland Railways railway corridor for the City's future transport needs.</p>						
<p><b>03 Sep 2021 8:57am Cocking, Tracey</b> Item 1 - Noted, Item 2 - Noted, Item 3 - Recorded request for review of Strategy and preparation of Concept Plan for inclusion in future 1/4ly review., Item 4 - Recorded request to allocation funding of \$132,000 and \$793,000 for inclusion in future 1/4ly review., Item 5 - Drafted letter to invite liaison.</p> <p><b>20 Oct 2021 2:00pm Cocking, Tracey</b> Item 3 - Listed for inclusion in future 1/4ly review and reviewing position description for recruitment of Project Manager., item 4 - Recorded request to allocate funding of \$132,000 and \$793,000 for inclusion in future 1/4ly review., Item 5 - Conducted preliminary discussions with Manager South Maitland Railways (SMR) and was advised that for them it is business as usual with no intention to close the track at this stage and that should SMR make the business decision to close or partially close the mine CCC will be immediately consulted and extensive stake holder consultation would ensue in the development of any significant proposals for changes in the use of the corridor. See DOC2021/134756.</p> <p><b>04 Feb 2022 12:45pm Cocking, Tracey</b> Item 1 - CBD bypasses are a deliverable component of the Traffic and Transport Strategy., Item 3 - RFQ released via government procurement (Vendor Panel), RFQ period closes 11/02/2022., Item 5 - Strategic Property matter.</p> <p><b>22 Feb 2022 11:43am Cocking, Tracey</b> Item 3 - Received 1 proposal in response to RFQ for development of Cessnock LGA Traffic and Transport Strategy, evaluation panel to meet 25 February 2022., Item 5 - Strategic Property matter.</p> <p><b>02 May 2022 3:45pm Cocking, Tracey</b> Item 3 - Awarded development of the new Cessnock LGA Traffic and Transport Strategy., Item 5 - Reassigned this item to Strategic Property for action.</p> <p><b>05 May 2022 2:02pm Cocking, Tracey - Reallocation</b> Action reassigned to Brown, Keren by Cocking, Tracey</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
W162/2021	Ordinary Council 21/07/2021	Conner, Martin	Works and Infrastructure	Minutes of the Floodplain Management Committee Meeting held 2 June 2021	13/07/2022	
<a href="#">1772</a> <b>MOTION</b> 1772 <b>RESOLVED</b>	<b>Moved:</b>	Moloney, David Councillor Doherty	<b>Seconded:</b>	Councillor Gray		
1.	That the Minutes of the Floodplain Management Committee of 2 June 2021 be adopted as a resolution of the Ordinary Council.					
2.	FLOCLM11/2021					
	(i) That the General Manager writes on behalf of Council to the Hunter Joint Organisation seeking support for a pricing review of the NSW Stormwater Levy.					
	(ii) That the General Manager writes on behalf of Council to the Floodplain Management Association seeking advocacy on a pricing review for the NSW Stormwater Levy.					
	(iii) That Council submits a motion to the Local Government NSW Conference seeking an increase in the NSW Stormwater Levy.					
3.	FLOCLM13/2021					
	(i) That Council adopts the Cessnock City Wide Flood Study.					
	(ii) That the General Manager updates relevant flood mapping and associated property notifications for flood related development controls, planning certificates and flood certificates.					
	(iii) That Council applies for a Floodplain Management grant in 2022 for an overland flood study to replace the Cessnock City Wide Flood Study in urban catchments.					
4.	FLOCLM15/2021					
	(i) That Council investigates flood marker signage requirements for bridges and culverts.					
	(ii) That Council allocates \$50,000 (from the Strategic Asset Planning budget) in 2021-2022 to identify and prioritise the location of new flood marker signs.					
	(iii) That the Committee receives a report on the outcomes of the consultancy.					
5.	FLOCLM16/2021					
	(i) That Council starts the recruitment process for a new Floodplain Management Committee following the September 2021 Council Elections.					
	(ii) That Council notes the Floodplain Management Committee meetings of 1 September and 1 December 2021 be rescheduled to a single meeting on 3 November 2021.					
	(iii) That Council recognise the community members of the Floodplain Management Committee for commitment, knowledge and skills brought to the Committee.					
<b>30 Jul 2021 11:58am O'Hara, Rachael</b> Item 1 - Noted, Item 2 - FLOCLM11/2021, (i) Drafted letter. , (ii) Drafted letter., (iii) Prepared memo., Item 3 - FLOCLM13/2021, (i) Adopted Study. , (ii) Updated flood mapping., (iii) Preparing for a Floodplain Management grant in 2022 for an overland flood study to replace the Cessnock City Wide Flood Study in urban catchments., Item 4 - FLOCLM15/2021, (i) Investigating flood marker signage requirements for bridges and culverts., (ii) Allocated funding., (iii) Drafted a report., Item 5 - FLOCLM16/2021, (i) Consulted Governance., (ii) Rescheduled meeting to 3 November 2021., (iii) Noted						
<b>10 Sep 2021 2:44pm O'Hara, Rachael</b> Item 2 - FLOCLM11/2021, (i) Progressed letter. , (ii) Progressed letter., (iii) Internal memo sent. , Item 3 - FLOCLM13/2021, (iii) Preparing for a Floodplain Management grant in 2022 for an overland flood study to replace the Cessnock City Wide Flood Study in urban catchments., Item 4 - FLOCLM15/2021, (i) Investigating flood marker signage requirements for bridges and culverts., (iii) Drafted a report.						
<b>28 Sep 2021 11:59am Conner, Martin</b>						

Item 2 - FLOCLM11/2021 (i) Sent letter 28.09.21 (DOC2021/138456); (ii) Drafted letter (DOC2021/034613); (iii) Prepared motion and obtained approval to submit (DOC2021/139099), Item 3 - FLOCLM13/2021 (iii) Preparing for a Floodplain Management Grant in 2022 for an overland flood study to replace the Cessnock City Wide Flood Study in urban locations., Item 4 - FLOCLM15/2021 (i) Preparing RFQ to investigate flood marker signage requirements, (ii) Added to log of proposed changes for Q1 budget review; (iii) Undertake action following completion of consultancy (i)., Item 5 - FLOCLM16/2021 (i) Deferred action until after December 2021 council elections; (ii) Extraordinary FMC meeting scheduled for 20.10.21 to align with Council ordinary meeting schedule.

#### 27 Oct 2021 3:31pm Conner, Martin

Item 2 - FLOCLM11/2021 (ii) Drafted letter (DOC2021/034613); (iii) Motion submitted 29.09.21 (DOC2021/139099), Item 3 - FLOCLM13/2021 (iii) Preparing for a Floodplain Management Grant in 2022 for an overland flood study to replace the Cessnock City Wide Flood Study in urban locations., Item 4 - FLOCLM15/2021 (i) Preparing documentation to investigate flood marker signage requirements, (ii) Added to log of proposed changes for Q1 budget review; (iii) Undertake action following completion of investigation (i)., Item 5 - FLOCLM16/2021 (i) Deferred action until after December 2021 council elections; (ii) Deferred November 2021 meeting to 2022 due to December 2021 elections.

#### 01 Feb 2022 9:34am O'Hara, Rachael

Item 2 - FLOCLM11/2021 (ii) Letter sent; (iii) Motion submitted, Item 3 - FLOCLM13/2021 (iii) Preparing for a Floodplain Management Grant in 2022 for an overland flood study to replace the Cessnock City Wide Flood Study in urban locations., Item 4 - FLOCLM15/2021 (i) Undertaking field investigation of road creek crossings in LGA. (ii) Funding no longer required. (iii) Undertake action following completion of investigation (i)., Item 5 - FLOCLM16/2021 (i) Preparing recruitment process for new Committee.

#### 22 Feb 2022 11:13am O'Hara, Rachael

Item 3 - FLOCLM13/2021 (iii) Preparing for a Floodplain Management Grant in 2022 for an overland flood study to replace the Cessnock City Wide Flood Study in urban locations., Item 4 - FLOCLM15/2021 (i) Undertaking field investigation of road creek crossings in LGA. (ii) Funding no longer required. (iii) Undertake action following completion of investigation (i)., Item 5 - FLOCLM16/2021 (i) Prepared media release and advertisement for publication.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
W172/2021	Ordinary Council 22/09/2021	Goodbun, Nathan	Works and Infrastructure	Minutes of the Cessnock Local Traffic Committee Meeting held 16 August 2021	18/08/2022	
<a href="#">1829</a> <b>MOTION</b> 1829 <b>RESOLVED</b>	<b>Moved:</b>	Moloney, David Councillor Doherty	<b>Seconded:</b>	Councillor Suvaal		
That the Minutes of the Cessnock Local Traffic Committee Meeting of 16 August 2021 be adopted as a resolution of the Ordinary Council.						
1.	TC35/2021 - That Council authorises the temporary regulation of traffic for the Winery Running Festival on Lovedale Road, Wilderness Road, and Talga Road, Lovedale in accordance with Various Roads Lovedale _ Winery Running Festival TCP's.					
2.	TC36/2021 - That Council notes that the Broke & McDonalds Road, Pokolbin temporary regulation of traffic for the Grapevine Gathering / Red Hot Summer event has been withdrawn.					
3.	TC37/2021 - That Council authorises the installation of regulatory parking signage and line marking on the unnamed road off Frame Drive, Abermain, in accordance with the enclosed Frame Drive Abermain _ Signage & Line Marking Diagram.					
4.	TC38/2021 - That Council authorises installation of regulatory parking and intersection controls on various roads within Huntlee, in accordance with various updated Roads Huntlee - Signage & Line Marking Diagrams.					
5.	TC39/2021 - That Council authorises the installation of signage and line marking for a Channelised Right Turn (Short) treatment at the intersection of Wollombi Road and Abbottsford Street, Bellbird, in accordance with the enclosed Wollombi Road Bellbird _ Signage & Line Marking Diagrams.					
27 Oct 2021 2:36pm Cocking, Tracey Item 1 - Withdrawn by applicant, Item 2 - Withdrawn by applicant, Item 3 - Pending correction of submitted drawings, Item 4 - Pending correction of submitted drawings, Item 5 - Pending detailed design.						
04 Jan 2022 11:59am Cocking, Tracey Item 3 - Pending correction of submitted drawings, Item 4 - Pending correction of submitted drawings, Item 5 - Pending detailed design.						
04 Feb 2022 12:00pm Cocking, Tracey Item 3 - Pending correction of submitted drawings, Item 4 - Pending correction of submitted drawings, Item 5 - Pending detailed design.						
11 Mar 2022 2:11pm Cocking, Tracey Item 3 - Advised Development Services., Item 4 - Preparation of updated diagrams to be supplied to Developer as per LTC requirements., Item 5 - Currently on hold pending Traffic Signals.						
05 May 2022 1:58pm Cocking, Tracey						

Item 4 - Advised Developer of modifications., Item 5 - Currently on hold pending traffic Signals.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI73/2021	Ordinary Council 20/10/2021	Jeffery, Warren	Works and Infrastructure	Kerlew Street, Nulkaba - Cessnock Correctional Centre Access	1/07/2022	
<a href="#">1846</a> <b>MOTION</b> 1846 <b>RESOLVED</b>	<b>Moved:</b>	Moloney, David Councillor Suvaal	<b>Seconded:</b>	Councillor Burke		
<ol style="list-style-type: none"> <li>That Council notes the outcome of the community consultation regarding the proposed final design option for the upgrade of the intersection of Kerlew and Occident Streets, Nulkaba.</li> <li>That Council approves Option 3 as the final design for Occident/Kerlew St intersection and a report be prepared for the Cessnock Local Traffic Committee for design.</li> <li>That Council allocates an addition \$219,000 from the Civil Works reserve for the construction of the intersection of Kerlew and Occident Streets, Nulkaba.</li> <li>That Council engages with the Nulkaba community prior to finalising the detailed design of the intersection at Kerlew and Occident Streets Nulkaba.</li> <li>That a report be presented to Council six months after the construction of the new entrance outlining any issues that have been raised with Council following completion of this project, and include any possible options and estimated costs to mitigate against the ongoing occurrence of these issues in the future.</li> <li>That the General Manager investigate the renaming of part of Kerlew Street, from Occident Street to Wine Country Drive, and that a report come back to Council on the outcomes of the investigation. That the General Manager also undertake any actions that may be required to improve wayfinding technologies following the completion of the new intersection.</li> </ol> <p><b>26 Oct 2021 12:59pm Meyers, Kristy</b> Investigations commenced.</p> <p><b>27 Oct 2021 2:01pm Cocking, Tracey</b> Item 1 - Noted, Item 2 - Procurement of design pending - final/detailed design subject to LTC process, Item 3 - Noted, Item 4 - Noted, Item 5 - Noted, Item 6 - Noted for referral to Road Principal Engineer - Roads Infrastructure.</p> <p><b>04 Feb 2022 12:51pm Cocking, Tracey</b> Item 2 - Selected intersection treatment option advertised under Section 116 of the Roads Act 1993 with a 28 day public submission period which closed 15/12/2021. 2 submissions were received and forwarded to TfNSW as required by Section 116 of the Act. Consent for selected treatment will be sort from TfNSW at the Local Traffic Committee meeting of 21/2/2022. Project Manager has been appointed to this Project. , Item 5 - In abeyance contingent on consent of the treatment from TfNSW.</p> <p><b>22 Feb 2022 11:51am Cocking, Tracey</b> Item 2 - Deferred pending outcome from TfNSW., Item 5 - In abeyance contingent on consent of the treatment from TfNSW.</p> <p><b>02 May 2022 3:57pm Cocking, Tracey</b> Item 2 - Presented report to April Ordinary Council meeting advising TfNSW refusal of consent., Item 5 - In abeyance contingent on consent of the treatment from TfNSW.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI74/2020	Ordinary Council 16/09/2020	Moloney, David	Works and Infrastructure	Shared Pathways and Trails	30/06/2022	
<a href="#">1446</a> <b>MOTION</b> 1446 <b>RESOLVED</b>	<b>Moved:</b>	Moloney, David Councillor Fitzgibbon	<b>Seconded:</b>	Councillor Gray		
<ol style="list-style-type: none"> <li>That Council notes the status of the design for the shared pathway along Wine Country Drive Nulkaba, the Pokolbin Cycling Improvements, and eight recreational trails.</li> <li>That Council notes the total estimated costs of \$2,500,000 to progress to Preliminary Designs for the shared pathway along Wine Country Drive Nulkaba, the Pokolbin Cycling Improvements, and eight recreational trails.</li> </ol>						

3. That Council endorses the sources of funding identified as suitable to progress to Preliminary Designs with the further investigation and finalised scoping to inform the cost of Final Designs.
4. Determining the feasibility of trails 1, 3, 6 and 7 are included as well as the Abermain to Weston link and the Chinaman's Hollow and Maybury Peace Park Trails as an action in the 2021/2022 Operational Plan
5. A report back to Council with results of the feasibility study.

**23 Sep 2020 12:33pm Kerr, Katrina**

Item 1 - Noted, Item 2 - Noted, Item 3 - Requested allocation of funding., Item 4 - Listed Feasibility Study of Trails for inclusion in 2021-22 Operational Plan. , Item 5 - Commenced draft report for completion in financial year 2021-22.

**18 Jan 2021 11:09am Benson, Nicole**

Item 5 - Report to be prepared once feasibility studies are complete.

**09 Mar 2021 9:58am Benson, Nicole - Target Date Revision**

Target date changed by Benson, Nicole from 14 October 2020 to 30 June 2021 - Tasks to be completed in line with Operational Plan timeframes.

**29 Apr 2021 9:56am Benson, Nicole**

Item 4 - Feasibility Study of Trails has been included in the draft 2021-22 Operational Plan. , Item 5 - Commenced draft report for completion in financial year 2021-22.

**06 Jul 2021 3:04pm McCloy, Natalie - Target Date Revision**

Target date changed by McCloy, Natalie from 30 June 2021 to 15 July 2021 - Item 4 - Complete

**29 Jul 2021 8:22am Benson, Nicole**

Item 4 - Complete - Feasibility Study of Trails has been included in the draft 2021-22 Operational Plan. , Item 5 - Commenced draft report for completion in financial year 2021-22.

**29 Jul 2021 8:23am Benson, Nicole - Target Date Revision**

Target date changed by Benson, Nicole from 15 July 2021 to 30 June 2022 - Date in line with resolution 4.

**27 Apr 2022 1:11pm Meyers, Kristy**

Items 1-3 - \$3M funded Public Spaces Legacy Program., Item 4 - Engaged quantity surveyor and obtained costings for high and medium priority pathways, which includes Abermain to Weston through to Maybury Peace Park., Item 5 - Report being drafted for June / July 2022 Council meeting.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI76/2021	Ordinary Council 20/10/2021	Goodbun, Nathan	Works and Infrastructure	Minutes of the Cessnock Local Traffic Committee Meeting held 20 September 2021	17/06/2022	
<a href="#">1865</a> <b>MOTION</b> 1865 <b>RESOLVED</b>	<b>Moved:</b>	Moloney, David Councillor Fitzgibbon	<b>Seconded:</b>	Councillor Sander		
<p><b>That the report be deferred and the General Manager organise a briefing on the 2 reports TC40/2021 and TC41/2021 listed in the Minutes of the Cessnock Local Traffic Committee and consultation with the Ferguson Street residents be undertaken prior to the briefing.</b></p> <p><b>27 Oct 2021 2:45pm Cocking, Tracey</b> Item 1 - Scheduled briefing for 23 February 2022.</p> <p><b>04 Feb 2022 12:02pm Cocking, Tracey</b> Item 1 - Consultation commenced 21/1/2022.</p> <p><b>22 Feb 2022 12:02pm Cocking, Tracey</b> Item 1 - Consultation commenced 21 January 2022, submissions closed 9 February 2022.</p> <p><b>08 Mar 2022 10:45am Cocking, Tracey</b> Item 1 - Submissions closed, commence preparation of briefing scheduled for April 2022.</p> <p><b>02 May 2022 2:01pm Cocking, Tracey</b> Item 1 - Re scheduled briefing for 8 June 2022.</p> <p><b>02 May 2022 2:02pm Cocking, Tracey - Target Date Revision</b></p>						

Target date changed by Cocking, Tracey from 27 April 2022 to 17 June 2022 - Briefing scheduled for 8 June 2022.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
W178/2020	Ordinary Council 21/10/2020	Harris, Kate	Works and Infrastructure	Multipurpose Half Courts and Outdoor Exercise Equipment in Council Open Space	27/05/2022	
<a href="#">1469</a> <b>MOTION</b> 1469 <b>RESOLVED</b>	<b>Moved:</b>	Moloney, David Councillor Doherty	<b>Seconded:</b>	Councillor Dagg		
<ol style="list-style-type: none"> <li>That Council notes the outcome of the investigation into a multipurpose half court or outdoor exercise equipment in Ellalong Park.</li> <li>That the General Manager writes to the organiser of the petition regarding Ellalong Park to advise the outcome of the investigation.</li> <li>That Council lists construction of a pathway connecting the existing multipurpose half court at Ellalong Park for consideration in the Recreation Facilities Renewal Program of the 2021-22 Operational Plan.</li> <li>That Council lists preparation of an Open Space Guideline for Multipurpose Courts and Outdoor Exercise Equipment as an action for inclusion in the 2021-22 Operational Plan.</li> <li>That the General Manager prepares a report to present the completed Open Space Guideline for Multipurpose Courts and Outdoor Exercise Equipment including proposed locations and costs.</li> </ol> <p><b>09 Nov 2020 11:20am Harris, Kate</b> 1. Noted, 2. A response has been drafted, 3. To be completed when the 2021-22 Recreation Facilities Renewal Program has been drafted, 4. To be completed when the 2021-2022 Operational Plan has been drafted, 5. To commence following the completion of item 4.</p> <p><b>10 Dec 2020 2:24pm Harris, Kate</b> 2. A response has been provided to the organiser of the petition (DOC2020/191234)</p> <p><b>19 Feb 2021 3:02pm Harris, Kate</b> 5. To commence following the completion of item 4.</p> <p><b>28 Apr 2021 11:48am Benson, Nicole</b> 5. To commence following the completion of item 4.</p> <p><b>28 Jun 2021 1:26pm Harris, Kate</b> 5. To commence following the completion of item 4.</p> <p><b>28 Jun 2021 1:29pm Harris, Kate - Target Date Revision</b> Target date changed by Harris, Kate from 30 June 2021 to 24 September 2021 - The action is unable to commence until the 2021/2022 financial year in line with the 2021/2022 operational plan.</p> <p><b>29 Jul 2021 8:43am Benson, Nicole</b> 1. Noted, 2. Complete., 3. Complete., 4. Complete., 5. To be scheduled.</p> <p><b>16 Sep 2021 10:58am Harris, Kate - Target Date Revision</b> Target date changed by Harris, Kate from 24 September 2021 to 01 December 2021 - Due to internal resourcing constraints, this project is not due to commence until December 2021.</p> <p><b>28 Oct 2021 10:39am Harris, Kate</b> 1. Noted, 2. Complete., 3. Complete., 4. Complete., 5. The guideline is scheduled to commence early 2022.</p> <p><b>28 Oct 2021 10:40am Harris, Kate - Target Date Revision</b> Target date changed by Harris, Kate from 01 December 2021 to 31 March 2022 - To reflect the scheduling of the project.</p> <p><b>31 Mar 2022 1:00pm Harris, Kate</b> 1. Noted, 2. Complete., 3. Complete., 4. Complete., 5. The guideline has commenced, engagement complete and document being drafted.</p> <p><b>31 Mar 2022 1:02pm Harris, Kate - Target Date Revision</b> Target date changed by Harris, Kate from 31 March 2022 to 27 May 2022 - The draft document is being developed. The target has changed to align with project scheduling.</p>						

Corporate and Community

Report No. CC43/2022

Corporate and Community Services



**SUBJECT:** *QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2022*

**RESPONSIBLE OFFICER:** *Chief Finance Officer - Matthew Plumridge*

### **SUMMARY**

The purpose of this report is to present the Quarterly Business Report March 2022 containing the Quarterly Budget Review Statements (QBRs) for Council's consideration and approval.

### **RECOMMENDATION**

1. That Council receives the March 2022 Quarterly Budget Review Statement in accordance with Clause 203 of the Local Government (General) Regulation 2021.
2. That Council notes that the March 2022 Quarterly Budget Review Statement reflects a forecast operating surplus for the year of \$5,045,401.
3. That Council notes that the March 2022 Quarterly Budget Review Statement reflects a forecast capital expenditure budget of \$45,222,087.
4. That Council approve proposed changes to the 2021-22 operating and capital budgets as presented in the Quarterly Business Report March 2022.
5. That Council notes that the Quarterly Budget Review Statement forecasts all six key performance indicators (including the key financial sustainability ratios of Operating Performance and Own Source Operating Revenue) will exceed Office of Local Government benchmarks.

### **BACKGROUND**

Clause 203 of the *Local Government (General) Regulation 2021* requires the QBRs to be prepared and submitted to Council. A separate report to Council contains information in regard to Council's Delivery Program and reporting under Integrated Planning and Reporting requirements.

The Quarterly Business Report for March 2022 is presented to Council for consideration and contains all necessary Quarterly Budget Review Statements.

### **REPORT**

The budget review process involved responsible cost centre managers reviewing income and expenditure patterns and, after consultation with finance staff, proposing any required changes. Changes may have been from unforeseen circumstances or elements beyond the control of Council, additional funding opportunities, or from Council resolutions.

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**General Budget Commentary**

The Quarterly Business Report is provided to Council at **Enclosure 1** and is showing a projected operating surplus of \$5,045,401 for the year ending 30 June 2022.

The operating position is larger than the original budget as well as the result predicted from the December quarter. Refer below to details on material changes that have led to this improved result.

In terms of the Capital Expenditure budget, there has been a decrease in budgeted expenditure as Works and Infrastructure continue to review priority of works from those carried forward from the past financial year. Certain projects have also been deferred as a result of inclement weather events. Full year capital expenditure is projected to be \$45,222,087 for the year ending 30 June 2022.

To the end of March, the actual capital spend is \$19.5M which is behind the year to date expenditure required to meet the budget figure. Over the course of the next three months, it is possible that further works may be deferred into the coming financial year noting that there are significant capital projects that are contracted to occur in the latter half of the current financial year and noting the impacts the natural disaster events over the last few months have had in relation to Councils works programs.

For further details on the changes refer to the Capital Expenditure Quarterly Budget Review Statement.

*Operating Statement Commentary*

The major items in this review are:

Revenues

- User charges and fees – Operating – an increase of \$3.3M to reflect additional income from Transport for NSW Road work orders, the majority of which relates to John Renshaw Drive, as well as additional tipping fees trending higher than budget.
- Grants and Contributions – Operating – an increase of \$3.7M in anticipated income primarily as a result of the additional Financial Assistance Grant prepayment \$2.4M; disaster recovery funds \$1.0M and other successful smaller grants.
- Grants and Contributions – Capital – a net decrease of \$9.0M related to alignment of claims against capital works and deferred grant funded capital expenditure.

Expenditure

- Employee costs – an increase of \$109K related to costs associated with grant funded Community Recovery Officer.
- Borrowing costs – a decrease of \$40K related to deferral of a new loan from 2021-22 to 2022-23.



**Corporate and Community**

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- Materials and Contracts – an increase of \$4.2M including:
  - \$2.0M from additional costs due to Transport for NSW Road work orders
  - \$2.0M for the write off of the orphan landfill asset
  - \$380K to align parks and playgrounds maintenance budgets with actual trends
  - Partially offset by deferred IT maintenance and licence costs of \$127K.

The full year budget operating position now reflects a surplus of \$5,045,401 (before capital grants and contributions).

*Key Performance Indicators*

Council's QBRS forecasts all six key performance indicators (including the key financial sustainability ratios of Operating Performance and Own Source Operating Revenue) will exceed OLG benchmarks. A listing of the key performance indicators (ratios) is included in the Quarterly Business Report suite of reports.

*Capital Works Programs*

Budget reduction changes of \$6,134,444 are contained in the Capital Budget Review Statement which is reported in the enclosed Quarterly Business Report. The capital works program continues to be re-prioritised to determine the final level of capital projects predicted to be achieved for the year, noting also the impacts that the significant wet weather and natural disaster events have had on Council's operations and programs.

**Responsible Accounting Officer (RAO) Statement**

Section 203 (2) of the *Local Government (General) Regulation 2021* requires that the budget review statement include, or be accompanied by, a report from the Responsible Accounting Officer. This report is required to indicate whether the Responsible Accounting Officer believes that the statement indicates that the financial position of the Council is satisfactory, having regard to the original estimate of income and expenditure, and, if that position is unsatisfactory, recommendations for remedial action. The RAO Statement is included in the Quarterly Business Report.

**CONSULTATION**

The following staff provided input into the preparation of this report and its enclosures:

- Acting General Manager (Director Corporate & Community Services)
- Directors
- Managers
- Senior finance staff
- Audit and Risk Committee

**Corporate and Community**

**Report No. CC43/2022**

**Corporate and Community Services**



**STRATEGIC LINKS**

**a. Delivery Program**

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

**IMPLICATIONS**

**a. Policy and Procedural Implications**

N/A

**b. Financial Implications**

The QBRS are presented in accordance with the adopted budget strategy. The detailed review of all operational and capital budgets is a continuous process. The objective is to improve Council's current and future financial position.

**c. Legislative Implications**

Clause 203 of the *Local Government (General) Regulation 2021* requires the Responsible Accounting Officer to prepare and submit to Council a QBRS that shows revised estimates of income and expenditure for the year.

**d. Risk Implications**

The following are some of the risks that may impact achievement of the projected full year operating statement surplus:

- Losses on disposal of asset values as a result of assets being upgraded or renewed prior to the end of their effective lives; and
- Increased operational employee costs due to lower capitalisation of labour.

Furthermore, the achievement of next year's planned operating result will most likely be impacted by changes to the early prepayment of the Financial Assistance Grant. Over recent years 50% of the Financial Assistance Grant has been prepaid early in the year prior to which it relates and this consistent process has resulted in a smoothing of the payments each financial year. Council's budget assumptions are consistent with this trend. For the current financial year, the Federal budget resulted in a 75% prepayment of the 2022-23 FAG, with these funds to be received prior to 30 June 2022. Should the Office of Local Government and Grants Commission cease these prepayments, or return to a 50% prepayment arrangement, then the gap year will suffer a reduction to income.

**e. Other Implications**

N/A

Corporate and Community

Report No. CC43/2022

Corporate and Community Services

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**CONCLUSION**

The Quarterly Business Report containing QBRS for March 2022 is submitted for consideration and approval by Council.

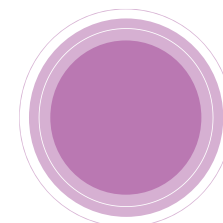
**ENCLOSURES**

[1](#) Quarterly Business Report March 2022



# QUARTERLY BUSINESS REPORT

March 2022



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# Quarterly Budget Review Statement

## Report by Responsible Accounting Officer

### MATTHEW PLUMRIDGE RESPONSIBLE ACCOUNTING OFFICER

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2021:

It is my opinion that the Quarterly Budget Review Statement for Cessnock City Council for the quarter ended 31 March 2022 indicates that Council's projected financial position at 30 June 2022 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Council continues to focus on applying balanced budget principles and actively seek to identify opportunities to improve the financial position. Council needs to maintain financial responsibility in decisions relating to both current and future obligations and commitments.

Signed:

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Date:

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# Quarterly Budget Review Statement

## Income and Expenses Budget Review Statement

### Income and Expenses Budget Review Statement

Budget review for the quarter ended 31 March 2022

	Original Budget 2021/22	Approved Changes				Revised Budget 2021/22	Variations for this Mar Qtr		Notes	Projected Year End Result	YTD Budget	Actual YTD Figures
		Carry Forwards	Other than by QBRs	Other than Sep by QBRs	Dec QBRs		Mar	Qtr				
	\$	\$	\$	\$	\$	\$	\$			\$	\$	\$
<b>Income</b>												
Rates and Annual Charges	58,257,382	-	-	-	756,272	59,013,654	-	1		59,013,654	58,810,955	58,843,412
User Charges and Fees	9,378,708	-	-	-	9,547,642	18,926,350	3,250,302	2		22,176,652	11,907,130	14,382,900
Interest and Investment Revenues	323,419	-	-	-	-	323,419	-			323,419	242,541	179,693
Other Revenues	2,079,228	-	-	-	(193,433)	1,885,795	-			1,885,795	1,540,791	1,272,152
Grants and Contributions - Operating	11,856,232	(24,470)	432,826	-	903,005	13,167,593	3,696,121	3		16,863,714	9,488,934	8,433,539
Grants and Contributions - Capital	27,350,068	-	3,847,172	-	4,560,000	35,757,240	(9,024,951)	4		26,732,289	25,449,259	19,816,842
Net gain from disposal of assets	-	-	-	2,729,836	-	2,729,836	-			2,729,836	2,729,836	2,898,218
<b>Total Income from Continuing Operations</b>	<b>109,245,037</b>	<b>(24,470)</b>	<b>4,279,998</b>	<b>2,729,836</b>	<b>15,573,486</b>	<b>131,803,887</b>	<b>(2,078,528)</b>			<b>129,725,359</b>	<b>110,169,446</b>	<b>105,826,756</b>
<b>Expenses</b>												
Employee Costs	32,738,364	-	-	-	45,887	32,784,251	108,704	5		32,892,955	24,153,704	23,464,441
Borrowing Costs	223,900	-	-	-	-	223,900	(40,100)	6		183,800	195,922	139,053
Materials and Contracts	19,010,542	621,664	-	-	10,497,075	30,129,281	4,215,124	7		34,344,406	18,684,325	22,097,823
Depreciation	14,382,116	-	-	-	839,383	15,221,499	-			15,221,499	11,206,218	11,613,623
Legal Costs	664,880	-	-	-	278,313	943,193	-			943,193	624,827	814,440
Consultants	489,351	-	-	-	(50,500)	438,851	-			438,851	372,673	135,142
Other Expenses	11,395,191	-	-	-	27,774	11,422,965	-			11,422,965	8,606,722	7,862,528
Net Loss from disposal of assets	2,500,000	-	-	-	-	2,500,000	-			2,500,000	2,500,000	-
<b>Total Expenses from Continuing Operations</b>	<b>81,404,344</b>	<b>621,664</b>	<b>-</b>	<b>-</b>	<b>11,637,933</b>	<b>93,663,941</b>	<b>4,283,728</b>			<b>97,947,669</b>	<b>66,344,391</b>	<b>66,127,050</b>
<b>Net Operating Result</b>	<b>27,840,693</b>	<b>(646,134)</b>	<b>4,279,998</b>	<b>2,729,836</b>	<b>3,935,553</b>	<b>38,139,946</b>	<b>(6,362,256)</b>			<b>31,777,690</b>	<b>43,825,055</b>	<b>39,699,706</b>
<b>Net Operating Result before Capital Items</b>	<b>490,625</b>	<b>(646,134)</b>	<b>432,826</b>	<b>2,729,836</b>	<b>(624,447)</b>	<b>2,382,706</b>	<b>2,662,695</b>			<b>5,045,401</b>	<b>18,375,796</b>	<b>19,882,864</b>
<b>Net Operating Result excluding Net Gain from Disposal of Assets</b>										<b>2,315,565</b>	<b>15,645,960</b>	<b>16,984,646</b>

# Quarterly Budget Review Statement

## Income and Expenses Budget Review Statement

### Notes

#### Variations for this March quarter

Council has conducted a review of its operating income and expenses for this March quarterly budget review for major items and proposes a net increase to projected year end surplus of \$2.7M. Forecasts for estimated full year budgets have been based on trends and currently available information. The following notes provide commentary related to the proposed changes to operational results.

##### 1. Rates and annual charges

Council levies rates and annual charges for the whole year in July, however ratepayers are provided the option to make payments in quarterly instalments throughout the year due in August, November, February and May.

Income is recognised up front in accordance with the Australian Accounting Standards and Local Government Code of Accounting Practice and Financial Reporting (Guidelines), therefore the Actual Year To Date (YTD) Figures represent the full year of levied income despite timing differences in payment receipts.

Therefore this is the main reason for the large net operating surplus of \$19.9M with one more quarterly instalment still to be received in May of up to \$15M.

##### 2. User charges and fees

The proposed increase of \$3.3M of additional income is mostly due to Transport NSW Roads work orders for \$2.3M specifically works Council is undertaking at John Renshaw Drive. This income will be mainly offset by the associated cost of works recognised in Materials and Contracts expenses.

Additional proposed changes to user charges and fees relate to tipping fees of \$1.0M that are currently trending higher than original budget estimates.

##### 3. Operating grants and contributions

The proposed net increase in income from operating grants of \$3.7M relates mostly to an official announcement received from the Office of Local Government advising that 75% of the Financial Assistance Grant for 2022-23 will be paid to Councils prior to 30 June 2022. Although the budget already included an estimate for a 50% prepayment consistent with recent years, this change is estimated to have a budget impact of \$2.4M in additional income to be received this financial year.

In accordance with the Australian Accounting Standards and Local Government Code of Accounting Practice and Financial Reporting (Guidelines) this income must be recognised in Council's financial statements in the year it is received, rather than the year to which it relates.

Other proposed changes to operating grants and contributions income includes a \$1.0M reimbursement for prior natural disaster events and emergency works.

Other income from grants Council has been successful in being awarded are also being recognised in the projected full year budgets including a Community Officer, Seniors Festival funding and grants for community facilities including Booth Park and Weston Bears.

##### 4. Capital grants and contributions

The proposed net decrease in capital grants and contributions of \$9.0M relates to aligning claims for capital works projects with timing of expenditures and planned milestones across 2021-22 and also 2022-23. This total decrease includes \$2.4M related to road safety works at Great North Road, Laguna where grant funding will not be received this financial year.



# Quarterly Budget Review Statement

## Income and Expenses Budget Review Statement

### 5. Employee costs

The proposed increase in employee costs of \$109K relates to the Community Officer directly offset by the operating grant income, therefore no impact to the bottom line.

### 6. Borrowing Costs

The projected decrease to borrowing costs relates to reduced interest as a result of the deferral of a new loan originally planned to be drawn down this financial year however is now planned to be drawn down in 2022-23.

### 7. Materials and contracts

The proposed \$4.2M increase to the budget for materials and contracts consists of:

- Additional costs of \$2.0M for Transport NSW road work orders;
- Write-off of disused orphan landfill net asset \$2.0M;
- Maintenance costs for parks and playgrounds of \$380k to align budgets with trends reflective of true operational costs;

partially offset by a \$127k deferral of costs associated with IT licences and maintenance.

In summary, the proposed changes to budgets related to the operating statement forecast a revised surplus of \$31.8M, or \$5.0M excluding income from capital grants and contributions.

# Quarterly Budget Review Statement

## Capital Expenditure

### Capital Budget Review Statement

Budget review for the quarter ended 31 March 2022

	Original Budget 2021/22 \$	Approved Changes			Revised Budget 2021/22 \$	Variations for this Mar Qtr \$		Projected Year End Result \$	Actual YTD Figures \$
		Carry Forwards	Other than by QBRS Sep	Dec QBRs					
<b>Capital Expenditure</b>									
Airport Construction Program (PCA)	3,681,422	-	-	-	3,681,422	(751,881)	2,929,541	75,356	
Airport Renewal Program (PRA)	5,143,392	65,588	-	-	5,208,980	(684,538)	4,524,442	2,620,880	
Branxton Town Centre Program (CTB)	-	252,509	-	-	252,509	30,000	282,509	1,268	
Bridge Construction Program (CBS)	4,103,006	3,243,179	-	(3,109,326)	4,236,859	(733,322)	3,503,537	1,125,867	
Cemetery Facilities Construction Program (CFC)	39,951	5,650	-	-	45,601	-	45,601	11,694	
Cessnock Civic Precinct Revitalisation Prog. (RCC)	808,298	-	-	(658,298)	150,000	-	150,000	87,450	
Community Buildings Construction Program (CBC)	112,868	178,777	-	16,950	308,595	40,150	348,745	48,828	
Community Buildings Renewal Program (RBC)	1,286,006	220,449	-	(327,563)	1,178,892	396,496	1,575,388	253,208	
Design & Contracts Pre-Construction Design	888,523	-	-	-	888,523	-	888,523	50,501	
Drainage Construction Program (CDR)	591,690	838,217	-	79,036	1,508,943	18,724	1,527,667	984,531	
Floodplain Management Program (PMF)	3,067,185	145,517	-	(1,680,000)	1,532,702	(468,966)	1,063,736	615,544	
Gravel Rehab & Resheeting Program (RRG)	377,177	-	-	550,000	927,177	(550,000)	377,177	36,490	
IT Equipment	770,000	-	-	-	770,000	-	770,000	243,389	
Kurri Town Centre Program (CTK)	2,187,716	2,739,202	-	(2,500,000)	2,426,918	(451,557)	1,975,361	644,392	
Library Books	212,950	-	-	(61,400)	151,550	-	151,550	0	
Local Road Construction Program (CRL)	524,930	1,998,220	-	(123,546)	2,399,604	(126,364)	2,273,240	2,310,412	
Local Road Renewal Program (RRL)	7,534,318	2,115,029	1,914,008	(806,770)	10,756,585	(2,818,505)	7,938,080	5,167,519	
Major Plant - Capital Workshop	1,240,000	-	-	-	1,240,000	60,000	1,300,000	170,204	
Natural Disaster	-	32,388	-	(32,388)	-	823,388	823,388	317,057	
Other Fixed Assets	16,500	-	-	-	16,500	(16,500)	-	2,239	
Pathways Construction Program (CPW)	3,941,270	1,904,160	1,950,000	(5,316,582)	2,478,848	276,294	2,755,142	1,053,067	
Pool Facilities Renewal Program (RFP)	1,402,723	184,434	-	(303,934)	1,283,223	-	1,283,223	719,075	
Recreation Buildings Renewal Program (RBR)	182,603	4,135	-	(141,856)	44,882	12,670	57,552	34,189	
Recreation Facilities Construction Program (CFR)	505,119	320,295	-	50,848	876,262	374,819	1,251,081	427,886	
Recreation Facilities Renewal Program (RFR)	230,234	101,596	-	87,040	418,870	(1,906)	416,964	171,537	
Recreation Pre-Construction Design	51,004	6,145	-	-	57,149	-	57,149	53,189	
Regional Road Renewal Program (RRR)	1,931,460	452,363	-	35,650	2,419,473	(740,982)	1,678,491	927,677	
Safer Roads Program (RMS Blackspot) (CRR)	2,750,633	1,066,467	-	(2,466,993)	1,350,107	-	1,350,107	471,824	
Traffic Facilities Program (CFT)	1,124,613	35,550	149,000	(92,162)	1,217,001	(713,347)	503,654	165,816	
Vehicle Fleet Purchases	1,116,000	-	-	-	1,116,000	144,000	1,260,000	0	
Waste Facility Construction Program (CFW)	87,438	329,000	-	-	416,438	(193,386)	223,052	9,052	
Waste Facility Remediation Program (CFW)	606,920	-	-	-	606,920	(83,059)	523,861	46,553	
Waste Major Plant	1,390,000	-	-	-	1,390,000	23,328	1,413,328	686,375	
<b>Total Capital Expenditure</b>	<b>47,905,947</b>	<b>16,238,870</b>	<b>4,013,008</b>	<b>(16,801,294)</b>	<b>51,356,531</b>	<b>(6,134,444)</b>	<b>45,222,087</b>	<b>19,533,067</b>	

## Variations for this March Quarter

Actual Capital Expenditure for the year to 31 March 2022 was \$19.5M which equates to 41% spent from the Original Budget of \$47.9M, and 38% spend from the Revised Budget of \$51.4M approved last quarter.

All projects within the capital works program were reviewed as part of the Q3 Quarterly Budget Review process and a reduction to the overall capital works program of \$6.1M is proposed. As a result of this review some projects impacted by weather events and others that have been reprioritised have been deferred to 2022-23. Other projects were brought forward, and completed projects with savings have had unspent budgets reallocated within the program, such as Community Buildings Renewal Program, Pool Facilities Renewal Program and Recreation Facilities Programs.

Program	Project	Amount \$	Comment
Airport Construction Program (PCA)	PCA-2020-009 Eastern Terminal Upgrade	(251,881)	Deferred
Airport Construction Program (PCA)	PCA-2021-011 Airport Upgrade - Contingency	(500,000)	Deferred
Airport Renewal Program (PRA)	PRA-2020-006 Runway Upgrade	(684,538)	Deferred
Branxton Town Centre Program (CTB)	CTB-2021-001 Branxton Town Centre Upgrade Stage 2	30,000	Contributions (developer and resident)
Bridge Construction Program (CBS)	CBS-2016-001 Construction Fosters Bridge	9,617	To cover final costs
Bridge Construction Program (CBS)	CBS-2017-004 Yango Creek Rd Wollombi	350,000	Brought forward
Bridge Construction Program (CBS)	CBS-2019-001 Paynes Crossing Bridge	21,500	To cover final costs
Bridge Construction Program (CBS)	CBS-2019-004 Bathurst Street Abermain (grant funding dependant)	(1,000)	Not proceeding due to lack of grant funds
Bridge Construction Program (CBS)	CBS-2021-002 Abbotsford St Bellbird Pedestrian Bridge	32,524	To cover final costs
Bridge Construction Program (CBS)	CBS-2022-001 Cuneens Bridge Wollombi Demolition	(188,376)	Deferred
Bridge Construction Program (CBS)	CBS-2022-002 Watagan Creek #1 Laguna Bridge Replacement	(536,870)	Deferred
Bridge Construction Program (CBS)	CBS-2022-003 Westcott St Cessnock Bridge Replacement	(488,641)	Deferred
Bridge Construction Program (CBS)	CBS-2023-001 Paynes Crossing Bridge Defects	67,924	New
Cemetery Facilities Construction Program (CFC)	CFC-2016-003 Cemeteries Signage Renewal	(1,210)	Old project already complete
Cemetery Facilities Construction Program (CFC)	CFC-2021-001 Columbarium Wall Aberdare Lawn	(1,737)	Old project already complete
Cemetery Facilities Construction Program (CFC)	CFC-2022-002 All Cemeteries (Greta)-Signage Renewal	2,947	Transfer within Program
Community Buildings Renewal Program (RBC)	RBC-2021-009 Cess Lib. Roof Access Ladder & Anchor Point	15,000	Transfer within Program
Community Buildings Renewal Program (RBC)	RBC-2022-001 Kurri Community Centre Fire Doors	8,000	Transfer within Program
Community Buildings Renewal Program (RBC)	RBC-2022-001 Millfield Cmty Hall External Painting	(3,490)	Project complete. Transfer within Program
Community Buildings Renewal Program (RBC)	RBC-2022-001 Various Facilities - Asset Renewal	(19,510)	Transfer within Program
Community Buildings Renewal Program (RBC)	RBC-2022-004 Branxton Community Hall Kitchen	20,000	Committee contribution
Community Buildings Renewal Program (RBC)	RBC-2022-007 RFS Central	170,000	New grant
Community Buildings Renewal Program (RBC)	RBC-2022-008 CPAC LED Lighting	200,000	New grant
Community Buildings Renewal Program (RBC)	RBC-2022-002 Cess Library Internal Painting/Flooring	6,496	To cover final costs
Cultural and Community Bldgs Construction Program (CBC)	CBC-2022-001 Wollombi Cultural Centre Tank Conn	10,150	Contribution from club
Cultural and Community Bldgs Construction Program (CBC)	CBC-2022-003 RFS Millfield New Shed	30,000	Contribution from RFS
Drainage Construction Program (CDR)	CDR-2019-008 Kearsley St Aberdare	6,686	To cover final costs
Drainage Construction Program (CDR)	CDR-2021-003 Booth St Kurri	12,038	To cover final costs

Program	Project	Amount \$	Comment
Floodplain Management Program (PMF)	PMF-2018-002 Cessnock FRMSP Bund/Wall Design	20,005	Brought forward
Floodplain Management Program (PMF)	PMF-2021-003 Mount View Detention Basin Improvement	(120,556)	Deferred
Floodplain Management Program (PMF)	PMF-2022-003 Black Creek, Restoration Plan I&D	(47,202)	Deferred
Floodplain Management Program (PMF)	PMF-2022-004 Greta Floodplain Risk Mgt Study	(5,857)	Deferred
Floodplain Management Program (PMF)	PMF-2022-006 South Cessnock Flood Mitigation Construction	16,582	Brought forward
Floodplain Management Program (PMF)	PMF-2022-007 Abermain&Weston Flood Mitigation Construction	(164,969)	Deferred
Floodplain Management Program (PMF)	PMF-2022-008 Cessnock Flood Mitigation Construction	(166,969)	Deferred
Gravel Rehab & Resheeting Program (RRG)	RRG-2021-001 Gravel Rehab and Resheeting Program	(550,000)	Deferred
Kurri Town Centre Program (CTK)	Col Brown Rotary Park Beautification – phase 2	145,000	Brought forward
Kurri Town Centre Program (CTK)	CTK-2020-001 Col Brown Rotary Park Footpath&Paving	17,946	Transfer within Program
Kurri Town Centre Program (CTK)	CTK-2020-001 Town Centre Upgrade	(17,946)	Transfer within Program
Kurri Town Centre Program (CTK)	CTK-2021-001 Lang St Kurri Roadworks	(596,557)	Deferred
Local Road Construction Program (CRL)	CRL-2020-001 Murrays Run Road Embankment Stabilisation	(94,780)	Deferred
Local Road Construction Program (CRL)	CRL-2021-003 Kerlew Street Nulkaba	(31,584)	Deferred
Local Road Renewal Program (RRL)	RRL-2019-007 Heddon St Kurri	332,587	Cost increase due to pavement condition, change of pavement design and resourcing
Local Road Renewal Program (RRL)	RRL-2021-011 Cessnock Rd Weston Pavement Rehabilitation	(774,959)	Deferred
Local Road Renewal Program (RRL)	RRL-2021-012 Old Mait Rd Sawyers Gully Sealing Unsealed	(2,124,242)	Deferred
Local Road Renewal Program (RRL)	RRL-2022-002 Various - Renew Car Parks	(51,803)	Deferred
Local Road Renewal Program (RRL)	RRL-2022-004 Deasys Rd Pokolbin Renew Stage 2	(200,088)	Deferred
Major Plant - Capital Workshop	Major Plant	60,000	Current forecast
Natural Disaster	Local Roads - Flood Event March 2021	32,388	Remaining DRFA grant
Natural Disaster	Local Roads - Flood Event March 2022	750,000	New grant
Natural Disaster	Regional Roads - Flood Event March 2022	41,000	TNSW reimbursement
Other Fixed Assets	Corporate Admin Capital	(1,000)	Not required, repurposed to operations
Other Fixed Assets	Finance Capital	(500)	Not required, repurposed to operations
Other Fixed Assets	Purchasing & Store	(15,000)	Not required, repurposed to operations
Pathways Construction Program (CPW)	CPW-2020-001 Bridge St Cessnock Cycleway Stg 1	(205,175)	Complete. Transfer within Program
Pathways Construction Program (CPW)	CPW-2020-001 Bridge St Cessnock Cycleway Stg 2	205,175	Transfer within Program
Pathways Construction Program (CPW)	CPW-2022-004 Bridges Hill to Wine Country Drive	135,000	Correction to grant amount
Pathways Construction Program (CPW)	CPW-2022-006 O'Connors Rd, Nulkaba Cycleway	141,294	Correction to grant amount
Pool Facilities Renewal Program (RFP)	RFP-2022-001 Braxton Pool Painting	31,308	Transfer within Program
Pool Facilities Renewal Program (RFP)	RFP-2021-004 Aquatic Facility Renewal Program	(198,632)	Transfer within Program
Pool Facilities Renewal Program (RFP)	RFP-2021-004 Braxton Pool	(31,308)	Transfer within Program
Pool Facilities Renewal Program (RFP)	RFP-2022-001 Aquatic Facilities Renewal Program	198,632	Transfer within Program
Recreation Buildings Renewal Program (RBR)	RBR-2022-003 Mulbring Park Grandstand Chouse Floor	12,670	Contribution from club
Recreation Facilities Construction Program (CFR)	CFR-2022-014 - Manning Park Leash Free Dog Area	80,000	Deferred
Recreation Facilities Construction Program (CFR)	CFR-2022-015 Wyndham Ridge Shade Sail	30,000	New project. Developer contributions
Recreation Facilities Construction Program (CFR)	CFR-2020-005 Miller Park Masterplan Long Jump Pits	(1,000)	Transfer within Program
Recreation Facilities Construction Program (CFR)	CFR-2020-005 Miller Park Masterplan Children's Bike	4,710	Transfer within Program
Recreation Facilities Construction Program (CFR)	CFR-2020-005 Miller Park Sight Screens	16,000	Contribution from club
Recreation Facilities Construction Program (CFR)	CFR-2020-006 Poppethead Park Kitchen Masterplan	(93,087)	Deferred

Program	Project	Amount \$	Comment
Recreation Facilities Construction Program (CFR)	CFR-2022-005 Playground Shade Program Brunner Park	8,196	New grant
Recreation Facilities Construction Program (CFR)	CFR-2022-009 Miller Park Netball & Tennis Courts	200,000	New grant
Recreation Facilities Construction Program (CFR)	CFR-2022-010 Weston Bears Park Upgrades	130,000	New project. Developer contributions
Recreation Facilities Renewal Program (RFR)	RFR-2021-002 NthRothMultipurposeCourtsAuditRectify	(5,952)	Transfer within Program
Recreation Facilities Renewal Program (RFR)	RFR-2022-002 Various Parks Floodlight Pole Replace	24,363	Transfer within Program
Recreation Facilities Renewal Program (RFR)	RFR-2022-003 Skate Park Audit Improvements	(13,234)	Transfer within Program
Recreation Facilities Renewal Program (RFR)	RFR-2022-004 Greta Central Park Fencing	(3,710)	Transfer within Program
Recreation Facilities Renewal Program (RFR)	RFR-2022-004 Greta Skatepark Sandstone Seating	(5,177)	Transfer within Program
Recreation Facilities Renewal Program (RFR)	RFR-2022-004 Parks & Reserves Asset Renewal	(45,263)	Transfer within Program
Recreation Facilities Renewal Program (RFR)	RFR-2022-005 Concrete Plinths & Safety Surfacing	37,067	Transfer within Program
Recreation Facilities Renewal Program (RFR)	RFR-2022-xxx Vineyard Grove Playground Shade Sail	10,000	Transfer within Program
Regional Road Renewal Program (RRR)	RRR-2022-003 GreatNthRd Ramsays Leap Stabilisation	12,521	Brought forward
Regional Road Renewal Program (RRR)	RRR-2022-004 Wollombi Road Millfield Stage 7.2	(753,503)	Deferred
Traffic Facilities Program (CFT)	CFT-2018-005 Sixth St Weston School Zone Upgrade	15,357	Transfer within Program
Traffic Facilities Program (CFT)	CFT-2019-003 Wollombi Road Wollombi Intersection (Wollombi Village)	15,905	Brought forward
Traffic Facilities Program (CFT)	CFT-2022-002 Kerlew & Occident St Nulkaba	(431,958)	Deferred
Traffic Facilities Program (CFT)	CFT-2022-007 Stanford Merthyr Infants School	(21,000)	Deferred
Traffic Facilities Program (CFT)	CSB-2022-001 Bus Stop Upgrades	(15,357)	Transfer within Program
Traffic Facilities Program (CFT)	CSB-2022-002 Various City Wide Bus Stop Connect	(276,294)	Not proceeding. Duplicate project with CPW-2022-006
Vehicle Fleet	Fleet vehicles	144,000	Current forecast
Waste Facility Construction Program (CFW)	CFW-2021-001 Administration and Education Centre	(101,085)	Deferred
Waste Facility Construction Program (CFW)	CFW-2021-002 Storage shed construction	59,000	Current forecast
Waste Facility Construction Program (CFW)	CFW-2021-003 New Landfill Development	(32,301)	Deferred
Waste Facility Construction Program (CFW)	CFW-2021-003 New Landfill Development – Stage 1	(119,000)	Deferred
Waste Facility Remediation Program (CFW)	CFW-2021-006a Cessnock Waste Facility-Capping Design	(83,059)	Deferred
Waste Major Plant	Waste Services Disposal	2,328	New grant
Waste Major Plant	Waste Services Disposal	21,000	New grant
<b>Grand Total</b>		<b>(6,134,444)</b>	

# Quarterly Budget Review Statement

## Cash and Investments

Council's cash and investment balance as at 31 March 2022 was \$71,700,559. All investments are held in accordance with Council's Investment Policy and the Ministerial Investment Order and further details are available in Council's monthly Investment Reports.

The cash at bank amount has been reconciled to the bank statements as at 31 March 2022 as per below:

		<b>\$'000's</b>
Cash at bank (as per bank statement)		3,201
Investments		68,500
<b>Reconciled Cash and Investments</b>		<b>71,701</b>
Less : Unpresented Cheques (Timing differences)	(4)	
Add : Undeposited Funds (Timing differences)	16	12
Less : Identified Deposits (not yet accounted in Ledger) (Require Action)	-	
Add : Identified Outflows (not yet accounted in Ledger) (Require Action)	-	
<b>Reconciled Cash and Investments as per General Ledger</b>		<b>71,713</b>

The following table shows the monthly cash flows for cash at bank by major category:

Month	CBA Cash and Working Accounts										Closing Balance
	Opening Balance	EFT/Chqs	Payroll	New Investments	Roll over Investments	Matured Investments	Other Income	RMS	GST	Rates	
	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's
July 2021	6,889	(8,028)	(1,849)	(1,500)	(3,000)	9,000	2,432	2,599	540	3,011	10,094
August 2021	10,094	(5,788)	(1,772)	(8,500)	(2,000)	4,000	3,212	-	-	9,093	8,339
September 2021	8,339	(5,929)	(1,752)	(7,000)	(3,000)	3,000	1,161	1,874	177	7,387	4,257
October 2021	4,257	(8,684)	(2,315)	(3,000)	(3,000)	6,000	5,089	2,922	518	3,149	4,936
November 2021	4,936	(4,794)	(1,834)	(8,000)	-	3,000	3,221	3,092	222	5,466	5,309
December 2021	5,309	(8,626)	(2,206)	(4,000)	-	4,000	3,574	3,369	-	6,058	7,478
January 2022	7,478	(5,356)	(1,809)	(3,000)	-	4,000	2,027	710	632	2,827	7,509
February 2022	7,509	(6,243)	(1,938)	(6,000)	-	2,000	2,424	1,457	293	7,192	6,694
March 2022	6,694	(9,671)	(1,937)	(7,000)	-	3,000	6,878	3,683	305	1,249	3,201

The below table shows closing cash restrictions as at 30 June 2021 included in Council's audited financial statements as well as the original budget adopted as part of the Operational Plan 2021-22 and the year to date actual balances as at 31 March 2022, as per Council's March Investment Report.

	Actual 2020/21 \$000's	Original Budget 2021/22 \$000's	March 2022 \$000's
<b>Externally Restricted</b> (Funds that must be spent for a specific purpose)			
Developer Contributions	19,542	15,214	25,879
RMS Contributions	1,454	1,640	820
Specific Purpose Unexpended Grants	1,489	(67)	7,063
Stormwater Management	236	69	574
Domestic Waste Management	430	430	430
<b>Total Externally Restricted</b>	<b>23,151</b>	<b>17,286</b>	<b>34,766</b>
<b>Internally Restricted</b> (Funds that Council has earmarked for a specific purpose)			
Plant and Vehicle Replacement	2,525	1,742	3,105
Employees Leave Entitlement	2,974	3,801	2,814
Carry Over Works (General Fund)	1,662	-	1,296
Bridge Replacement	672	(207)	644
Computer Services	-	198	-
Insurance Provisions	1,242	1,135	1,284
Miscellaneous and Property Reserve	169	214	185
Leverage for Matching Grant Funds	217	655	132
Financial Assistance Grant in Advance	3,753	-	-
Operations and Programs Reserve	452	502	743
Property Investment Fund	389	2,502	3,224
Civil Works	2,671	498	2,452
Energy Efficiency Reserve	-	159	-
Waste Depot and Rehabilitation	6,833	4,478	6,833
Unexpended Loan Funds	1,235	-	85
Committed Projects (SRV)	1,549	(178)	1,746
Security Deposits / Bonds	3,559	-	3,638
<b>Total Internally Restricted</b>	<b>29,902</b>	<b>15,500</b>	<b>28,181</b>
<b>Unrestricted</b> (i.e. available after the above Restrictions)	1,713	7,175	8,754
<b>Total Cash &amp; Investments</b>	<b>54,766</b>	<b>49,961</b>	<b>71,701</b>

# Quarterly Budget Review Statement

## Key Performance Indicators

Based on the proposed changes to budgets contained in this quarterly budget review, all core Local Government key performance indicators are estimated to meet or exceed benchmarks.

Performance Measure	2020/21 \$'000's	2020/21 Result	Benchmark	2021/22 Original Budget	2021/22 Projection
Operating Performance Ratio	(5.19%)	X	>0.00%	✓	✓
Own Source Operating Revenue Ratio	54.75%	X	>60.00%	✓	✓
Unrestricted Current Ratio	3.84x	✓	>1.50x	✓	✓
Debt Service Cover Ratio	5.45x	✓	>2.00x	✓	✓
Rates and Annual Charges Outstanding Percentage	5.63%	✓	<10.00%	✓	✓
Cash Expense Cover Ratio	8.18 mths	✓	>3.00 mths	✓	✓



# Quarterly Budget Review Statement

## Contracts and Other Expenses

### Contracts

Major contracts equal to or greater than \$50,000 entered into during reporting period 1 July 2021 to 31 March 2022 are summarised below:

Tendor Number	Name	Purpose	Amount	Commencement Date	Completion Date	Duration Months	Included in Budget?
T1920-09	Soft Landing Matress Recycling	Collection of bulk mattresses from Waste management	\$ 606,000	2/09/2021	1/09/2026	60	Yes
T2021-03	United Safety & Survivability Corporation Pty Ltd	Maintenance of Fire Protection Equipment	\$ 130,000	1/08/2021	30/06/2026	60	Yes
T2012-12	All Kerbs & Concrete Pty Ltd	Concrete Construction footpaths and kerb	\$ 1,800,000	27/09/2021	26/09/2023	24	Yes
	Alpha Kerbs/Alpha Pacific Pty Ltd			27/09/2021	26/09/2023	24	Yes
	Bolla Kerb Contracting Pty Limited			27/09/2021	26/09/2023	24	Yes
	Hunter Rail & Civil			27/09/2021	26/09/2023	24	Yes
	MCDougall Concreting/Aidan Todd MCDougall			27/09/2021	26/09/2023	24	Yes
	O'Mara Concreting			27/09/2021	26/09/2023	24	Yes
	Planet Civil Pty Ltd			27/09/2021	26/09/2023	24	Yes
	Starcon Group Pty Ltd			27/09/2021	26/09/2023	24	Yes
	State Civil			27/09/2021	26/09/2023	24	Yes
Q2022-070	Otiun Planning Group Pty Ltd	Professional Services	\$ 77,215	1/01/2022	31/12/2022	12	Yes
LGP1208-03	Barker Ryan Stewart	Professional Services	\$ 70,950	1/10/2021	30/09/2022	12	Yes
	Wilde and Woollard Pacific Pty Ltd		\$ 98,000	1/10/2021	31/03/2022	6	Yes
T501920HUN	Fulton Hogan Industries Pty Ltd	Supply of Road works	\$ 1,960,081	22/03/2022	30/06/2022	2	Yes
LGP115	Computer Systems (Australia)	Supply of IT equipment	\$ 67,740	28/03/2022	30/06/2022	2	Yes
	Maitland City Council	Supply of Animal Management Services	\$ 1,150,000	1/03/2022	28/02/2027	60	Yes
T072021HUN	J & M Road Marking Specialists	Line Marking Services	\$ 107,015	22/03/2022	30/06/2022	3	
Q2022-106	Moduplay Group Pty Ltd	Construction of Children's Bike Track	\$ 77,000	16/03/2022	30/06/2022	2	Yes
T501920HUN	ANA Industries Pty Ltd	Supply of Road works	\$ 65,500	10/03/2022	30/06/2022	2	Yes
Q2021-249	Group GSA Pty Ltd	Supply of Strategic Plans	\$ 147,500	1/02/2022	30/06/2022	5	Yes
Q2022-05	Bligh Tanner Pty Ltd	Supply of Strategic Plans	\$ 54,000	14/02/2022	30/06/2022	5	Yes
Q2022-061	Michillis Pty Ltd	Supply of Lighting upgrade works	\$ 76,569	24/01/2022	30/06/2022	6	Yes

# Quarterly Budget Review Statement

## Contracts and Other Expenses

### Other Expenses

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

	Expenditure Year To Date (YTD)	Budgeted Y / N
Consultancies	\$135,142	Y
Legal Fees	\$814,440	N*

\* Due to the nature of many legal matters emerging throughout the financial year, not all matters are specifically budgeted however budgets are reviewed quarterly to ensure adequate funds are available to absorb expenditure.

# Quarterly Budget Review Statement

## Employee Numbers

The following table shows approved employee numbers as at 31 March 2022 based on Full Time Equivalent (FTE) measurement which is where 1.0 FTE equals a position where the hours are contracted for the full week (either a 35 or 38 hour week). The below figure includes all positions both occupied and vacant.

Employee Type	Full Time Equivalents
Permanent	371.24
Casual	15.50
Apprentice/Trainee	16.60
Temporary	17.81
<b>Total Approved Full Time Equivalents</b>	<b>420.15</b>
<b>Actual Occupied Full Time Equivalents as at 31 March 2022</b>	<b>359.54</b>



62-78 Vincent Street  
Cessnock, NSW  
Australia



Contact:  
tel:0249934300  
tel:0249934100



Online help:  
[council@cessnock.nsw.gov.au](mailto:council@cessnock.nsw.gov.au)  
<http://www.cessnock.nsw.g>

Corporate and Community

Report No. CC44/2022

Corporate and Community Services



**SUBJECT:** *CHANGES TO GENERAL PURPOSE COMPONENT OF THE FINANCIAL ASSISTANCE GRANT*

**RESPONSIBLE OFFICER:** *Chief Finance Officer - Matthew Plumridge*

### **SUMMARY**

Council has received correspondence from the NSW Local Government Grants Commission outlining proposed changes to the methodology for calculating the general purpose component of the Financial Assistance Grant, commencing in the financial year 2023-24. The changes proposed will reduce the amount of the Financial Assistance Grant to Council.

### **RECOMMENDATION**

**That Council note the correspondence received and the impact of the changes on future Council budgets.**

### **BACKGROUND**

The Financial Assistance Grant (FAG) is a federally funded grant distributed on the Commonwealth's behalf by the NSW Local Government Grants Commission. The grant is one of the few grants that is received by Council that can be utilised to meet general operating expenditure.

### **REPORT/PROPOSAL**

The correspondence in Enclosure 1 outlines that there is to be a change in the methodology that the grants commission will use to determine the amount of the annual general purpose component of the grant. Previous practice has been to allocate a yearly change of between +5% and -5% on the council's previous years' general purpose component. These rates are to ensure council's and communities are provided with additional assistance due to:

- Small and declining populations
- Limited capacity to raise revenue
- Financial responsibility for sizeable networks or local roads/infrastructure and diminishing financial resources
- Relative isolation

From 2018-19, there have been transition arrangements in place which has set the yearly lower limit change at 0%, effectively allowing all councils to receive the same amount as the previous year.

The commission is now proposing to restore the limits at +6% and -4% commencing from 2023-24 with two options for the transition:

- Immediate implementation of the +6% and -4% model; or
- A two stage transition where:
  - Year one +5% and -2% and

**Corporate and Community**

Report No. CC44/2022

**Corporate and Community Services**

- Year two +6% and -4%

As Council is affected by this change, the commission has asked Council for a submission on the transition process. Council will be looking for the two year transition as it will allow Council additional time to identify areas to manage the shortfall in the grant funding.

Modelling undertaken by the grants commission suggests that Council will have the grant reduced by approximately \$64,000 per annum as outlined below:

<b>Cessnock City Council</b>				
<b>GPC</b>	<b>ACTUAL GPC 2020-21 \$</b>	<b>GPC 2021-22 \$</b>	<b>% Change on 2020-21</b>	<b>ADDITIONAL \$ received compared to ACTUAL 2021-22</b>
<b>2021-22 Actual \$ 0%+5%</b>	5,700,379	5,712,420	0.2%	N/A
<b>2021-22 Test \$ - 2%+5%</b>	5,700,379	5,671,042	-0.5%	41,378
<b>2021-22 Test \$ - 4%+6%</b>	5,700,379	5,648,023	-0.9%	64,397

**OPTIONS**

This is an information report.

**CONSULTATION**

Acting General Manager (Director of Corporate and Community Services)  
Acting Director of Corporate and Community Services (Human Resource Manager)  
Management Accountant

**STRATEGIC LINKS****a. Delivery Program**

N/A

**b. Other Plans**

N/A

**IMPLICATIONS****a. Policy and Procedural Implications**

N/A

**b. Financial Implications**

As outlined in the report, Council will see income reduced by approximately \$64,000 per annum.

**Corporate and Community**

**Report No. CC44/2022**

**Corporate and Community Services**

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**c. Legislative Implications**

N/A

**d. Risk Implications**

Reduced income continues to impact the amount of services able to be delivered to the community.

**e. Environmental Implications**

N/A

**f. Other Implications**

N/A

**CONCLUSION**

The NSW Local Government Grants Commission is outlining a change to the general purpose component of the Financial Assistance Grant that will reduce Council income by approximately \$64,000 per annum.

**ENCLOSURES**

- [1](#) Grants Commission Letter
- [2](#) Financial Assistance Grant Fact Sheet



NSW Local Government Grants Commission  
5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541

OUR REFERENCE: A808545  
YOUR REFERENCE:  
CONTACT: Helen Pearce  
(02) 4428 4131  
helen.pearce@olg.nsw.gov.au

Mr Robert Maginnity  
Cessnock City Council

By email:  
robert.maginnity@cessnock.nsw.gov.au  
cc: council@cessnock.nsw.gov.au

5 April 2022

Dear Mr Maginnity

The NSW Grants Commission is writing to Council to inform you of a proposed change to the allocation of Federally Funded Financial Assistance Grants (FAGs) which will likely impact Council.

Council will appreciate that the greatest challenge confronting the Commission is how to achieve the intent of the NSW Government's policy of distributing the grants, as far as possible, to the councils in greatest relative need when all councils must receive at least a minimum per capita grant based on 30% of the annual General Purpose Component (GPC) of the FAGs, as mandated by the Federal legislation.

Council will recall that after a review of the FAGs allocation model, in 2017 the Commission decided to utilise a refined model for the allocation of the expenditure allowance within the GPC of the FAGs. This decision was communicated to the sector generally and more specifically when the Commission met with councils. The Commission last met with Council 11/10/2018.

#### **Transitional Arrangements**

When the Commission began the process of refining the existing allocation model in 2018- 19, it suspended its past practice of capping allocations to councils to within a range of between +5% (ceiling) to - 5% (floor) on councils' previous year's GPCs. The capping of the ceiling and negative floor was well understood in the sector as it allowed councils to have greater certainty, noting that whether or not there would be an increase in allocations was always dependent on the level of Federal funding in any given year. As the 2014 paused indexation period demonstrated, and lower levels of CPI in 2020-21 and 2021-22, there is no certainty of outcomes.

The Commission has also been advising councils that, during this transition period, allocations have been subject to a 0% floor, but they have maintained the +5% ceiling.

In all of the Commission's visits to councils, and in its fact sheets, the Commission has signalled that as it moves to fully implement the refined model, the Commission anticipated that 0% floor transition principle could not be maintained. As such, councils were advised that when the transition period ceases, some councils will be at risk of receiving less GPC than they received the year before, consistent with past historical practice.

T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209  
E [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au)  
W <http://www.olg.nsw.gov.au>  
(follow the "Commissions & Tribunals" links)





The Commission has been operating on the refined model (within those interim capping parameters) now for the past four years. At its recent meeting the Commission reviewed the allocation model and noted that the continuation of the 0% floor was disadvantaging regional and remote councils thereby skewing the allocations.

#### **Pathway out of Transition**

The Commission believes it is therefore time to consider reinstating the negative floor principle. While it will remain in transition in making the 2022-23 recommendations, beyond that date the Commission is looking to reset the parameters with a ceiling of +6% and floor of -4%. These settings will assist the Commission to better respond to fulfilling the requirements of the National Principles and the policy of the NSW Government.

There are 2 options for setting the 2023-24 recommendations:

- **Option 1** offers an **immediate implementation in 2023** of a ceiling and floor of +6% to -4% setting, or
- **Option 2** offers a **2 stage transition commencing 2023** with a ceiling and floor of +5% to -2% setting and the following year's recommendation 2024 moving to the +6% to -4% setting.

Moving back to these ceilings and floors, the Commission anticipates that around 12-31 councils, including your Council, will be impacted. As a council that will likely be immediately affected by the new policy settings, the Commission is writing to Council to seek its views on the matter. In considering the impacts of the restoration of the negative floor, it is to be noted that during the 0% transition period, Council has been financially benefiting from the transition policy – see attached table 1.

Based on the 2021-22 estimated FAG recommendations, moving out of transition will enable approximately \$6-10M to be released for distribution to councils in greater relative need. These greater disadvantaged councils are missing out on this grant funding annually while there is a 0% floor. Each of the councils that will benefit from resuming the lower floor have demonstrated greater relative need whether due to remoteness and/or having relatively greater costs of providing services but having less capacity to raise revenue. These councils have difficulties with economies of scale being generally geographically larger in area but often having small and declining populations. They are also disadvantaged in having on-going infrastructure costs, such as large road networks.

The Councils listed in table 2 attached are 10 Councils that could have received the highest % increase in *additional* grant funding within the 2021-22 current funding pool had the negative floor been released. All the councils are rural or regional with populations of <30K and have either long term population decline (since 2006) or populations that have increased at a slower rate than the state average in that period.

#### **Council's preference is sought**

The Commission would invite Council to comment on the proposal to reinstate the historical ceiling and floor principle, in particular, whether Council would favour the immediate implementation of the +6% to -4% floor, or whether it would prefer a two stage transition.

Councils are respectfully asked to respond before 30<sup>th</sup> May 2022. More information about the FAGs scheme is available on the Office of Local Government (OLG) Website: <https://www.olg.nsw.gov.au/commissions-and-tribunals/#lggc>.

The Commission looks forward to receiving your response.

Attachment

**Table 1:**

**ADDITIONAL funding received due to transition arrangement**

<b>Cessnock City Council</b>				
<b>GPC</b>	<b>ACTUAL GPC 2020-21 \$</b>	<b>GPC 2021-22 \$</b>	<b>% Change on 2020-21</b>	<b>ADDITIONAL \$ received compared to ACTUAL 2021-22</b>
<b>2021-22 Actual \$ 0%+5%</b>	5,700,379	5,712,420	0.2%	N/A
<b>2021-22 Test \$ -2%+5%</b>	5,700,379	5,671,042	-0.5%	41,378
<b>2021-22 Test \$ -4%+6%</b>	5,700,379	5,648,023	-0.9%	64,397

Note: The last two years of total FAG funding has been indexed at a lower rate than it has been on average for the last 10 years (which include three years of paused indexation).

**Table 2:**

**ADDITIONAL \$ increase based on -2% +5% compared to actual 2021-22 GPC**

<b>Council</b>	<b>Council OLG Category</b>	<b>% increase on 2020- 21</b>	<b>ADDITIONAL \$ Increase had the floor been lowered to -2% in 2021-22</b>
Kempsey (S)	Urban Regional Small	5.3%	126,618
Mid-Western Regional	Urban Regional Small	5.8%	123,445
Inverell (S)	Rural Agricultural Very Large	5.9%	122,847
Griffith (C)	Urban Regional Small	5.8%	117,222
Broken Hill (C)	Urban Regional Small	6.4%	116,130
Lithgow (C)	Urban Regional Small	5.4%	97,688
Richmond Valley	Urban Regional Small	5.4%	96,633
Leeton (S)	Rural Agricultural Very Large	6.6%	96,439
Cowra (S)	Rural Agricultural Very Large	5.9%	94,494
Goulburn Mulwaree	Urban Regional Medium	4.4%	88,852

These calculations are only estimates and will vary year on year depending on the changes to councils' data and the size of the FAGs funding pool.

I trust this information is of assistance.

Yours sincerely



**Helen Pearce  
Executive Officer**

# Financial Assistance Grants 2022-23

## Fact Sheet 2022



Local Government Financial Assistance Grants are paid to local councils to help them deliver services to their communities. The funds are paid annually by the Australian Government. Councils are free to use these funds at their discretion and are accountable to their ratepayers. The allocation is paid in quarterly instalments.

### 2022 Update

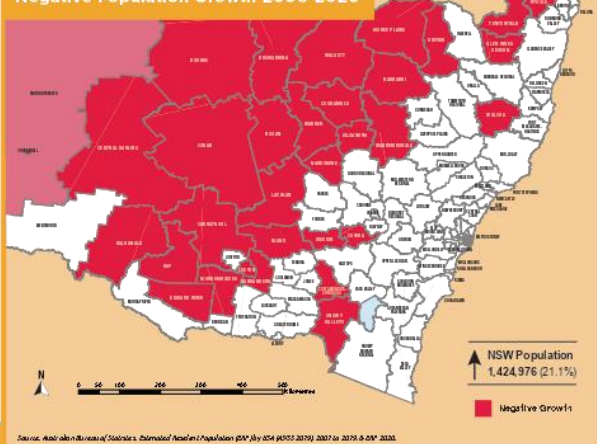
In 2013 the Independent Local Government Review Panel recommended, "Subject to any legal constraints, seek to redistribute Federal Financial Assistance Grants and some State grants in order to channel additional support to councils and communities with the greatest needs." Following an extensive review of the financial assistance grant model 2013 to 2016, recommendations were made to refine and improve parts of the expenditure allowance under the General Purpose Component (GPC). In 2018 the Commission (Commission) implemented refinements consistent with the National Principles and the NSW Government policy to allocate grants, as far as possible, to councils with the greatest relative disadvantage. However, the model refinements remain in a transition stage.

Since entering transition in 2018-19, the Commission has implemented transition arrangements, which limit the variation percentage of individual councils' annual GPC levels, as follows:

- Upper limit (cap) of +5%
- Lower limit (collar) of 0%

Historically, the Commission set a range between +5% and -5%. The Commission is looking to restore caps and collars within a range of +6% to -4%. Retaining a 0% collar is resulting in more funds continuing to shift from councils with greater relative disadvantage to councils with more relative advantage. The Commission will keep the transitional arrangements for the 2022 recommendations. It is consulting with the sector about the recommendations for 2023 and beyond and the most appropriate approach to resume the original lower limit, which may include a staged option.

### Negative Population Growth 2006-2020



Nowra 7-8 October: NSW Grants Commission hosted the 2021 National Conference of Local Government Grants Commissions, "The Road Ahead".

### Councils with greatest relative disadvantage:

Councils with greatest relative disadvantage are generally rural and remote councils with:

- Small and declining populations
- Limited capacity to raise revenue
- Financial responsibility for sizeable networks of local roads/infrastructure & diminishing financial resources
- Relative isolation

The ongoing challenge for the Commission has been how to allocate a fairer share of the GPC to such councils when a fixed 30% of the GPC grant must be allocated based on population increases/decreases.

### General information

Funds are allocated to NSW on the basis of the National Principles under the Federal legislation - the Local Government (Financial Assistance) Act 1995. It comprises two pools of funds - the GPC and the Local Roads Component (LRC). For 2021-22 the estimated entitlement for the GPC is \$584,824,936, and the LRC is \$236,942,282, but the funds are untied. The GPC incorporates:

- Expenditure Allowance
- Revenue Allowance
- Isolation Allowance
- Pensioner Rebate Allowance
- Relative Disadvantage Allowance



# Financial Assistance Grants 2022-23

## Fact Sheet 2022



### Why refine the model?

It's important to note that the Commission is not implementing a new model. Over time, the model had become very complex with an increasing number of functions and disability factors. The model had 20 expenditure functions and 47 disability factors applied across 128 councils plus more than 100 individual occurrences of discretionary disability factors. The Commission has taken advice, tested the competing propositions and decided to implement the recommended refinements and improvements.

### The refined model:

- Allocates a higher proportion of grant funding to councils with greatest relative disadvantage
- Is consistent with the National Principles
- Is consistent with NSW policy of grant allocation
- Is transparent and publishable
- Is robust, statistically verifiable and auditable
- Uses best practice financial and modelling principles
- Is modern, simplified and more flexible

### Per capita minimum grant

The legislation provides for a per capita minimum grant. The per capita minimum for 2021-22 is \$21.48. Councils on the minimum grant generally:

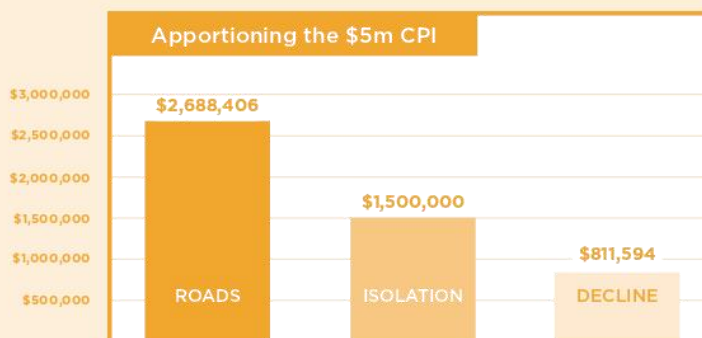
- Have greater revenue raising capacity
- Are not relatively disadvantaged
- Have economies of scale
- Are geographically smaller
- Experience year on year growth

There are 16 councils on the minimum grant, all located in the Sydney area. Just under 30% of the State's population live in those council areas.

Four minimum grant councils received a higher than state average increase of 1.7%, including the City of Sydney with an increase of 1.74%.

### Relative Disadvantage Allowance

The Commission quarantined \$5m of the CPI increase and apportioned it as an allowance for relative disadvantage.



Roads = unsealed local roads. Isolation = increased weighting for isolation allowance. Decline = councils with population decline between 2006-20 (see negative population growth 2006-20 map page 1).

### General Purpose Component (GPC)

The GPC expenditure allowance remains based on council expenditure reported against Financial Data Return grouped as follows:

- Administration & Governance
- Recreation & Culture
- Community Amenity
- Community Services & Education
- Roads, Bridges, Footpaths & Aerodromes
- Public Order, Health, Safety & Other

The 20 council functions are being retained but consolidated to six. The state average per capita cost for each function is still calculated by aggregating expenses (reported by all councils in their Financial Data Returns) for each function and divided by NSW's population.

# Financial Assistance Grants 2022-23

## Fact Sheet 2022



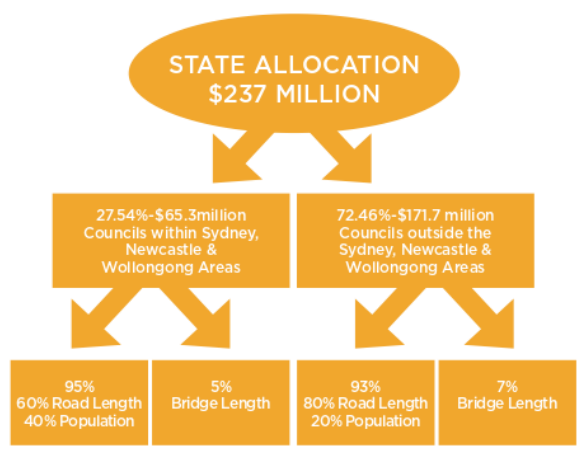
The **GPC expenditure allowance** includes five Cost Adjusters (or Disability Factors/Measures) to enable the Commission to compare councils' relative disadvantage/advantage:

- Population (ABS - Total for LGA)
- Aboriginal & Torres Strait Islanders (ABS - %)
- Local road length (council - km)
- Environment (ABS - ha environmental land)
- Rainfall, topography and drainage (Consultants Willing & Partners - index)

The expenditure allowance formula is also retained:

$\text{No. of Units (LGA Population)} \times \text{State Ave \$Cost/capita for the function} \times \text{council's disability factor} = \$ \text{expenditure allowance.}$

### Distribution of Local Roads Component 2021-22 (29% of the national pool)



### Submissions

Special submissions from councils will be considered by the Commission. The purpose of a submission is to give a council the opportunity to present information on the financial impact of inherent expenditure disabilities beyond its control that are not generally recognised in the current methodology. This allows the Commission to adequately consider all legitimate factors that affect councils' capacity to deliver services.

### Contact the NSW Local Government Grants Commission

5 O'Keeffe Ave, Nowra NSW 2541  
Locked Bag 3015, Nowra 2541  
Telephone 4428 4100  
grants@olg.nsw.gov.au

Related information:

<https://www.olg.nsw.gov.au/commissions-and-tribunals/grants-commission>  
Includes information such as prior fact sheets, Grants Commission Circulars, reports and grant schedules.

### Background and call for the review

The Independent Local Government Review Panel recommendation (Fact Sheet page 1) was supported by a number of other reviews and reports including:

#### 2008 Assessing Local Government Revenue Raising Capacity, Productivity Commission Research Report:

*"A number of councils, particularly in capital city and urban developed areas, have the means to recover additional revenue from their communities sufficient to cover their expenditures without relying on grants. However, a significant number of councils, particularly in rural (87%) and remote (95%) areas would remain dependent on grants from other spheres of government to meet their current expenditure. Given the differences in the scope to raise additional revenue across different classes of councils, there is a case to review the provision of Australian Government general purpose grants to local governments."*

#### 2010 Australia's Future Taxation System Report:

*"The current requirement that each council receives 30% of its per capita share of untied financial assistance grants may prevent state grants commissions from redistributing to councils that require greater assistance."*

#### 2013 The NSW Local Government Grants Commission submission to the Commonwealth Grants Commission Review:

*... "we have seen an increase in concerns being raised about:*

- the widening gap in revenue raising capacity for larger metropolitan councils versus smaller rural councils;
- increasing infrastructure needs;
- declining population."

#### 2014 The NSW Government's Response to the Local Government Review Panel:

*"The Government supports targeting Financial Assistance Grants to communities with the greatest need. It will ask the NSW Grants Commission to continue to identify opportunities to achieve this over time, within the constraints imposed by the national funding principles. It will also ask the Commission to ensure transitional protection for those councils with lower levels of need, to minimise the impact of any redistribution."*

#### 2017 Shifting the Dial: 5 year Productivity Commission Review:

*"The Commission's study into transitioning regional economies noted that where populations have declined in Local Government areas, related declines in revenue are hampering efforts to maintain infrastructure designed to service (and be funded) by larger populations."*

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**SUBJECT:** *TENDER T2022-08 CARMICHAEL PARK NEW SPORTING FACILITIES*

**RESPONSIBLE OFFICER:** *Project Officer - Matthew Gordon  
Recreation & Community Facilities Planner - Emma Crosdale*

**SUMMARY**

Evaluation and selection of tender for Tender No. T2022-08 – Carmichael Park New Sporting Facilities.

**RECOMMENDATION**

**That Council accepts the tender (T2022-08) from Dynamic Sports Facilities Australia Pty Ltd for the lump sum amount of \$529,989 (including GST) for the Carmichael Park New Sporting Facilities.**

**BACKGROUND**

A masterplan for Carmichael Park was adopted in 2019 and illustrates the provision of additional sporting infrastructure at the site. Council is looking to engage a suitably qualified company to design and construct a multi-purpose court, rebound hit up wall and four bay cricket net facility as per the adopted masterplan.

**REPORT**

***Request for Tender***

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

The RFT called for a lump sum tender for the Carmichael Park New Sporting Facilities (T2022-08).

***Invitation***

Tenders were invited on 10 February 2022 on Council's Vendor Panel and advertised in the following publications:

Publication	Day	Date
Newcastle Herald	Saturday	19 February 2022
Sydney Morning Herald	Tuesday	15 February 2022

***Addenda***

No addenda's were issued for this tender.

All questions were answered and documents uploaded to the tender site.

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**Works and Infrastructure****Closure**

Tenders closed 2pm Tuesday 8 March 2022.

**Evaluation of Tenders**

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

- Parks & Reserves Coordinator, Works & Infrastructure
- Recreation & Community Facilities Project Officer, Works & Infrastructure
- Principal Engineer – Traffic & Transport, Works & Infrastructure

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

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

The evaluation criteria and their weightings were documented in the Contract Preparation Checklist, reviewed by the Open Space & Community Facilities Manager prior to tenders being invited.

**1. Assessment of Receipt**

Tenders were received and assessed against the first threshold criteria:

Threshold Criteria	
Criterion 1	Submission on time

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

Tender	Tenderer	Business Address	Criterion 1
1.	Allsports Products Pty Ltd	72 Bryant Street, Tully QLD 4854	On time
2.	Bolla Contracting Pty Ltd	142 Sandy Creek Road, Mount Vincent NSW 2323	On time
3.	Court Craft (Australia)	Level 1, 34 Burton Street, Kirribilli NSW 2061	On time
4.	Dynamic Sports Facilities Australia Pty Ltd	Unit A/5 Sagewick Place Moss Vale NSW 2577	On time
5.	Enduro Sports Australia Pty Ltd	133 Withers Street, West Wallsend NSW 2286	On time
6.	Glasscott Landscape & Civil Pty Ltd	22/3 Frost Drive Mayfield West NSW 2304	On time

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7.	Synthetic Sports Group Pty Ltd	88 Georges River Road, Jannali NSW 2226	On time
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All seven tenders were received on time and met threshold Criterion 1.

**2. Assessment of Conformance**

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

Threshold Criteria	
Criterion 2	Pre tender compulsory meeting
Criterion 3	Submission on time
Criterion 4	Conformance with the Request for Tender documents
Criterion 5	Satisfactory financial capacity

All seven tenders included a number of qualifications that were subsequently clarified.

Three tenders (Tender No. 1, 5 and 7) did not conform to threshold Criteria 2 as they did not attend the compulsory pre tender meeting, which was held on site on 24 February 2022 at 9.00am.

Four tenders were considered conforming in threshold Criteria 2, 3, 4 and 5. The Four tenders were progressed to the next stage of evaluation, subject to the financial capacity of those tenderers, found to be in contention, to be confirmed at the Due Diligence stage of evaluation.

**3. Shortlisting**

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

**4. Weighted Evaluation**

Tenders were evaluated using the following weighted evaluation criteria:

Criterion 5	Tendered Price
Criterion 6	Experience and past performance
Criterion 7	Contract Program
Criterion 8	Safety and Quality

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

Tender four scored highest for the tendered amount, as well as scoring competitively on all other weighted criteria. With the highest score, Tender four from Dynamic Sports Facilities Australia Pty Ltd was identified as the preferred tender.

**5. Due Diligence**

Referees provided by the preferred tenderer were contacted and positive comment on past performance was received. Performance on other known work was also considered.



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**6. Evaluation Result**

Following steps 1 to 5 of the evaluation process, the TET found that Tender four from Dynamic Sports Facilities Australia Pty Ltd met the requirements of the RFT and recommended acceptance of Tender four.

**7. Independent Review**

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

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

**TIME FRAME**

Submission of a program to undertake all construction works formed part of the tender process.

Works are due to commence in June 2022.

**LOCAL CONTENT**

Local content scoring was not applicable to this tender.

**OPTIONS**

**Option 1:** Accept the tender from Dynamic Sports Facilities Australia Pty Ltd in the lump sum amount of \$529,989 (including GST). This is the preferred option.

**Option 2:** Decline to accept any offers and re-advertise the tender in the public domain. This option is not recommended as it will negatively impact on the project program and grant funding timeframes.

**CONSULTATION**

The following Council officers were consulted during the tender process:

- Parks & Reserves Coordinator
- Open Space & Community Facilities Manager
- Principal Recreation Planner
- Recreation & Community Facilities Project Officer
- Principal Engineer Traffic & Transport
- Finance Operations & Administrations Coordinator, Financial Services
- Contracts & Tendering Officer, Financial Services
- Open Space & Community Facilities Administration Assistant
- Recreation & Community Facilities Liaison Officer

Communication about progress of the works will be ongoing. Regular information regarding the project will be provided to the key user groups on site. For residents and businesses generally, Council's website will provide information and access to a *Community Newsletter*, and Council's Facebook Page offers opportunity for feedback.

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**STRATEGIC LINKS**

**a. Delivery Program**

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

*2017-21 Delivery Program:*

- Objective 3.2 Better utilisation of existing open space
  - Objective 3.2.4 Provide and maintain recreation facilities, streetscapes and public open space

**b. Other Plans**

- Recreation & Open Space Strategic Plan 2019
- Carmichael Park Masterplan 2019

**IMPLICATIONS**

**a. Policy and Procedural Implications**

The tender process has been carried out in accordance with:

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

**b. Financial Implications**

The tender from Dynamic Sports Facilities Australia Pty Ltd with a cost of \$529,989 (including GST) is within the anticipated budget and the project will be funded via grant funding from the Regional Sports Facility Fund Round 2.

**c. Legislative Implications**

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

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

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

1. After considering the tenders submitted for a proposed contract, the Council must either:
  - (a) accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or
  - (b) decline to accept any of the tenders.
2. A Council must ensure that every contract it enters into as a result of a tender accepted by the Council is with the successful tenderer and in accordance with the tender (modified by any variation under clause 176). However, if the successful tender was made by the Council (as provided for in section 55 (2A) of the Act), the

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- Council is not required to enter into any contract in order to carry out the requirements of the proposed contract.
3. A Council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:
    - (a) postpone or cancel the proposal for the contract,
    - (b) invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,
    - (c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,
    - (d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,
    - (e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,
    - (f) carry out the requirements of the proposed contract itself.
  4. If a Council resolves to enter into negotiations as referred to in sub clause (3) (e), the resolution must state the following:
    - (a) the Council's reasons for declining to invite fresh tenders or applications as referred to in sub clause (3) (b)–(d),
    - (b) the Council's reasons for determining to enter into negotiations with the person or persons referred to in sub clause (3) (e).

**d. Risk Implications**

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

- Satisfactory financial capacity,
- Demonstrated capacity to manage the works and
- Adequate levels of insurances.

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

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

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

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

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

- Traffic Management Plan
- Requirements for on-site workers to have current general construction induction cards (white card) and licences/tickets and inducted to the site, and

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- Safe Work Method Statements, kept on site, and discussed at daily tool box talks.

**e. Other Implications**

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

**CONCLUSION**

The tender from Dynamic Sports Facilities Australia Pty Ltd, in the lump sum amount of \$529,989 (including GST) offers the best value for money for the new sporting facilities at Carmichael Park. The contract sum and contingency are fully funded from the available project budget identified in this report.

**ENCLOSURES**

- 1** T2022-08 Tender Evaluation Matrix - Carmichael Park New Sporting Facilities - *This matter is considered to be confidential under Section 10A(2) (d) 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.*

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Report No. WI28/2022

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**SUBJECT:** *BOOTH PARK NETBALL FACILITY, KURRI KURRI*  
**RESPONSIBLE OFFICER:** *Acting Open Space and Community Facilities Manager - Kate Harris*

### **SUMMARY**

The purpose of this report is to outline the draft concept plan for Booth Park Netball Facility, Kurri Kurri and seek Council's endorsement to place the concept plan on public exhibition for community feedback.

### **RECOMMENDATION**

1. That Council place the draft concept plan for Booth Park Netball Facility on public exhibition for a minimum 28 day period.
2. That community engagement is held with stakeholders during the public exhibition period including Kurri Kurri Netball Association, impacted residents and the broader community.
3. That a report be prepared at the conclusion of the exhibition period outlining the submissions received.

### **BACKGROUND**

On the 19 May 2021, Council resolved that Booth Park be identified as an alternate site for the relocation of Kurri Kurri Netball Courts (currently located at 101 Maitland Street, Kurri Kurri).

To support the above resolution, Council was successful with grant funding to undertake a business case, concept plan and detailed designs to Development Application level for a new netball facility at Booth Park.

Specialist planning consultants, Group GSA, have been engaged to develop the above documentation with the draft concept plan now complete. The draft concept plan is the focus of this report.

### **REPORT/PROPOSAL**

A draft concept plan has been developed for a new netball facility at Booth Park that demonstrates the proposed layout of netball infrastructure on the site (**Enclosure 1**).

Key elements of the concept plan include:

- 12 netball courts;
- An amenity building containing a kiosk, BBQ area, storage, office, meeting room, first aid room and male, female and accessible toilets;
- Formalised car parking for 120 cars (in addition to parallel road side parking);
- Dedicated space for temporary marquees to support netball carnivals and events; and
- A multipurpose half court.

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The draft concept plan also illustrates:

- The existing toilet block will be retained;
- The existing cricket practice nets will be retained; and
- The existing two concrete cricket wickets will be removed.

It is important to note that Booth Park is identified as surplus open space and identified for disposal within Council's Recreation and Open Space Strategic Plan 2019. Whilst the site has been identified for a new netball facility, previous investigations in regards to cricket demand confirm cricket wickets are not required at this location.

Following key stakeholder and community engagement in regards to the draft concept plan, the next steps for the project are the development of a business case and subsequent detailed designs for the new netball facility.

**OPTIONS**

N/A

**CONSULTATION**

In developing the draft concept plan for Booth Park Netball Facility, engagement has been held with the following stakeholders:

Internal

- Principal Engineer - Environmental Infrastructure
- Principal Recreation Planner
- Recreation and Community Facilities Coordinator
- Parks and Reserves Coordinator
- Asset Engineering Officer (Buildings)
- Recreation and Community Facilities Project Officer
- Building Maintenance Coordinator
- Building Projects Coordinator
- Principal Strategic Planner

External

- A site meeting was held with Kurri Netball Association at Booth Park, Kurri Kurri on Thursday 17 February 2022 where future facility needs were discussed (please see minutes attached as **Enclosure 2**). Further engagement will be held with the association during the exhibition period.
- Notification was provided to Kurri Kurri Kookaburra's Cricket Club, Kurri Weston District Cricket Club and Cessnock District Cricket Association advising of the proposal to establish a netball facility at the site. No feedback has been received at this time however further engagement will occur during the exhibition period.
- Notification was provided to residents directly adjacent to Booth Park (Rawson, Greta, Stanford and Hopetoun Streets), with a number of phone calls and initial responses

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provided. Residents are concerned with the proposal in regards to the change of amenity and will be further engaged with during the exhibition period.

**STRATEGIC LINKS**

**a. Delivery Program**

The Booth Park Netball Facility draft concept plan is consistent with Council's Delivery Program 2017-21, specifically Objective 3.2 Better utilisation of existing open space.

**b. Other Plans**

City Wide Infrastructure Contributions Plan 2020

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Nil

**b. Financial Implications**

Project costs associated with a new 8 court netball facility at Booth Park as previously reported to Council and based on Councils Officers original opinion of probable cost without any detailed concepts or designs are estimated at \$7.5M with no further analysis undertaken at this stage.

The costings outlined above are based on industry standard unit rates and will continue to be refined as the project scope is confirmed and a Quantity Surveyor estimate is provided at the business case stage of the project.

Developer contributions also need to be considered in the construction of a new netball facility. The current 7.11 City Wide Infrastructure Contributions Plan does not contain provisions to collect for district netball courts in Kurri Kurri. A new line item could be incorporated into the City Wide Infrastructure Contributions Plan for the establishment of four netball courts at Booth Park (noting funding cannot be sought for the full 12 courts as it is only four of the twelve courts that are attributable to increased population growth/demand).

**c. Legislative Implications**

Nil

**d. Risk Implications**

Limited engagement has been held at this stage with impacted residents and the broader community. Initial engagement with impacted residents has demonstrated a strong objection to the proposed netball facility at the Booth Park site.

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**e. Environmental Implications**

The proposed new netball facility at Booth Park will have an impact on the amenity of the area. As mentioned previously within the report however, this site has been identified for disposal within Council's Recreation and Open Space Strategic Plan 2019 (i.e. whilst the eastern portion of the site must be retained for a local park the western end of the site and its future as open space cannot be confirmed).

**f. Other Implications**

Nil

**CONCLUSION**

The development of a concept plan for Booth Park Netball Facility aims to demonstrate what can be achieved at the site. The concept plan aims to further support netball participation in the Kurri Kurri area and the community generally.

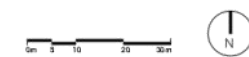
**ENCLOSURES**

- [1](#) Concept Plan for Booth Park Netball Facility
- [2](#) Site Meeting Minutes - Kurri Kurri Netball Association





- 1 Car Parks - approximately 60 cars
- 2 Drop off - bus and cars
- 3 Netball Facilities & Public Amenities
- 4 Car park entry & exit
- 5 Netball courts
- 6 "Show" court
- 7 Indicative location for temporary Marquee's on grass for major competition events
- 8 Park title boundary
- 9 "Kickabout" area to be retained for active/passive recreation'
- 10 Existing Play ground to be retained
- 11 Parallel road side parking to park side, approx 55 car spaces
- 12 Key Access Points
- 13 Existing toilet block to be retained
- 14 Existing cricket nets to be retained
- 15 Existing cricket pitch to be removed
- 16 Basketball Half Court / Multicourt



## BOOTH PARK, KURRI KURRI NETBALL SITE CONCEPT PLAN

12 COURTS



GROUP 5A



# MINUTES

## Business Case for Booth Park Netball Facility

Booth Park, Kurri Kurri  
4:30pm, Thursday 17 February 2022

**Attendees:** **Kurri Kurri Netball Association**  
Debbie Davis, President  
Katrien Reading, Treasurer  
Renee Harris, Secretary

**Cessnock City Council**  
Kate Harris, Principal Recreation Planner

**Group GSA**  
John Holland  
Natalie McEvoy

ITEM	COMMENT / ACTION / QUESTIONS
<b>Introduction and Project Scope</b>	<ul style="list-style-type: none"> <li>It was confirmed that grant funding had been received via the Resources for Regions Round 8 grant program to prepare a business case, concept plans and detailed designs to DA level for a netball facility at Booth Park.</li> </ul>
<b>Association Profile &amp; Future Use of Facility</b>	<ul style="list-style-type: none"> <li>There are currently 97 registered juniors with negotiations taking place for additional teams. Based on previous years registrations there are anticipated to be 60-80 registered senior players.</li> <li>The Association hold a Wednesday night competition during the winter season however have in the past also held a Monday night competition during the summer season. It is likely the summer competition will be reintroduced at the Booth Park site with use year round (bar January).</li> <li>Generally the courts are utilised Monday – Friday from 3.30pm-8.30pm for training (as well as the above competitions) and this is likely to occur should the new facility be established.</li> <li>The Association are also investigating mixed teams and this could potentially be a new competition at the site in the future.</li> <li>The committee also discussed opportunities for Netta netball on Saturday mornings to encourage junior netball pathways.</li> <li>In regards to representative netball, there are currently three U11's development teams and an additional 6 representative sides (U12's-15's, 17's and open). Representative sides will continue at the new site.</li> <li>A minimum of one carnival will be held a year at the proposed new facility, but this could be up to 3 including an additional carnival and an invitational (Carnivals are held on Sundays).</li> <li>Local schools also utilise the site from Monday-Friday for school sport and NSW Primary Schools Sports Association competitions.</li> </ul>





ITEM	COMMENT / ACTION / QUESTIONS
<b>Facility Needs</b>	<ul style="list-style-type: none"> <li>• A minimum of 12 courts is required (built to Netball NSW standards). Plexipave was discussed as the preferred surface however Netball NSW guidelines will be referred to in regards to this.</li> <li>• The Association would consider the 12 courts being split (i.e. with an amenity building between two sets of courts) if this was more conducive for the site and there was visibility to both side of the courts.</li> <li>• The amenities building must be in line with Netball NSW guidelines. As a minimum the Association would like to see a canteen (noting no food is cooked within the canteen only reheated), a separate BBQ area, adequate numbers of male/female and accessible toilets to service the site, storage, office and meeting room. It was discussed that provision of a 'club room' could be identified for construction at a later stage. An awning/shaded area for players and spectators is also required.</li> <li>• The site is required to be floodlit to Australian Standards for night time competition.</li> <li>• Tiered spectator seating is not required (however spectator seating via bench seats is required – not to be located between courts)</li> <li>• Fencing is required to the perimeter of the site for player safety, stopping stray balls and as a vehicular barrier. High fencing is not required.</li> <li>• Adequate carparking is required to support the new facility.</li> <li>• Provision must be made for a flat grassed area to support carnival days and the installation of gazebos (previous advice provided by the Association was that this grass covered area must accommodate between 200 -500 people)</li> </ul>
<b>General Items</b>	<ul style="list-style-type: none"> <li>• The Association to follow up further on the history of the Booth Park site to confirm whether historical use/significance can be tied into the concept for the new site. Council and Group GSA will research this also.</li> <li>• Outside the scope of the project however the Association discussed the idea of a walking loop and outdoor fitness equipment at the site. The Association discussed opportunities in regards to fundraising to provide outdoor fitness equipment and KH stated there are grants available that would support the works.</li> <li>• It is anticipated a majority of participants will access the site via Stanford Street, Kurri Kurri.</li> <li>• The Association could start to think about a name for the new netball facility. Facilities at the eastern end (playground, toilets etc) would still be named Booth Park.</li> <li>• If possible, the Association would like to see mature trees retained at the site if possible.</li> </ul>
<b>Next Steps</b>	<ul style="list-style-type: none"> <li>• Further engagement will be held with Kurri Kurri Netball Association following the completion of a draft concept plan for the site. This is anticipated to be in the next 6-8 weeks.</li> </ul>



Meeting closed at 6:00pm.

Works and Infrastructure  
Report No. WI29/2022  
Works and Infrastructure



**SUBJECT:** *KITCHENER POPPETHEAD PARK DRAFT PLAN OF MANAGEMENT*

**RESPONSIBLE OFFICER:** *Acting Open Space and Community Facilities Manager - Kate Harris*

### **SUMMARY**

The purpose of this report is to present the draft Plan of Management for Kitchener Poppethead Park. The report also seeks Council's approval to publicly exhibit the draft Plan of Management following review and approval of the document by the Minister for Crown Lands.

### **RECOMMENDATION**

1. That in accordance with Section 36D(1) of the *Local Government Act 1993*, Council declares a portion of Kitchener Poppethead Park, as outlined within Enclosure 1, as an Area of Cultural Significance as it represents an important stage in the development of the mining industry in the Cessnock area.
2. That the draft Plan of Management for Kitchener Poppethead Park be referred to the NSW Department of Planning, Industry and Environment – Crown Lands:
  - I. As the landowner, as required by Section 39 of the *Local Government Act 1993*
  - II. For Ministerial consent to exhibit the draft Plan of Management, as required by section 3.23(7)(d) of the *Crown Land Management Act 2016*.
3. That following the receipt of Ministers consent and approval by the department as the landowner, the draft Plan of Management for Kitchener Poppethead Park be placed on public exhibition for a minimum period of 42 days and invite public submissions.
4. That a report on the outcomes of the exhibition be provided to Council prior to adopting the final document.

### **BACKGROUND**

Kitchener Poppethead Park (the Park) is a Regional Park in the Cessnock Local Government Area and is a popular destination for the community and tourists (**Enclosure 1**). The Park is the site of the former Aberdare Central Colliery that operated from 1914 to 1961 and is a Crown Reserve with Council being the Crown Land Manager.

In line with the *Crown Land Management Act 2016* and *Local Government Act 1993*, a site specific Plan of Management has been developed for the Park and is provided under separate cover.

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**REPORT/PROPOSAL**

The preparation of a Plan of Management aims to guide the future development and management of the facilities within the Park. It serves as a tool to:

- Manage and conserve the environmental and historical significance of the land,
- Identify and address the legal and policy requirements of managing the land,
- Identify and manage risks and
- Sets out how to promote, and protect the intended use of the land.

To assist in the operation and management of the Park, in line with Section 36 (4) of the *Local Government Act 1993*, the site has been categorised as an Area of Cultural Significance, Natural Area (Bushland), Natural Area (Watercourse) and Park (**See Enclosure 2**). These categories are important as they inform core objectives for each section of the Park and define the types of activities and uses that can take place.

A management framework has also been developed and outlined within the draft Plan of Management with the following key objectives:

- **Conserve the heritage significance of the Park**
  - Retain and conserve the existing mining infrastructure
  - Develop interpretations of the history and usage of the former mining site
- **Retain the environmental setting of the park**
  - Conserve and retain the environmental context of the Park and the larger Werakata State Conservation Area
- **Enhance the Recreation Capacity of the Park**
  - Improve and upgrade the recreation facilities in the Park
  - Introduce security and surveillance in the Park
- **Develop the educational potential of the park**
  - Educate park users of the history and heritage, and environmental significance of the Park and its surroundings
  - Enhance informed and responsible use of the Werakata State Conservation Area

Another key element of the draft Plan of Management is the Action Plan, which outlines objectives and management issues, and how these issues may be addressed. For the purposes of this report some key actions outlined within the Action Plan include:

- A Masterplan be developed for the Park;
- The existing play space be upgraded to reflect its regional park status;
- The provision of a new small skatepark node;
- Bridges, boardwalks, trails and the observation deck be upgraded;
- Education packages/tools are developed for the Park (e.g. Information about rare and threatened species of flora and fauna);
- An Interpretation Strategy be developed for the Park, with opportunities for interpretation of the history and heritage of the former Aberdare Central Colliery investigated;

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- Conservation works are completed on mining infrastructure at the site including the Poppethead in line with the Kitchener Poppethead Park Conservation Management Plan 2018; and
- Security measures (e.g. CCTV and fencing) are investigated and installed.

Being a Crown land parcel, in line with the *Crown Land Management Act 2016*, Ministerial consent is required prior to the Plan of Management for the Park being placed on public exhibition. A public exhibition period is also required under the *Local Government Act 1993* for a minimum period of 42 days.

Should the recommendations within this report be supported, the following next steps will be undertaken:

- Council Officers will refer the draft Plan of Management for Kitchener Poppethead Park to the Department of Planning, Industry and Environment – Crown Lands:
  - As the landowner, as required by Section 39 of the *Local Government Act 1993*
  - For Ministerial consent to exhibit the draft Plan of Management, as required by section 3.23(7)(d) of the *Crown Land Management Act 2016*.
- Following the receipt of Ministers consent and approval by the department as landowner, the draft Plan of Management for Kitchener Poppethead Park will be placed on public exhibition for a minimum period of 42 days where submissions from the community and key stakeholders will be invited.

**OPTIONS**

N/A

**CONSULTATION**

Consultation for the draft Plan of Management was undertaken in 2018 with engagement ongoing since this time with key stakeholders. There has been a substantial delay to this project due to the introduction of the *Crown Land Management Act 2016*, and a requirement to ensure the draft Plan of Management aligned with this legislation.

A number of engagement methods were identified and employed to engage with the community including the development of an online and in person questionnaire (119 responses), and a community and stakeholder meeting.

Key stakeholders consulted as part of the consultation process in 2018 included:

- Representatives from NSW Department of Primary Industries
- Office of Environment & Heritage
- National Parks & Wildlife
- Remaining members of the Kitchener Poppethead Restoration Committee
- Property owners in the vicinity of the park
- Users of the park

The feedback from the community and stakeholder meeting, and collation of results from the online and in person questionnaire informed the preparation of the Plan of Management.

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In preparing the draft documents, internal consultation was also undertaken with the following Council staff:

- Open Space & Community Facilities Manager
- Principal Recreation Planner
- Recreation & Community Facilities Coordinator
- Parks and Reserves Coordinator
- Vegetation and Civic Spaces Coordinator
- Senior Property Officer

**STRATEGIC LINKS**

**a. Delivery Program**

The document is consistent with Council's Delivery Program Objective 3.2 'Better utilisation of existing open space'.

**b. Other Plans**

Other Council plans relevant to the documents include:

- Recreation and Open Space Strategic Plan 2019
- Kitchener Poppethead Park Conservation Management Plan 2018

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Nil

**b. Financial Implications**

While no opinion of probable cost has been undertaken, based on Officers assessment, the anticipated cost to implement actions within the draft Plan of Management is estimated to be over \$5 million. This proposed works in the plan are unfunded in the LTFP and will have implications on Council's Long Term Financial Plan should Council not receive grant funding to implement this plan. Works identified within the draft Plan of Management will compete against other projects within Council's Delivery Program and subsequent annual Operational Plans for resources to be delivered.

**c. Legislative Implications**

As a Crown Reserve, the draft Plan of Management aligns with requirements of the *Crown Land Management Act 2016* and the *Local Government Act 1993*.

In line with Section 36D(1) of the *Local Government Act 1993*, in order for a reserve to be categorised as an Area of Cultural Significance, this must be declared by Council via Council resolution.



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As the site for the former Aberdare Central Colliery, the portion of the site categorised as Area of Cultural Significance is an item of significance as it represents an important stage in the development of the mining industry in the Cessnock area.

The former mine was associated with the establishment of and the growth of Kitchener village during the 19th and 20th century and was a primary employment provider in the area. While the majority of the mining associated infrastructure on the site has been demolished and removed, the extant poppethead, mine dam, building footings, second mine shaft and railway sleeper provide evidence of the technical significance of the site. The Park has considerable significance in terms of its association with the community in Kitchener, owing to its mining history and the involvement of community in the conversion of the mine site into the Park (Kitchener Poppethead Park Conservation Management Plan 2018).

Based on the above, and legislative requirements, a recommendation has been included within this report (and demonstrated within the draft Plan of Management) to categorise an area as culturally significant within the site.

**d. Risk Implications**

The development of Plans of Management for Crown land in which Council manages is a legislative requirement. The absence of a Plan of Management for the Park has resulted in maintenance works only being undertaken at the site. Should the draft Plan of Management not be supported this will impact Council's ability to undertake any future upgrades at the site.

**e. Environmental Implications**

The Werakata State Conservation Area adjoins Kitchener Poppethead Heritage Park. There are also a number of Endangered Ecological Communities (Lower Hunter Spotted Gum, Hunter Lowland Redgum Forest & Cabbage Gum Floodplain Woodland) within the reserve.

The draft Plan of Management has been developed in consideration of the above and the Environment is considered a key value when considering the Park and a key objective is to retain the environmental setting.

**f. Other Implications**

Nil

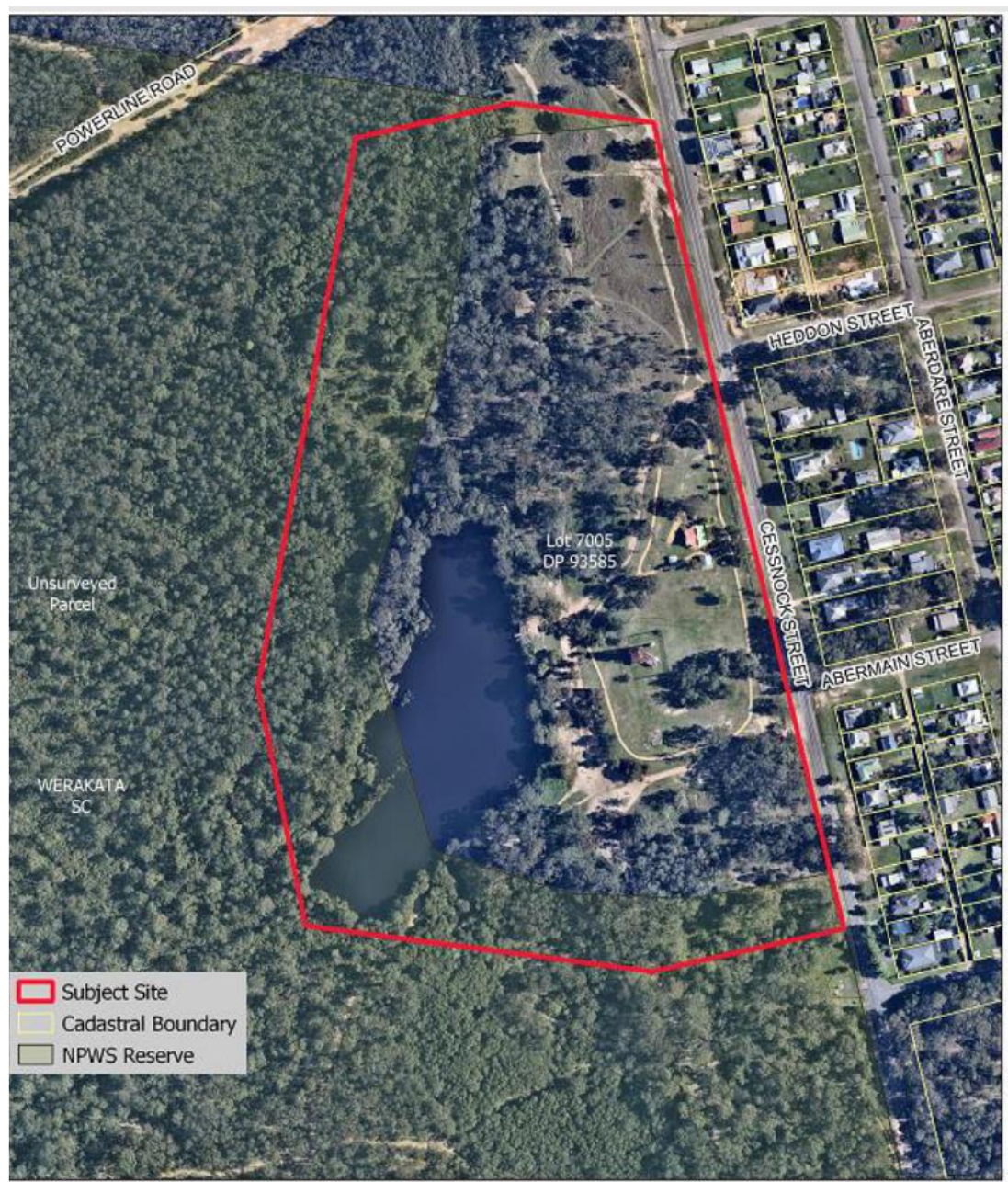
**CONCLUSION**

Kitchener Poppethead Park is a site of cultural, recreation and historical significance. The draft Plan of Management will ensure this great asset is preserved, improved and maintained well in to the future.

**ENCLOSURES**

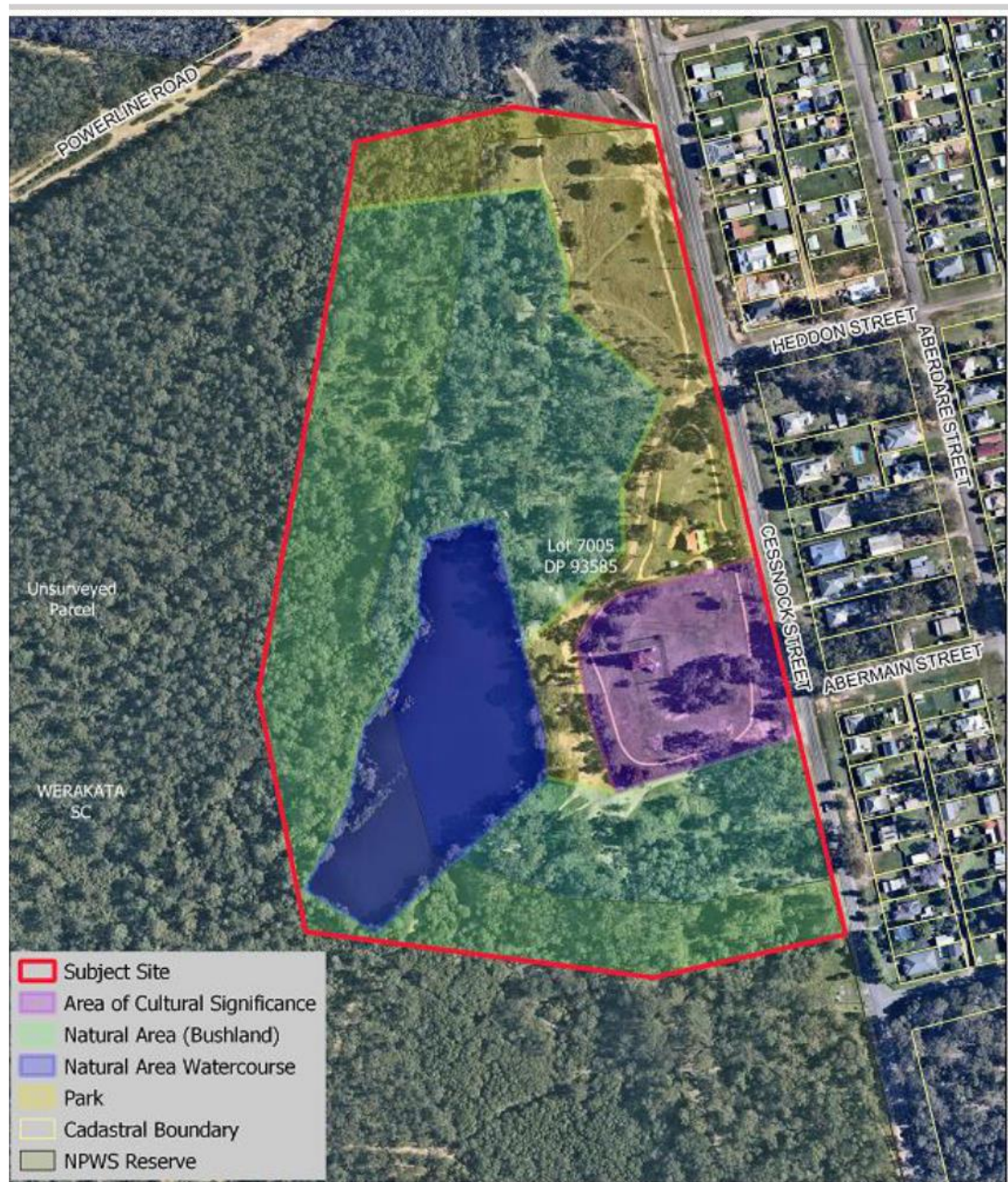
- [1](#) Enclosure 1: Kitchener Poppethead Park - Site Aerial
- [2](#) Enclosure 2: Kitchener Poppethead Park - Land Categorisation

Enclosure 1: Kitchener Poppethead Park - Site Aerial





Enclosure 1: Kitchener Poppethead Park – Land Categorisation



Works and Infrastructure

Report No. WI30/2022

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**SUBJECT:** *RECREATIONAL VEHICLE DUMP POINT - TURNER PARK, CESSNOCK*

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

**SUMMARY**

The purpose of this report is to provide information in regards to a potential RV dump point at Turner Park, Cessnock, including costs for installation and potential funding options following a notice of motion considered by Council.

**RECOMMENDATION**

**That Council notes the information in the report in regards to costs for installation and potential funding options for a Recreational Vehicle dump point at Turner Park.**

**BACKGROUND**

Council at its 16 March 2022 meeting resolved:

- 1. That the General Manager bring back a report and costing for the installation of an RV Dumping Point at Turner Park to the May Council Meeting.***
- 2. That the report include potential funding options including grants and support from Caravan and Motorhome Clubs.***

The purpose of this report is to respond to Items 1 and 2 of the Council resolution.

**REPORT/PROPOSAL**

Turner Park is a regional sporting complex located on Aberdare Road, Cessnock and caters for football (soccer), cricket, athletics, tennis, futsal and school sports (**Enclosure 1**). There is a sporting amenity building located at the site containing public toilet facilities as well as a passive recreation area with picnic shelters and settings.

In 2018 a Masterplan for Turner Park was adopted and includes a number of improvements and upgrades for the site including an indoor aquatic centre, new amenities building, car parking upgrades, field & fencing improvements and storage upgrades. The adopted Masterplan does not include the installation of a Recreational Vehicle (RV) dump point.

Whilst there are no formal design guidelines for an RV dump point, the Campervan Motorhome Club of Australia (CMCA), a well-known industry group has an information checklist for the installation of RV dump points (**Enclosure 2**). A summary of the requirements are outlined below:

- The site and orientation of the dump point is crucial for its ease of use. The installation must be in an area accessible to all RVs. This includes large rigs up to 19.5 metres in length.

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- The best possible solution is a 'drive through' dump point where the vehicle drives into the service area, completes the dumping procedure and then drives away without having to turn around. Preferably vehicles should be able to approach the dump point from either direction.
- If a drive through site cannot be provided, a turning circle of 35 metres must be installed.
- The level of the unit must be lower than that of the vehicle carrying out the dumping function to allow for gravitational feed.
- The raised roadway should be at least 100mm above the top lip of the unit and as close as possible to the front of the unit with the water relief drain no more than 200mm wide.
- The unit needs to be installed as close to the roadway as possible.

In reviewing the above requirements, items to note for a potential RV dump point at Turner Park include:

- The driveway entrance at Turner Park is relatively narrow for larger vehicles turning into the driveway and could cause damage to the footpath or RV's when turning off Aberdare Rd into Turner Park. An upgrade to the driveway entrance would be required.
- The 35 metre turning circle required and the need to accommodate for larger RV's would result in the existing number of car parks being reduced by 49 spaces. Reduced car parking will affect the facility's ability to cater for weekly sporting activities as well as larger regional events, such as representative football, regional athletics carnivals, local and zone school events, where all car parking spaces are required in the current configuration.
- The existing car park at Turner Park is in poor condition. Should RV's be frequenting the site, a carpark upgrade would be required.

**OPTIONS**

N/A

**CONSULTATION**

Internal and external engagement has been held with the following stakeholders:

- Campervan & Motorhome Club Of Australia
- Economic Development & Tourism staff
- Infrastructure – Traffic & Transport staff
- Open Space & Community Facilities staff

**STRATEGIC LINKS**

**a. Delivery Program**

The proposal to install a RV dump point at Turner Park aligns with Council's Delivery Program 2017-21, specifically Objective 2.3 Increasing tourism opportunities & visitation and Objective 3.2 Better utilisation of existing open space.

**b. Other Plans**

Nil

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**Works and Infrastructure****IMPLICATIONS****a. Policy and Procedural Implications**

Nil.

**b. Financial Implications**

The estimated cost for the installation of an RV Dump point is included in the table below:

Item	Estimated establishment cost
Hydraulic Design	\$2,500
Hunter Water Corporation Fees and Charges (Hydraulic Assessment, sewer connection application)	\$901
Trade Waste – establishment & annual fee	\$1,180
CMCA RV dump point unit	\$1,800
RV dump point installation (trenching, materials, sewer connection, car park line marking)	\$20,000
Car park Upgrade – two coat seal	\$75,750
<b>Estimated establishment cost*</b>	<b>\$102,131</b>

\* In addition to installation costs there will be ongoing annual Hunter Water fees for a trade waste agreement and inspections (\$716), and \$1,500 for maintenance, inspections and backflow certification.

The costs associated with an upgrade to the entrance driveway have yet to be confirmed. As Aberdare Road is a State Road further consultation would be required with Transport for NSW regarding proposed entry treatments prior to determining associated costs. This consultation was unable to be achieved within the timeframes of this report.

The CMCA are currently offering grants for the supply of the RV Dump units that close in June 2022. Following further investigation, there are currently no other grant funding opportunities to fund the installation costs of an RV dump point at Turner Park at this time. The cost for the supply of the RV dump point unit is quite small compared with the cost to obtain the necessary approvals and to install the unit to the existing sewer network.

The "Dump Point Subsidy Program" does not cover any costs associated with installation or associated infrastructure.

**c. Legislative Implications**

Nil.

**d. Risk Implications**

Being a regional sports facility, Turner Park is a busy recreational space, both on weekdays and weekends. The installation of an RV dump point may create a conflict of use between visitors and sporting groups, and does not align to the adopted Masterplan for the facility.

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**e. Environmental Implications**

There is a potential for spills of human waste to occur due to incorrect usage of the dump point that will require clean up.

**f. Other Implications**

The installation of an RV dump point at Turner Park would have implications on the operation of the facility during peak sporting periods, specifically due to reduced car park capacity.

**CONCLUSION**

The report provides information in regards to the costs to supply and install an RV dump point at Turner Park and requirements that an RV dump point should meet. As outlined within the report, there are limitations on an RV dump point being achieved at Turner Park in regards to existing uses and impact on existing stakeholders.

**ENCLOSURES**

- [1](#) Turner Park - Aerial Map
- [2](#) CMCA - Optimal RV Dump Point Installation Plan

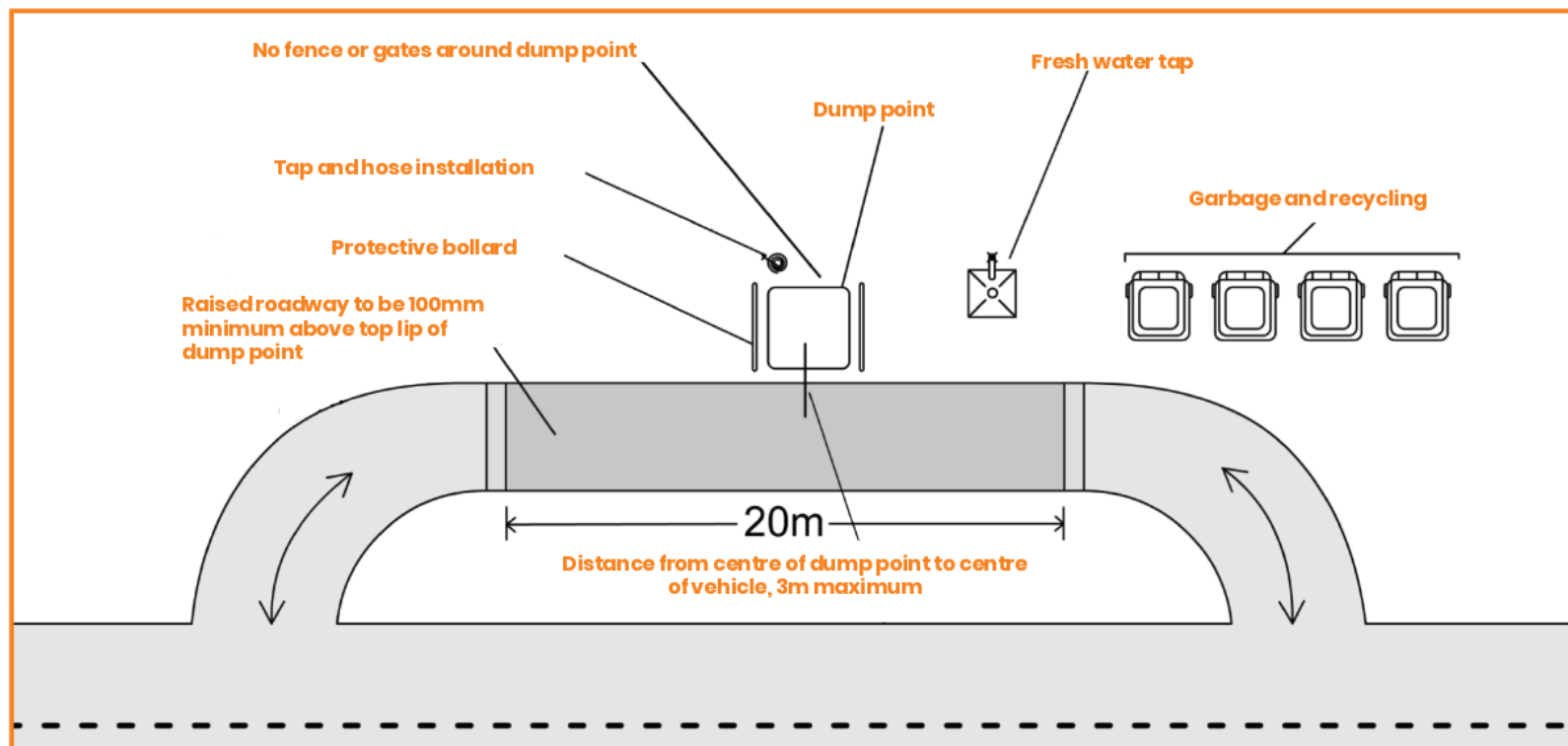




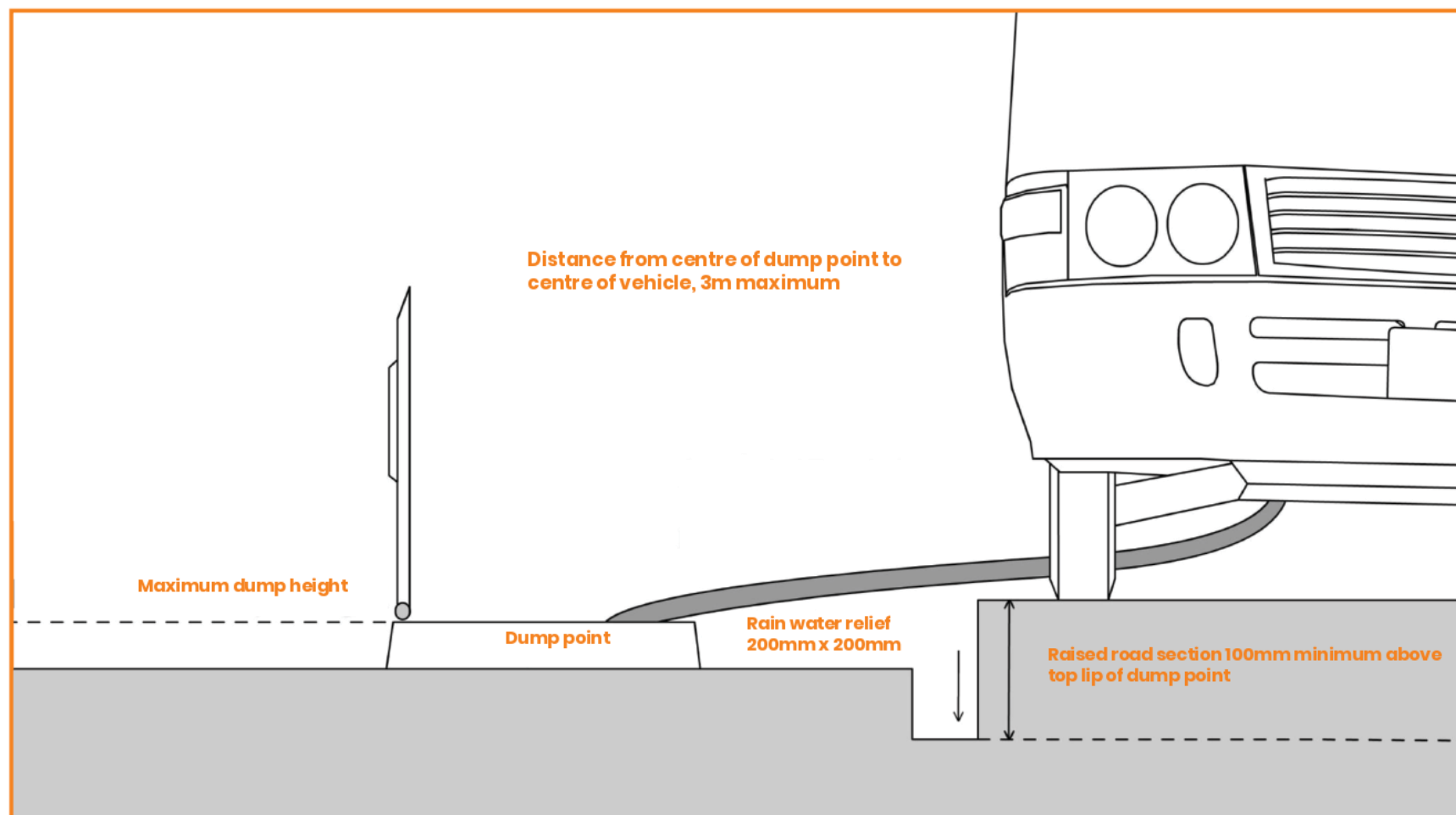




## An Optimal Dump Point Installation



## An Optimal Dump Point Installation



July 2018

**Works and Infrastructure**  
**Report No. WI31/2022**  
**Works and Infrastructure**



**SUBJECT:** ***FLOODING ISSUES APPLETON AVENUE AND HOSPITAL ROAD, WESTON***

**RESPONSIBLE OFFICER:** ***Project Engineer - Phillip Townsend***  
***Director Works and Infrastructure - David Moloney***

**SUMMARY**

The City Wide Flood Study (2020) indicates that multiple properties at South Weston lie within the 1% AEP (Annual Exceedance Probability) flood extent. Council's Environmental Infrastructure and South Area Maintenance Units have undertaken various investigations in the subject area since 2020. Further investigation, design and construction activities are programmed to commence from 2022-23 including a Phase 1 Drainage Investigation, Concept Options and Concept Design study.

**RECOMMENDATION**

**That Council notes the various preliminary investigations that have occurred and future design and construction activities programmed within the forward capital works program to address nuisance flooding at South Weston.**

**BACKGROUND**

At its meeting of 16 March 2022, Council considered Notice of Motion BN11/2022 and resolved as follows:

- 1. That the General Manager bring back a report to Council regarding the ongoing flooding issues in Appleton Avenue and Hospital Road Weston.***
- 2. That the report include investigations into the overland flooding issues, drainage options and costings for these works.***

**REPORT/PROPOSAL**

**Relevant Flood Studies:**

The relevant flood studies for the subject area are as follows:

- Wallis-Swamp Creek Flood Study (2019) by WMA Water
- City Wide Flood Study (2020) by Advisian

Based on the results of the City Wide Flood Study (2020), multiple residential properties and Council assets at Hospital Road and Appleton Avenue, Weston lie within the 1% Annual Exceedance Probability (AEP) flood extent, i.e. a severe flood event that statistically has a 1% chance of occurring in any given year – informally referred to as the 100 year flood event. The results of this Study indicate that flooding is expected to impact various lower lying properties within Hospital Road and Appleton Avenue during high to extreme rainfall events.

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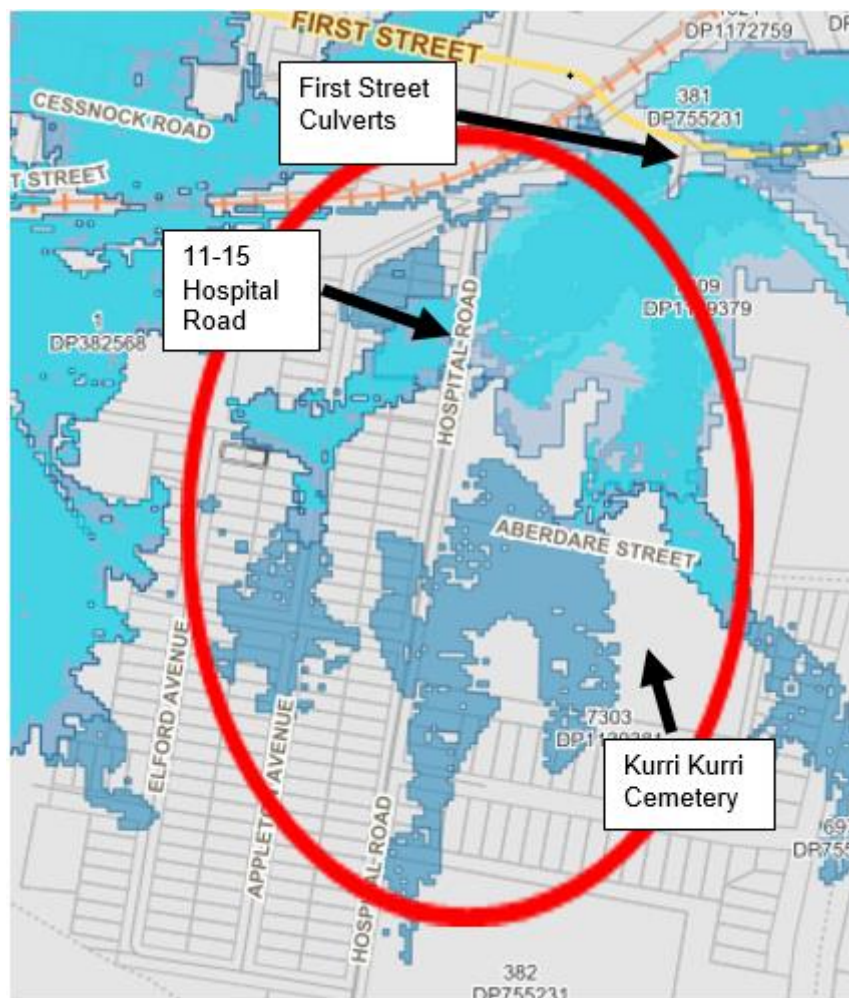
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The City Wide Flood Study extends west of Hospital Road towards Appleton Avenue and southwards towards Kurri Kurri Cemetery and Hospital. The Study uses Gridflow flood modelling which is a digital terrain and rainfall on grid model with 1D catchment routing.

Whilst affordable, the typical accuracy compared with standard flood models is +/- 300mm. Gridflow modelling provides good results in rural catchments but is not as accurate in urban areas with piped drainage systems and culverts. Gridflow modelling does however indicate areas which are subject to flooding in urban settings.

The 2D flood model developed as part of the adopted Wallis-Swamp Creek Flood Study (2019) does not extend west of Hospital Road.



**Figure 1:** Combined 1D & 2D Flood Model Data for Subject Area (light blue shading = 1% AEP extent, dark blue shading = Probable Maximum Flood extent)

**Preliminary Investigations:**

During March 2020, Environmental Infrastructure undertook an investigation and developed a Drainage Investigation Report in response to a customer flood enquiry CRM3212/2020 (15 Hospital Road, Weston).

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The key findings of this Report were as follows:

- The lowest set residential properties in Hospital Road, Weston are House Numbers 11 to 15 Hospital Road
- Over floor flooding impacted 13 and 15 Hospital Road during the April 2015 east coast low storm event (this storm event was determined to be potentially greater than a 1% AEP event in some areas of the Cessnock LGA)
- During this event, the force of floodwaters from Appleton Avenue knocked over the rear fence at 15 Hospital Road which surged through this house causing extensive damage, and a six-month relocation of the owner(s)
- Multiple other nearby properties including 11 Hospital Road experienced significant yard flooding during April 2015
- Existing drainage infrastructure between Appleton Avenue and Hospital Road should be checked for condition, restrictions and capability
- Residential fences between Hospital Road and Appleton Avenue currently block overland stormwater flow paths
- A drainage easement exists for a stormwater pipe between Appleton Avenue and Hospital Road (Lot121 DP12915), however, a fence between 22 and 24 Appleton Avenue sits above this easement as well as part of a driveway (24 Appleton Avenue)

The following potential strategies were identified based on the findings of this Report:

- Undertake a CCTV (robotic camera) inspection and condition assessment of selected stormwater pipe assets in the subject area
- Undertake a flood study and concept options investigation of the subject area to determine existing stormwater drainage infrastructure capability and future upgrade needs
- Undertake preventative maintenance of open channel drains on the eastern side of Hospital Road on a regular basis
- Undertake further investigations relating to the drainage easement and overland stormwater flow paths between Appleton Avenue and Hospital Road

Since 2020, the following activities have been undertaken:

- Open channel drains on the eastern side of Hospital Road have been cleared of vegetation (some regrowth has since occurred)
- Inspection of stormwater pipes in the area from Embleton Street, Appleton Avenue through to Hospital Road (approximately 450 lineal metres of pipe including all pipes under road crossings)
- Drainage design and construction activities have been added to the forward capital works program including:
  - Phase 1 Drainage investigation, concept options and concept design study for the entire catchment area including Hospital Road, Appleton Avenue, Elford Avenue, Embleton Street, Webb Street, Smith Street, & Kurri Kurri Cemetery (to commence during the 2022-23 financial year)
  - Phase 2 Detailed Design & Review of Environmental Factors (REF)
  - Phase 3 Construction activities

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It is recommended to investigate options relating to the existing drainage easement and the reinstatement of overland stormwater flow paths between Appleton Avenue and Hospital Road during the Phase 1 Drainage Investigation and Concept Design Study.

**Consultation with WMA Water:**

WMA Water who developed the Wallis-Swamp Creek Flood Study (2019) were consulted in relation to the drainage issues at South Weston. Based on the results of this Study, they have advised of potential backwater effects during high to extreme rainfall events in the area east of Hospital Road caused by the culvert under First Street. However, the extent of the backwater effects higher in catchment (between Appleton Avenue and Hospital Road) is unknown due to this area being outside of the scope of their 2019 Study.

Based on a review of the terrain, the area on the western side of Hospital Road (House Numbers 11-15) is quite low, with the potential for overland flows being trapped there. WMA Water believe this could be a source of nuisance flooding. However, it is again noted that local flow paths west of Hospital Road were not considered in their flood model. They believe it would only be in larger events (> 1% AEP) that the subject area would be affected by backwater behind the First Street culverts.

WMA Water have recommended to either refine the existing flood model, or create a new flood model to investigate this in detail. This would involve:

- Redefining the catchments to find out exactly which areas drain to Hospital Road, through the Kurri Kurri Cemetery, etc.
- Include local drainage infrastructure such as the pit and pipe network (the 2019 Study only considers the First St culvert, and the City Wide Flood Study 2020 which extends west of Hospital Road is a 1D model which does not consider existing drainage infrastructure)
- Define local features that may affect flows such as buildings, kerb and gutter, open channels, etc.

This would provide more detail about the drainage behavior and issues, and to test potential solutions. There is potentially suitable grade to drain the western side of Hospital St to the east with upgraded infrastructure. However, subject to further investigation, backwater in say the 1% AEP event and larger may be still be a restriction to draining this stormwater effectively.

The above listed activities as recommended by WMA Water will be undertaken during the forthcoming Phase 1 Drainage Investigation and Concept Design Study.

**Flooding Issues at Kurri Kurri Cemetery:**

During March 2022, Council's Stormwater Engineer was briefed on nuisance flooding issues at the nearby Kurri Kurri Cemetery by the Team Leader Urban Parks Maintenance.

The description of flooding behavior at the Cemetery during the recent east coast rainfall events is consistent with the results of the City Wide Flood Study. A significant portion of the Cemetery lies within the 1% AEP flood extent. Minimal drainage infrastructure currently exists at the Cemetery and multiple grave sites become inundated during high rainfall events.

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It is recommended that nuisance flooding issues at Kurri Kurri Cemetery be investigated as part of the Phase 1 Drainage Investigation and Concept Design Study to inform future drainage upgrade and master planning activities.

**OPTIONS**

Options will be developed during the Phase 1 Drainage Investigation and Concept Design Study.

**CONSULTATION**

The following stakeholders have been consulted during the preparation of this Report:

- Team Leader Urban Parks Maintenance (nuisance flooding at Kurri Kurri Cemetery)
- WMA Water (Wallis-Swamp Creek Flood Study 2019)
- Ongoing contact with residents at Hospital Road via Councils Customer Request Management processes

**STRATEGIC LINKS**

**a. Delivery Program**

Phase 1, 2, and 3 design and construction activities are programmed within the forward capital works program (Operational Plan).

The current timing and funding allocations for these future programmed activities is as follows:

- Phase 1: Drainage investigation, concept options and concept design study (to commence during the 2022-23 financial year - \$55,000 allocated)
- Phase 2: Detailed Design (to commence during the 2023-24 financial year - \$31,350 allocated)
- Phase 3: Construction activities (to commence during the 2027-28 financial year - \$374,000 allocated)

**b. Other Plans**

Nil

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Nil

**b. Financial Implications**

Whilst funding for future Phase 1, 2 and 3 activities has been programmed, these budget estimates were set in 2020 and did not consider the Kurri Kurri Cemetery sub-catchment. Extending the subject area to include this catchment may result in the need to source additional funding. The funding is also dependent on other priorities at the time and approval of Council at the time of adopting the respective Operational Plan for the year the works are programmed.

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**c. Legislative Implications**

Nil

**d. Risk Implications**

Without further investigation works could be undertaken that are expensive and ineffective. An understanding of the issues at hand and careful selection of treatments to resolve those issues is required.

Residents that are located in the 1% AEP area will continue to be at risk of flooding in a rainfall events.

**e. Environmental Implications**

Nil

**f. Other Implications**

Nuisance flooding issues at Kurri Kurri Cemetery will be investigated as part of the Phase 1 Study to inform future drainage upgrade and master planning activities.

**CONCLUSION**

The nuisance flooding issues at South Weston are complex requiring further detailed investigation and design activities. Council Officers have undertaken various investigations in the subject area since 2020. Further investigation, design and construction activities are programmed to commence from 2022-23.

**ENCLOSURES**

There are no enclosures for this report



**SUBJECT:** *REQUEST FOR SPONSORSHIP & FEE WAIVING - AUSTRALIAN POSTIE BIKE GRAND PRIX*

**RESPONSIBLE OFFICER:** *Principal Engineer - Traffic and Transport - Warren Jeffery  
Director Works and Infrastructure - David Moloney*

### **SUMMARY**

Council has been approached by the organisers of the 2022 Australian Postie Bike Grand Prix, who are seeking Council support for the event that is to be held in the streets of the Cessnock Business District (CBD) on the weekend of 5 and 6 November 2022.

The Grand Prix is an annual not for profit event being run by the Cessnock Motor Cycle Club (CMCC) to entertain the local community and benefit local businesses. The event was not able to be run during the previous 2 years due to COVID-19 pandemic restrictions.

This report details the request for sponsorship and waiving of fees for the upcoming event and it has been prepared in line with Council's Community Sponsorship and Fee Waiving Policy.

### **RECOMMENDATION**

**That Council supports the Australian Postie Bike Grand Prix on the weekend of 5 and 6 November 2022 by providing the following in-kind support:**

- a) **Waive all Council application fees in conjunction with the 2022 event, including fees for a fresh 5 year DA for the 2022 event and the ensuing 4 years;**
- b) **Erection and removal of the relevant variable message boards and road closure/detour signage as required by Council and Transport for NSW, under the approved Traffic Management Plan and Traffic Control Plan; and**
- c) **Provide additional general waste bins throughout the main spectator and PIT areas of the circuit and remove the collected waste at the conclusion of the event.**
- d) **The \$14,900 be funded from the Miscellaneous & Property Reserve (Tourism Related Projects Reserve).**

### **BACKGROUND**

The CMCC is hosting its seventh Australian Postie Bike Grand Prix event in the streets of the Cessnock CBD over the weekend of 5 and 6 November 2022.

Organisers of the event have approached Council seeking various forms of support. This report details the extent of the sponsorship being requested by CMCC and seeks Council's endorsement to provide such support.

**Works and Infrastructure****Report No. WI32/2022****Works and Infrastructure****REPORT/PROPOSAL**

In previous years, the Australian Postie Bike Grand Prix has attracted riders and their families and support crews from all over Australia. It is anticipated that this year's event will again draw large numbers of people to the Cessnock LGA.

The community event is run on a not-for-profit basis with any surplus funds at the completion of the event being donated to the Cessnock District Rescue Quad and / or local NSW Rural Fire Service.

A majority of the costs to host the event are being covered by the organising Club, with most of these funds being raised via the collection of competitor / team entry fees and the sale of track advertising to local businesses. To further assist with hosting the event, CMCC has approached Council seeking the following support:

1. Supply all Transport for NSW (TfNSW) approved road closure signage as stipulated in the traffic control plan (TCP);
2. Supply four (4) Variable Message signs to be installed prior to the event to notify road users of the up-coming event as per the traffic management plan (TMP);
3. Supply accredited staff to erect and perform all road closures at 5.00AM on the morning of the event and remove all signage and re-open roads at completion of event;
4. Due to the anticipated increase in rubbish on the day resulting from anticipated crowd numbers, supply additional garbage bins in areas where spectators will gather;
5. Supply staff to maintain these extra garbage bins;
6. As part of the 2022 event Police request that the streets in the vicinity of the event, not already being encompassed by an existing Alcohol Free Zone, be made a Special Event Alcohol Free Zone (SEAFZ). Accordingly, Council's assistance in re-establishment of the expired SEAFZ (subject to separate future report to Council) and re-erecting required signage is sought;
7. Endorsement of the event wherever possible in local media and functions, due to the positive exposure and high number of people that the event attracts to the City of Cessnock.

With the exception of providing staff to maintain the waste collection bins, the estimated cost to supply the remaining above items is outlined in **Table 1** below.

**Table 1 - Eligible items for sponsorship**

Eligible items for Sponsorship		Estimated Cost
1.	Waive all Cessnock City Council application fees in conjunction with the 2020 event;	\$500
3.	Supply four (4) Variable Message Signs (VMS) to be installed prior to the event to notify commuters of the up-coming event as per the Traffic Management Plan (TMP);	\$3,000
4.	Supply all TfNSW approved road closure signage as per that required in the Traffic Control Plan (TCP); Supply accredited staff to erect and perform all road closures at 5.00am on the morning of the event and remove all signage and re-open roads at the completion of the event;	\$7,500
5.	Due to the anticipated increase of rubbish on the day resulting from anticipated crowd numbers, supply additional garbage bins in areas	\$3,500

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Eligible items for Sponsorship		Estimated Cost
	where spectators will gather and remove the collected waste at the conclusion of the event.	
7.	As part of a Police request to make the streets in the vicinity of the event Alcohol free, we ask Council assistance in implementing this request and supplying the required signage. Supply and affix date decal to existing Special Event Alcohol Free signage as an extension of the existing Alcohol Free Zone in the Cessnock CBD.	\$400
8.	Support the event wherever possible in local media and functions, due to the positive exposure and people that the event brings to the City of Cessnock.	\$0
<b>TOTAL COST OF ELIGIBLE ITEMS</b>		<b>\$14,900</b>

In reviewing the requests, Council officers have determined that in-kind support detailed in Table 1 above can be provided from the Miscellaneous & Property Reserve (Tourism Related Projects Reserve). Please note it recommended that Council does not include staff to maintain extra garbage bins during the event. This task can be undertaken by CMCC volunteers.

**OPTIONS**

The preferred option is that Council supports the Australian Postie Bike Grand Prix on the weekend of 5 and 6 November 2022 by providing the support as listed above.

Alternatively, Council may provide no support for the requests or no support. This is not the preferred option as the event has social and economic benefits to the broader community consistent with Council's community goals.

**CONSULTATION**

**Internal Consultation:** Internal consultation on this matter has occurred as follows:

- Community and Cultural Development Manager
- Development Services Manager
- Works and Operations Manager
- Environment & Waste Services Manager
- Economic Development and Tourism Manager

**External Consultation:** External consultation on this matter has occurred as follows:

- Representatives of CMCC

**STRATEGIC LINKS****a. Delivery Program**

The proposed in-kind sponsorship for this event supports:

- Objective 1.2 – Our community organisations have opportunities to work together to develop and deliver services;

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- Objective 2.3 – Increasing Tourism Opportunities & Visitation in the Area; and
- Objective 5.3 – Our Council is responsive to the community.

**b. Other Plans**

N/A.

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Community Sponsorship and Fee Waiving Policy.

**b. Financial Implications**

The cost of providing the assistance as detailed in Table 1 is estimated to be approximately \$14,900. This does not include the request for staff to man extra garbage bins. The in-kind support for the above can be provided from the Miscellaneous & Property Reserve (Tourism Related Projects Reserve).

**c. Legislative Implications**

*Local Government Act 1993* – Section 356- allows a council to financially assist others.

**d. Risk Implications**

Reputational Risk:

In the successful running of this popular event over previous years, Council received much community acclaim and expressions of appreciation in social media, print media and event communications for its valued support. Failure to provide the requested assistance for the 2022 event may result in the loss of this favourable standing built up over previous years.

**e. Environmental Implications**

Organisers have indicated they will operate under the Return and Earn Scheme with the recycling of cans and bottles. Proceeds will be donated to local charities or schools.

**f. Other Implications**

Nil.

**CONCLUSION**

Prior to its COVID-19 imposed 2 year hiatus, the Australian Postie Bike Grand Prix had become a much anticipated event on the City's social / entertainment calendar.

Based on supporting events that provide opportunity for the community to work together and promote visitation across the Cessnock LGA, it is recommended that Council provide in-kind sponsorship for the 2022 running of the event.

**Works and Infrastructure**

**Report No. WI32/2022**

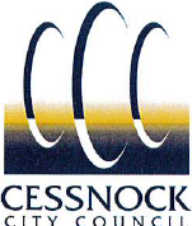
**Works and Infrastructure**

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***ENCLOSURES***

- [1](#) Australian Postie Bike Grand Prix \_ Community Sponsorship \_ Fee Waiver Request \_ Cessnock Motorcycle Club
- [2](#) Australian Postie Bike Grand Prix \_ Event Description 2022 \_ Cessnock Motorcycle Club

 <p><b>CESSNOCK</b> CITY COUNCIL</p>	<p><b>OPEN SPACE AND COMMUNITY FACILITIES</b></p> <p><b>GUIDELINES AND APPLICATION FOR COMMUNITY SPONSORSHIP AND FEE WAIVER</b></p>	<p><b>OFFICE USE ONLY</b></p>
	<p>Place stamp here (Office use)</p>	<p>Date _____</p> <p>J/N _____</p> <p>Amount \$ _____</p>

**PART 1 - GUIDELINES**

The purpose of this application and guidelines is to provide a clear process for community groups, not for profit organisations and other eligible applicants to apply for financial or in-kind support from Cessnock City Council for the provision of a range of activities and services.

The activities and services may include, but not be limited to, community projects, events, cultural programs, sporting programs and other community services that provide benefit to the Cessnock LGA community.

If your organisation would like to apply for community sponsorship or a fee waiver in the form of financial or in-kind support from Council, please read the guidelines below and complete the application form.

**SPONSORSHIP**

Applicants requiring sponsorship from Council must comply with the following criteria:

- The organisation must be community based;
- The organisation must be compatible with Council's values;
- The project or activity must have local impact in the Cessnock LGA;
- The organisation must offer tangible benefits to Council in return for sponsorship;
- The organisation must not be actively involved in conflict with Council;
- The organisation must be seen to have the capacity to fulfil its sponsorship obligations.

All sponsorship requests will be reported to Council for consideration. Please allow a minimum of 28 days from the date of lodgement for a resolution to meet the Council meeting business cycle.

**FEE WAIVER**

Applicants requesting a reduction or waiver of a fee or charge from Council must fall within one of the following categories:

- Hardship – where there is evidence that the payment of the fee or charge will impose unreasonable financial hardship on the applicant given their particular circumstances.
- Charity – where the applicant is a registered charity and the fee is for a service that will enable the provision of charitable services to the community of the Cessnock LGA.
- Not for Profit – where the applicant is an organisation that holds "not for profit" status and the fee is for a service that will enable the achievement of their objectives and betterment for the community of the Cessnock LGA and where the payment of standard fees or charges would cause financial hardship.
- Commercial – where the Council, or its contractor, operates a service and reduction of the fee is required to compete in the market.
- Non-Provision of Service – where the Council is unable to provide a service or venue that has been previously agreed upon and an appropriate discount, fee waiver or substitution is required as compensation.
- Filming related activities – applicable fees and charges may be waived or reduced for productions undertaken in the LGA where the productions purpose relates to charitable, educational or community-based, non-commercial activities or where the productions primary purpose is to highlight the LGA as a tourist destination.

Requests over \$3,000 will be reported to Council for consideration. Please allow a minimum of 28 days from the date of lodgement for a resolution to meet the Council meeting business cycle.



Community Sponsorship & Fee Waiver

**ASSESSMENT**

Applications are assessed in accordance with the Community Sponsorship & Fee Waiving Policy. In some cases delegated officers can waive fees. All requests for sponsorship will be reported to Council. Assessment timeframes will vary and applicants should discuss their requests with a Council Officer before lodging this application.

Bonds (where applicable) will not be reduced or waived.

Please allow a minimum of 10 working days from the date of lodgement for Council to assess your application. Notification will be given in writing with the outcome of the application.

**PART 2 – APPLICATION DETAILS**

**APPLICANT DETAILS**

Name/s	Organisation : CESSNOCK MOTORCYCLE CLUB		
<b>PETER CARNEY</b>	ABN 84 279 804 540		
Postal Address	PO Box 287	Telephone	
Suburb <b>CESSNOCK</b>	State <b>NSW</b>	Postcode <b>2325</b>	Mobile <b>0411 270 442</b>
Email	A C C O U N T S @ E L I T E I E . C O M . A U		

**APPLICATION CATEGORY**

Please indicate by 'X'

<input type="checkbox"/>	Hardship
<input type="checkbox"/>	Charity Please supply Certificate of Charity Status, Authority to Fundraise(if applicable)
<input checked="" type="checkbox"/>	Not for Profit
<input type="checkbox"/>	Commercial
<input type="checkbox"/>	Non-Provision of Service
<input type="checkbox"/>	Filming related activities

**PART 3 – ACTIVITY OR SERVICE**


**DETAILS**

Location <b>CESSNOCK CBD</b>		
Type of activity/service <b>AUSTRALIAN POSTIE BIKE GP 2022 - 2027</b>		
Expected number attending <b>8,000</b>		
Date of event <b>5<sup>TH</sup> &amp; 6<sup>TH</sup> NOVEMBER 2022</b>	Time <b>8AM</b>	
Purpose of activity/service <b>MOTORCYCLE EVENT</b>		
Activity	Cost	Request
1.	\$	\$
2.	\$	\$
3.	\$	\$
4.	\$	\$
<b>Total</b>	\$	\$

**COMPLIANCE WITH SPONSORSHIP CRITERIA**

Is the organisation community based	<input checked="" type="checkbox"/>	Yes	No
Is the organisation compatible with Council's values	<input checked="" type="checkbox"/>	Yes	No
If yes, how <b>AS PER ATTACHED</b>			
Does the project or activity have local impact in the Cessnock LGA	<input checked="" type="checkbox"/>	Yes	No
If yes, how <b>AS PER ATTACHED</b>			

Community Sponsorship & Fee Waiver

Does the organisation offer tangible benefits to Council in return for sponsorship	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, how <b>AS PER ATTACHED</b>		
Is the organisation actively involved in conflict with Council	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If yes, how		
<b>PART 4 – REQUIREMENTS</b>		
<b>ATTACHED DOCUMENT CHECKLIST</b> Tick Yes or No for appropriate responses.		
Have you read the guidelines for Community Sponsorship & Fee Waiver?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does your proposed activity or service comply with the guidelines?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Have you attached Certificate of Charity Status, Authority to Fundraise?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Have you discussed the application with a Council Officer (If no, the application will not be assessed)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, please provide details of Officer and date	Council Officer	Date
<b>PART 5 – DECLARATION</b>		
<b>APPLICANT DECLARATION</b>		
I/We apply for the approval of financial or in-kind support for the activity or service as described in this application. I/We declare that all the information in the application is, to the best of my/our knowledge, true and correct.		
I/We give consent to Cessnock City Council to use the application and documents, provided in support of this application for advertising and notification purposes.		
I/We have read the Guidelines for Community Sponsorship & Fee Waiver. I/We agree to abide by and be bound by those guidelines and any specific conditions of consent (if approved).		
Applicant(s) Name <b>PETER CARNEY</b>	Date <b>11/03/2022</b>	
Applicant(s) Signature 		
<b>PRIVACY DISCLOSURE</b>		
Council is subject to the Privacy and Personal Information Protection Act 1998 (NSW) in dealing with your personal information. Council's Privacy Management Plan and Privacy Statement describe how the agency meets these obligations		
Purpose	The information on this application for community sponsorship and fee waiver is being collected for the purpose of processing the application form.	
Intended Recipients	Cessnock City Council	
Supply	Voluntary	
Consequence of Non-provision	If you do not supply the information, we will not be able to process your application.	
Storage and Security	Your personal information will be kept in Council's Information Management System in accordance with the relevant legislation. Council's address is 62-78 Vincent Street CESSNOCK NSW 2325	
Access	You may access, correct or update your personal information by visiting Council's website, contacting Council's Privacy Contact Officer on 4943 4100 or by sending an email to <a href="mailto:council@cessnock.nsw.gov.au">council@cessnock.nsw.gov.au</a> .	
<b>HOW TO LODGE YOUR APPLICATION</b>		
<b>Address the application to</b>  General Manager Cessnock City Council PO Box 152 CESSNOCK NSW 2325	<b>Lodge in person (between 9am – 4.30pm) at Council's Administration Building</b>  Cessnock City Council 62-78 Vincent Street CESSNOCK NSW  <b>Lodge by email</b> <a href="mailto:council@cessnock.nsw.gov.au">council@cessnock.nsw.gov.au</a>	<b>How to Contact Us</b> Phone: (02) 4993 4100 Fax: (02) 4993 2500 Email: <a href="mailto:council@cessnock.nsw.gov.au">council@cessnock.nsw.gov.au</a> <a href="http://www.cessnock.nsw.gov.au">www.cessnock.nsw.gov.au</a>  <b>Office Hours</b> 9am to 5pm Monday to Friday *Payments are accepted until 4.30pm
If you require further information regarding this request, please contact Council's Customer Service on (02) 4993 4100.		





The Australian Postie Bike  
Grand Prix  
2022

Proudly Hosted by:  
The Cessnock Motor Cycle Club Incorporated

Saturday November 5th  
&  
Sunday November 6th  
2022

**Event Description:**

This purpose of this description is to give prospective participants, general public and sponsors an insight into the Australian Postie Bike GP (APBGP). This does not constitute the supplementary regulations which will be posted in conjunction with Motorcycling New South Wales at a time of not less than 14 days prior to the event.

**Outline of the Event:**

The inaugural event was held in October 2014 and was deemed to be a “fantastic success” based from crowd attendance, community feedback and media support. Following on from this success, the event was again held in in 2015, 2016, 2017 2018 and 2019 under a council approved 5-year DA and as in the inaugural year has been well accepted by the Cessnock and the wider community.

The 2022 event as in the previous years will be a motorcycle race team event held in the streets around the Cessnock’s Central Business District, the streets utilized will be closed to traffic.

Local cafes and business houses are encouraged to trade al fresco to the crowds that line the course and visit the Vincent Street precinct.

The Honda CT 110 Postie Bike is the ideal platform for such a race as the iconic nature of the machine has attracted high interest from many people, local and interstate, at the relatively low speeds the machine has proven to be capable and will enhance spectator’s vision of the race whilst mitigating risk and liability for the public and riders.

Each team will be made up of four persons being two riders and two pit persons, the total number of teams for the event will be 70. As in the 2019 event an all-female race will be held again to encourage more women into the sport of motorcycling.

Social Media statistics show that over 9300 views were made of the official Facebook page with a rating of 4.8 out of 5 approval rating.

The event was shown over a 2 parts series on ‘Blokesworld’ which gave a very good insight into the event and riders.

The 2019 event not only attracted local riders, but also riders with previous world motorcycle titles to their name and many “first timers”.

The 2022 event, will again be focused on providing family friendly entertainment, with free attendance estimates of the 2022 crowd was 8,000 to 10,000.

**The Postie Bikes used in the Competition:**

To qualify for *The Australian Postie Bike Grand Prix 2022* the bikes utilized must be genuine Honda brand CT 110 step through motorcycle with a capacity not exceeding 110CC.

The bikes are required to be standard as manufactured in basic specification and will be scrutineered prior to Sunday race day. This will be conducted on Saturday 5<sup>th</sup> between Peden’s Hotel and the Cessnock Civic Centre, the scrutineering is also open for the public to attend and witness the ever popular ‘Dyno testing of the machines”.

Major items to be verified as standard by the officials are:

- Muffler / exhaust system
- Sprockets

- Wheels
- Suspension
- Tyres legal road approved
- Dyno testing of power (max 6.3HP)

At the completion of the APBGP the power output of the machines entered will be measured by dyno-tune device for the top 5 placed motorcycles. The upper limit set for qualification will be the standard horsepower of 6.3 h.p. If any machines are found to exceed the upper limit, that team will be disqualified from the event, and the placegetter below will move up one position.

**Proposed Program of Events:**

**Saturday 5<sup>th</sup> November**

- Scrutineering / Riders and crew sign on at Peden's Hotel
- Machines will then be locked under security until Sunday morning

**Sunday 6<sup>th</sup> of November**

**Parade Lap 9.00am:**

**Female Qualifying 9.20am:**

- Female race sighting lap and qualifying

**Group A & Group B Qualifying & Heats from 10am:**

- 2 Qualifying Heats race of 20 laps will be seeded to make sure a fair spread of abilities across each of the heats.
  - As an example, after qualifying, Heat 1 will be made up of the fastest time, the 4<sup>th</sup> fastest, the 7<sup>th</sup> fastest, the 10<sup>th</sup> fastest and so on. Heat 2 will be made up of the 2<sup>nd</sup> fastest, 5<sup>th</sup> fastest, 8 fastest etc.
  - Teams must change rider on a minimum of 3 occasions during the 20-lap heat
  - A single rider must not ride in excess of 14 of the 20 laps in a heat, i.e. each rider must do a minimum of 10 laps
  - The first fifteen (20) teams from each heat, will contest The Australian Postie Bike Grand Prix 2022

**Female Race 1pm:**

- Conducted over 12 laps

**Cessnock Cup (B Final):**

- Conducted over 1 hour plus 1 lap

**National Anthem 2.50pm**

**The Australian Postie Bike Grand Prix 3pm:**

- Conducted over 90 minutes plus 1 lap for the teams placed from the heats

**The Course:**

The course commences with the start line situated in Hall Street Cessnock.

The track then goes under the bridge into the Cessnock TAFE.

From here, a couple of bends and corners will enter onto North Avenue where the riders will swing left before turning back onto South Avenue and left again back into Hunter TAFE. From here, the track will exit out onto South Avenue for a quick dash and then back into the TAFE Campus for one right turn prior to turning right back onto Darwin St.

Then head down Darwin St for 100 metres then turning left into South Avenue. A left onto Charlton St will bring the riders behind Cessnock Ex-Service Club onto Charlton Avenue.

A left onto Hall St will see the riders heading into the Hunter TAFE Campus past the Finish line.

**Course Layout:**



*The Cessnock Motorcycle Club Inc. welcomes your involvement in The Australian Postie Bike Grand Prix 2022 and wishes all supporters, participants and sponsors the best of luck.*

Works and Infrastructure

Report No. WI33/2022

Works and Infrastructure



**SUBJECT:** ***DALWOOD ROAD, EAST BRANXTON PETITION FOR PATHWAY***

**RESPONSIBLE OFFICER:** ***Principal Engineer - Traffic and Transport - Warren Jeffery  
Traffic Engineering Officer - Nathan Goodbun***

### **SUMMARY**

The purpose of this report is to address a petition lodged by residents and non-residents requesting that Council prioritise the construction of a footpath on Dalwood Road, East Branxton

### **RECOMMENDATION**

1. That Council notes the petition lodged by residents and non-residents requesting that Council prioritise the construction of a footpath on Dalwood Road, East Branxton to ensure the safety, health and wellbeing of all residents.
2. That Council notes the outcome of the investigation into provision of pathways in East Branxton.
3. That Council reiterates the previously resolved priorities for provision of pathways in accordance with the adopted Pedestrian Access Mobility Plan.
4. That the General Manager notifies the petition organiser of Council's plans and current efforts to secure funding for installation of the requested pathway.

### **BACKGROUND**

At Council's Ordinary Meeting of 16 June 2021, Councillor Sander tabled a written and signed petition on behalf of residents and non-residents. The petition requested that Council prioritise the construction of footpath on Dalwood Road, East Branxton to ensure the safety, health, and wellbeing of all residents.

The priority for the installation of pathway projects throughout the LGA had previously been determined by Council when at its Ordinary Meeting of 18 November 2020, Council considered report WI85/2020 and resolved:

1. ***That Council notes the three options for projects from the Cessnock Cycling Strategy 2016 in each of Council's 4 wards.***
2. ***That Council endorses the highest priority shared pathway project from the Cessnock Cycling Strategy (2016) in each ward to, be included in the Operational Plan 2020-21 for potential grant funding opportunities, as follows:***
  - ***Ward A: Millfield - Rose Hill Estate to Wollombi Road via Crawfordville Park, estimated cost \$360,000;***
  - ***Ward B: Cessnock - Public School to Bridges Hill Park via Quarrybylong Street, estimated cost \$525,000;***

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Works and Infrastructure



- *Ward C: Greta - Railway Station to High Street via Nelson Street, estimated cost \$500,000; and*
  - *Ward D: Pelaw Main – Log of Knowledge Park to Neath Street, estimated cost \$514,000.*
3. *That the General Manager review the above projects and be delegated authority for possible inclusion under the Local Roads and Community Infrastructure Extension Program subject to compatibility with the grant Program guidelines and assessment criteria.*
4. *As projects are successfully grant funded, the next identified project in each Ward is elevated to the Operational Plan for future grant funding opportunities.*

**REPORT/PROPOSAL**

This report:

- Describes the Petition received;
- Outlines the assessment of the request, including:
  - definition of the pathways included in adopted strategies and plans,
  - review of recently completed pathways in East Branxton and surrounds; and
- Recommends an outcome.

**Petition**

The petition calling for construction of footpath that features 259 signatories from residents of six suburbs within the Cessnock LGA and 13 suburbs from the Shire of Singleton and the Cities of Maitland, Lake Macquarie, Newcastle and Great Lakes.

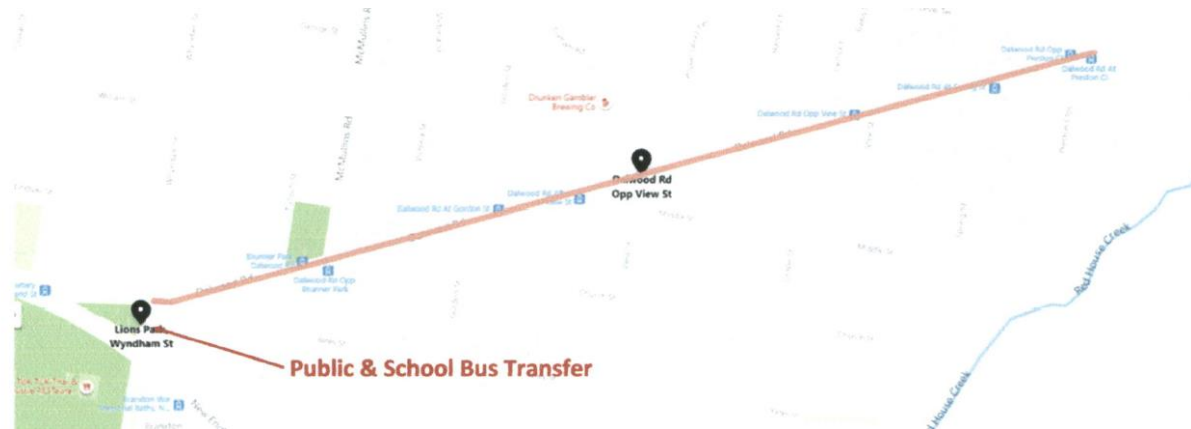
The petitioners are requesting that Council prioritise the construction of footpath on Dalwood Road in East Branxton to ensure the safety, health, and wellbeing of all residents. See the petition at **Enclosure 1**.

**Assessment**

Location:

As shown in Figure 1 below the proposed pathway on Dalwood Road, as detailed in the petition, measures approximately 1,235 metres between Wyndham Street and Spring Street.

**Works and Infrastructure**  
**Report No. WI33/2022**  
**Works and Infrastructure**



**Figure 1 – Proposed Pathway as Shown in the Petition**

Nominations of pathway projects for consideration by Council when determining the above resolved priorities were informed by Council's adopted Cessnock LGA Pedestrian Access and Mobility Plan [2016] (PAMP) and Cessnock Cycling Strategy [2016].

**Table 1** below depicts the listing of the subject pathway on Dalwood Road in the PAMP and shows an allocated priority of "Low".

**Table 1: PAMP - Appendix D: Recommended Works Program**

Location	Action	Priority	Works Authority	Comment
Dalwood Road	New Path Between Wyndham Street to Preston Close South Side	Low	CCC	1950m new pathway and ramps

Explanation of works priority in the PAMP

**Low** – Little impact on pedestrian safety, desirable for pedestrian convenience or amenity

**Medium** – Desirable for pedestrian safety, convenience or amenity

**High** – Essential for pedestrian Safety

**Table 2** below depicts the listing of the subject pathway on Dalwood Road in the Cycling Strategy.

**Table 2: Cessnock Cycling Strategy [2016] –Proposed Improvements**

Ref	Item	Description	Hierarchy	User type(s)
<b>4.1 New pathway</b>				
4.1.3	New off-road path on Dalwood Road - New England Highway to Spring Street	New shared path along Dalwood Road linking the East Branxton population to Miller Park and the proposed shared path along the New England Highway	Local	Primary school children, secondary school children, recreation, commuter, utility

**OPTIONS**

N/A



**Works and Infrastructure**

**Report No. WI33/2022**

**Works and Infrastructure**



**CONSULTATION**

**Internal Consultation:** Internal consultation on this matter has occurred with Council officers as follows:

- Principal Engineer - Traffic & Transport, Infrastructure;
- Principal Engineer - Roads, Infrastructure;
- Principal Engineer – Design & Project Management, Infrastructure;
- Design Engineer, Infrastructure; and
- Engineering Officer – Traffic, Infrastructure.

**External Consultation:** Extensive external consultation occurred in the development of Council's adopted Cessnock LGA Pedestrian Access and Mobility Plan [2016] (PAMP) and Cessnock Cycling Strategy [2016].

**STRATEGIC LINKS**

**a. Delivery Program**

**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.

**b. Other Plans**

**Community Strategic Plan - Cessnock 2027:** The recommendation of this report aligns with the following objectives:

- Objective 1.3 Promoting safe communities - Our roads are safe for motorists and pedestrians.
- Objective 2.3 Our local government area is attractive to visitors
- Objective 4.2 Improving the road network
- We have a quality road network.



**Works and Infrastructure**

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**Works and Infrastructure**



- We have managed the traffic impact of the Hunter Expressway on local communities.

**Operational Plan 2020-21:** 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.*
- 1.2.4 *Work with the State Government to develop a land use strategy for the Hunter Expressway corridor.*

**Cessnock Cycling Strategy (2016):** The recommendation of this report aligns with the following objectives:

The vision for cycling in Cessnock is to “Create a safe, attractive and accessible cycling network that improves the community’s connections with key destinations and each other and encourages residents of all ages to use their bicycle for recreation and everyday transport.” The vision is supported by four strategic objectives:

- Provide a cycling environment that is safe, secure and encourages residents to cycle without fear of accident or injury.
- Provide a cohesive and integrated bicycle network that is easy for cyclists to use.
- Integrate cycling into Council’s planning processes.
- Promote awareness of cycling amongst the community and road and path user groups.

**Works and Infrastructure**

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**Road Safety Strategic Plan 2020–24**

Objective 5.1.1: Work with stakeholders to create livable communities with infrastructure that supports active transport (walking and cycling) and public transport use.

Objective 5.1.3: Submit for funding under Walking & Cycling program to construct infrastructure supporting active transport.

**Cessnock LGA Pedestrian Access and Mobility Plan (PAMP):** The recommendation of this report generally aligns with the objectives of the Plan.

**Cessnock LGA Traffic and Transport Strategy:** The recommendation of this report generally aligns with the objectives of the Strategy.

**IMPLICATIONS**

**a. Policy and Procedural Implications**

**Grants Protocol:** In making applications of external grant funding Council officer are required to follow Council's adopted grants protocol.

**b. Financial Implications**

Council recently engaged consultant quantity surveyors to provide concept cost estimates for high and medium priority pathway projects throughout the Cessnock LGA.

Construction of a 1,235 metre long, 2.5 wide shared path along the relevant section of Dalwood Road was estimated to cost \$1,607,000.

Whilst the PAMP rated the provision of a pathway on Dalwood Road as a "Low" priority, Council officers took account of increased pedestrian demand in the area since 2016, due to recent developments in residential properties and the high usage of the adjacent school bus interchange on Dalwood Road, in determining to elevate the priority of this project. The proposed pathway was assessed as meeting the essential criteria for grant funding under the latest TfNSW Active Transport Program (Walking & Cycling) Program.

Council officers recently submitted an application under this funding Program to the value of \$206,000, to cover detailed design costs for the subject pathway. Notification of the success or otherwise of this application is pending.

Due to funding and resource constraints, a consequence of elevating the priority of this project is that other Branxton pathway projects listed in the PAMP for inclusion on future capital works programs, such as pathways on Drinan, Bowen and Bridge Streets are required to be postponed.

Should this application be successful, having detailed design and detailed costings would enhance Council's potential for success in obtaining grant funding for the construction of the pathway under an ensuing round of the TfNSW Active Transport Program (Walking & Cycling) Program.

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If Council's applications for grant funding for this project are unsuccessful it is proposed to allocate development contributions collected under the City Wide Infrastructure Contributions Plan 2020 with recommended inclusion in a future Delivery Program and annual Operational Plans, subject to availability of additional Council funding, as follows:

- Investigation and design - 2023/24; and
- Pathway Construction – 2024/26.

**c. Legislative Implications**

*Road Rules 2014 – Part 14 – Rules for Pedestrians*

*Road Rules 2014 – Part 15 – Additional Rules for Bicycle Riders*

**d. Risk Implications**

**Financial Risk:** New infrastructure requires maintenance and renewal over time which is a financial imposition on operational and capital budgets.

**Safety Risk:** Off road shared pathways provide safety benefits to users, mitigating risk by separating pedestrians and bicyclists from vehicular traffic and providing a safe travel surface.

**Opportunity Risk:** Individual grant application criteria and time frames may not align with recommended projects or Council's capacity to deliver projects.

**e. Environmental Implications**

N/A

**f. Other Implications**

N/A

**CONCLUSION**

The genuine community need and desirability for a shared path to provide safe travel for pedestrians and bicyclists on Dalwood Road, East Branxton has long been recognised.

This pathway would be a strategic link from the residential sub-divisions to the relatively recent upgraded East Branxton school bus interchange as well as the Miller Park Sporting Complex and public swimming pool. It would also connect to the Branxton to Greta Memorial Shared Path which is currently under construction.

It is recommended that Council advise the petitioners that the requested pathway is considered to be a priority and that funding opportunities are actively being pursued in order to meet the significant cost of the project.

**ENCLOSURES**

- 1** Dalwood Road East Branxton - Petition - *This matter is considered to be confidential under Section 10A(2) (j) of the Local Government Act, as it deals with Council Policy. (as the petition contains personal information relating to individuals )*

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**SUBJECT:** *BRANXTON TOWN CENTRE - PETITION FOR PATHWAY*  
**RESPONSIBLE OFFICER:** *Principal Engineer - Traffic and Transport - Warren Jeffery*  
*Traffic Engineering Officer - Nathan Goodbun*

### **SUMMARY**

The purpose of this report is to report a petition lodged requesting installation of pathway from Branxton Town Centre to Branxton Public School and a combined children's and zebra crossing at the school.

### **RECOMMENDATION**

1. That Council notes the petition lodged by residents and non-residents of Branxton proposing that Council prioritise the construction of footpath from Branxton Town Centre to Branxton Public School, and a combined children's and zebra crossing at the school.
2. That Council notes the outcome of an investigation into provision of pathways in Branxton.
3. That Council notes that pedestrian volumes in the streets surrounding Branxton Public School do not meet the criteria for installation of a pedestrian crossing and that the school is served by its recently upgraded children's crossing.
4. That the General Manager writes to the organiser of the petition to advise the outcome.

### **BACKGROUND**

At Council's Ordinary Meeting of 16 June 2021, Councillor Sander tabled a written and signed petition on behalf of residents and non-residents. The petition requested that Council prioritise the construction of footpath from Branxton Town Centre to Branxton Public School and a combined children's and zebra crossing at the school to ensure the safety, health, and wellbeing of the school children, staff, parents and residents.

The priority for the installation of pathway projects throughout the LGA had previously been determined by Council when at its Ordinary Meeting of 18 November 2020, Council considered report WI85/2020 and resolved:

1. *That Council notes the three options for projects from the Cessnock Cycling Strategy 2016 in each of Council's 4 wards.*
2. *That Council endorses the highest priority shared pathway project from the Cessnock Cycling Strategy (2016) in each ward to, be included in the Operational Plan 2020-21 for potential grant funding opportunities, as follows:*

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- *Ward A: Millfield - Rose Hill Estate to Wollombi Road via Crawfordville Park, estimated cost \$360,000;*
  - *Ward B: Cessnock - Public School to Bridges Hill Park via Quarrybylong Street, estimated cost \$525,000;*
  - *Ward C: Greta - Railway Station to High Street via Nelson Street, estimated cost \$500,000; and*
  - *Ward D: Pelaw Main – Log of Knowledge Park to Neath Street, estimated cost \$514,000.*
3. *That the General Manager review the above projects and be delegated authority for possible inclusion under the Local Roads and Community Infrastructure Extension Program subject to compatibility with the grant Program guidelines and assessment criteria.*
4. *As projects are successfully grant funded, the next identified project in each Ward is elevated to the Operational Plan for future grant funding opportunities.*

**REPORT/PROPOSAL**

**Petition**

The petition features 181 signatories, residing in:

- Branxton,
- East Branxton,
- North Rothbury,
- Huntlee,
- Greta,
- Cessnock, Aberdare, Lower Belford, Metford, East Maitland, Cameron Park, Bulahdelah, Elderslie, Tenambit, Aberglasslyn and North Lambton.

The petitioners request that Council prioritise the construction of footpath from Branxton Town Centre to Branxton Public School, and a combined children's and zebra crossing at the school. See the Petition at **Enclosure 1**.

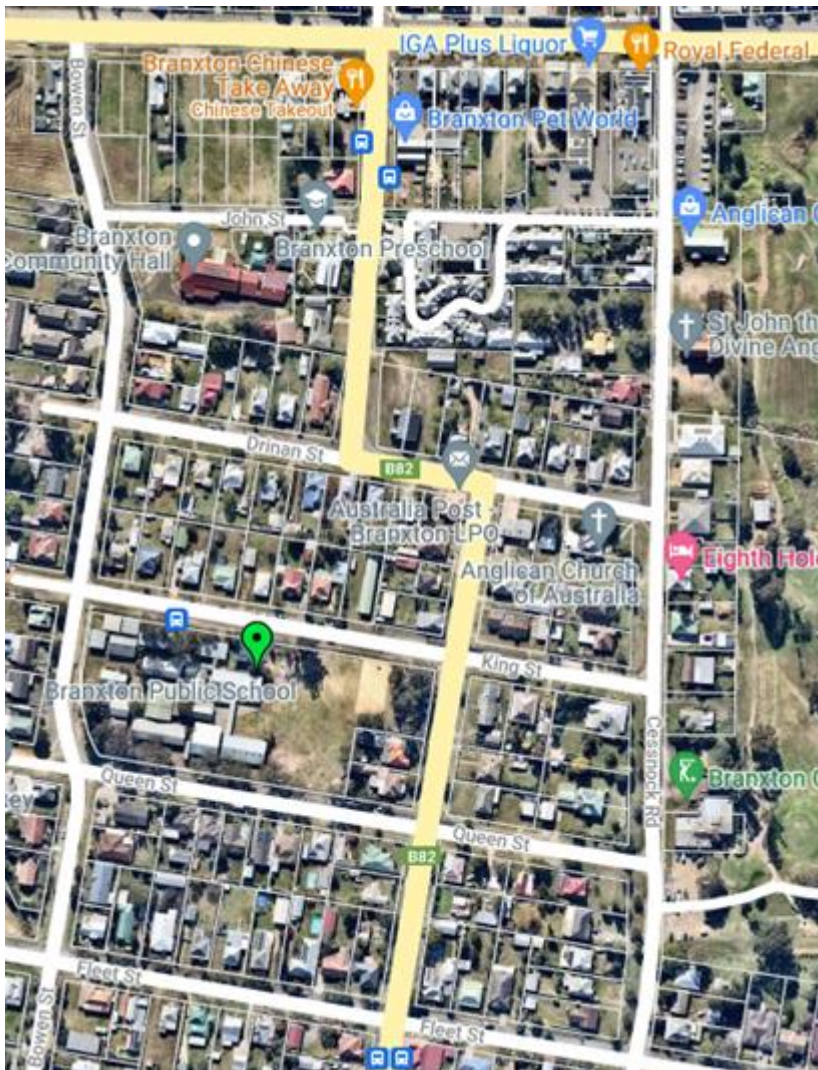
**Assessment**

**Location:** The local streets connecting Branxton Town Centre to Branxton Public School where a connected pathway is requested are shown in **Figure 1** below:

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**Figure 1 – Requested pathway location**

### **Pedestrian Access and Mobility Plan and Cessnock Cycling Strategy**

Nominations of pathway construction projects for consideration by Council when determining pathway priorities for inclusion in capital works programs are informed by Council's adopted Cessnock LGA Pedestrian Access and Mobility Plan [2016] (PAMP) and Cessnock Cycling Strategy [2016].

**Table 1** below shows the recommended works program for footpath construction in the Braxton Township, including allocated priorities and pathway lengths. The streets listed in the table encompass the streets referred to in the petition.

Please note that the table has been adjusted from how it appears in the PAMP to reflect the declassification of Bridge, Drinan and Cliff Streets (following the opening of the Hunter Expressway), which conferred management responsibility for these streets from TfNSW to Council.

The PAMP allocates the construction of pathway on the subject streets as being a "Low" and "Medium" priority.

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It should be noted that the absence of sealed pathway does not indicate a complete lack of pedestrian amenity. These streets have some sealed footpaths and the remaining footway is generally grassed area, separated from the carriageway of the subject streets.

Explanation of works priorities in the PAMP

**Low** – Little impact on pedestrian safety, desirable for pedestrian convenience or amenity

**Medium** – Desirable for pedestrian safety, convenience or amenity

**High** – Essential for pedestrian Safety

**Table 1: PAMP - Appendix D: Recommended Works Program**

Location	Action	Priority	Works Authority	Comment
Drinan Street	New path on northern side between Bowen Street and Clift Street North Side	Low	CCC	140m new pathway and ramps
Drinan Street	New Path on northern side between Clift Street and Bridge Street North Side	Medium	CCC	70m new pathway and ramps
Drinan Street	New Path between Bridge Street and Cessnock Road North Side	Low	CCC	90m new pathway, ramps and Pedestrian refuge
Bridge Street	New Path between Drinan Street and King Street West Side	Medium	CCC	85m new pathway and ramps
Bridge Street	New Path between King Street and Queen Street East Side	Medium	CCC	85m new pathway and ramps
Bowen Street	New path between Drinan Street and King Street East Side	Low	CCC	85m new pathway and ramps
Bowen Street	New Path between King Street and Queen Street East Side	Low	CCC	90M new pathway and ramps
Bowen Street	New Path between Queen Street and Fleet Street East Side	Low	CCC	100m new pathway and ramps
Bowen Street	New Path between New England Highway and Drinan Street	Low	CCC	90m new pathway and ramps
Bowen Street	New Path between New England Highway and Drinan Street	Low	CCC	110m new pathway and ramps



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**Table 2** below summaries proposed works in the cycling environments in the area referenced in the petition that have been identified as high priorities - (as soon as resources allow).

**Table 2: Cessnock Cycling Strategy [2016] –Proposed High Priority Projects – Branxton Township**

Priority	Location	Distance	Hierarchy
High	New off-road path on Bridge Street/Drinan Street/Cessnock Road - Railway Street to the New England Highway	0.962km	Local
High	Upgrade on-road conditions on Railway Street, Branxton	0.492km	Local

**Table 3** below, extracted from Cycling Strategy details the proposed improvements to the local/district cycling environment, including new pathways, on-road connections and pathway improvements in the Branxton Township and throughout the broader Branxton Greta areas.

**Table 3: Cessnock Cycling Strategy (2016) - Recommended Works Program for the Greta – Branxton Cycling Environment**

Greta-Branxton cycling environment					
4.1.1	New off-road path on Bridge Street/Drinan Street/Cessnock Road - Railway Street to the New England Highway	0.962km	Local	High	\$\$\$
4.1.2	New off-road path on the New England Highway - Cessnock Road (Branxton) to Greta Park (Greta)	5.451km	District	Low	\$\$\$
4.1.3	New off-road path on Dalwood Road - New England Highway to Spring Street	1.235km	Local	Low	\$\$\$
4.1.4	New off-road path on Wyndham Street - Evans Street to Sale Street (Greta)	0.832km	Local	Medium	\$\$\$
4.1.5	New off-road path on West Street - High Street to URA	1.133km	Local	Low	\$\$\$
4.1.6	New off-road path on Elderslie Road - New England Highway to Singleton LGA	0.397km	Local	Low	\$
4.1.7	New off-road path on McMullins Road - Dalwood Road to Hillview Road	0.513km	Local	Low	\$\$\$
4.1.8	New off-road path on Station Street - New England Highway to Railway Street	0.687km	Local	Medium	\$\$\$
4.1.9	New off-road path between urban release area along Camp Rd/ Mansfield Street to proposed Nelson Street cycleway	1.032km	District	Low	\$\$\$
4.1.10	New off-road connection on Nelson Street - New England Highway to Greta Railway Station	0.962km	Local	Medium	\$\$\$
4.1.11	New off-road path on Washery Road/ Morgan Street and Thomas Street, connecting to existing cycleway on Wine Country Drive	0.765km	Local	Medium	\$\$\$
4.2.1	Upgrade on-road conditions on Railway Street, Branxton	0.492km	Local	High	\$
Sub-total of high priority works					\$339,500
Sub-total of medium priority works					\$1,142,000
Sub-total of low priority works					\$3,429,000
TOTAL for Greta-Branxton Environment					\$4,910,500

As the pathway is listed in the above strategies it would be inappropriate to undertake infill paths but rather upgrade the whole link to the new standard to avoid works becoming redundant prior to the end of their useful life.



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Notably items 4.1.1 and 4.2.1 in Table 3 above list the provision of off-road path on Bridge/Drinan Streets/Cessnock Road-Railway Street to the New England Highway and an upgrade of on-road conditions on Railway Street, Branxton as being “High” priorities.

Council recently engaged consultant quantity surveyors to provide concept cost estimates for high and medium priority pathway projects throughout the Cessnock LGA.

Construction of a 962 metre long, 2.5 wide shared path on Bridge/Drinan Streets/Cessnock Road - Railway Street to the New England Highway is estimated to cost \$1,037,000.

Currently this “High” priority pathway project is not funded and is considered a lower priority than construction of the Branxton to Greta Memorial Shared Path and the New England Highway to Greta Railway Station shared path, both of which are funded and being prepared for construction.

Similarly, a 1,235 metre long, 2.5 wide shared path along Dalwood Road, East Branxton, between Wyndham Street and Spring Street, with an estimated cost of \$1,607,000 (which is the subject of a parallel petition) was prioritised for an application for grant funding under the latest TfNSW Active Transport Program (Walking & Cycling) Program.

Whilst the PAMP rated the provision of a pathway on Dalwood Road as a “Low” priority, Council officers took account of increased pedestrian demand in the area since 2016, due to recent developments in residential properties and the high usage of the adjacent school bus interchange on Dalwood Road, in determining to elevate the priority of this project. The proposed pathway was assessed as meeting the essential criteria for grant funding under the latest TfNSW Active Transport Program (Walking & Cycling) Program.

Council officers recently submitted an application under this Program to the value of \$206,000 to cover detailed design costs for the Dalwood pathway. Notification of the success or otherwise of this application is pending.

Due to funding and resource constraints, the consequence of elevating the priority of this project is that other Branxton pathway projects listed in the PAMP for inclusion on future capital works programs, such as pathways on Drinan, Bowen and Bridge Streets are required to be postponed. Future grant funding opportunities for these locations will be explored.

**Request for a combined children’s crossing and zebra crossing at the Branxton Public School.**

As a roads authority Council operates under delegated authority from TfNSW in approving installation of traffic facilities and traffic control devices. This delegation is exercised through the Local Traffic Committee process, facilitated by Council.

TfNSW impose a mandatory numerical warrant for Pedestrian (Zebra) Crossings which must be satisfied before a crossing facility can be installed.

The numerical warrant is as follows:

*A Pedestrian (Zebra) Crossing is warranted where:-*

*In each of three separate one hour periods in a typical day:*

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- a) the pedestrian flow per hour (P) crossing the road is greater than or equal to 30; AND*
- b) the vehicular flow per hour (V) through the site is greater than or equal to 500; AND*
- c) the product PV is greater than or equal to 60,000.*

The vehicle and pedestrian volumes in the streets surrounding Branxton Public School do not meet the criteria as specified in this warrant. As a result, Council does not have the authority to install a pedestrian crossing.

Council has historically adopted the well-established best practice of allowing school communities and in particular school principals and the Department of Education Asset Management Unit to be the instigator or proponent any proposed changes to traffic facilities and regulatory parking arrangements in the immediate environ of schools.

Council's Road Safety Officer maintains regular liaison with all LGA schools and the Department of Education Asset Management Unit. No request has been received for additional pedestrian facilities in the Branxton Public School – school zone. A new path in this area would also require the loss of scarce parking spaces around the school at the time of installation of any additional facilities put further pressure on the current car parking.

Regulatory signage and line marking around and including the existing Children's Crossing on Queen Street Branxton, as shown in **Figure 1** below were upgraded through the Local Traffic Committee process in late 2018.



**Figure 1 – Line Marking Plan – Queen Street Branxton – September 2018**

**OPTIONS**

N/A

**CONSULTATION**

**Internal Consultation:** Internal consultation on this matter has occurred with Council officers as follows:

- Principal Engineer - Traffic & Transport, Infrastructure;
- Principal Engineer - Roads, Infrastructure;
- Principal Engineer – Design & Project Management, Infrastructure;
- Design Engineer, Infrastructure; and
- Engineering Officer - Traffic Infrastructure.

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**External Consultation:** Extensive external consultation occurred in the development of Council's adopted Cessnock LGA Pedestrian Access and Mobility Plan [2016] (PAMP) and Cessnock Cycling Strategy [2016].

**STRATEGIC LINKS**

**a. Delivery Program**

**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.

**b. Other Plans**

**Community Strategic Plan - Cessnock 2027:** The recommendation of this report aligns with the following objectives:

Objective 1.3 Promoting safe communities - Our roads are safe for motorists and pedestrians.

Objective 2.3 Our local government area is attractive to visitors

Objective 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 2020-21:** The recommendation of this report aligns with the following objectives:

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

**Cessnock Cycling Strategy (2016):** The recommendation of this report aligns with the following objectives:

The vision for cycling in Cessnock is to “Create a safe, attractive and accessible cycling network that improves the community’s connections with key destinations and each other and encourages residents of all ages to use their bicycle for recreation and everyday transport.” The vision is supported by four strategic objectives:

- Provide a cycling environment that is safe, secure and encourages residents to cycle without fear of accident or injury.
- Provide a cohesive and integrated bicycle network that is easy for cyclists to use.
- Integrate cycling into Council’s planning processes.
- Promote awareness of cycling amongst the community and road and path user groups.

**Road Safety Strategic Plan 2020–24**

Objective 5.1.1: Work with stakeholders to create livable communities with infrastructure that supports active transport (walking and cycling) and public transport use.

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Objective 5.1.3: Submit for funding under Walking & Cycling program to construct infrastructure supporting active transport.

**Cessnock LGA Pedestrian Access and Mobility Plan (PAMP):** The recommendation of this report generally aligns with the objectives of the Plan.

**Cessnock LGA Traffic and Transport Strategy:** The recommendation of this report generally aligns with the objectives of the Strategy.

**IMPLICATIONS**

**a. Policy and Procedural Implications**

N/A

**b. Financial Implications**

As mentioned above, consultant quantity surveyors provided concept cost estimates for high and medium priority pathway projects throughout the Cessnock LGA. Construction of a 962 metre long, 2.5 wide shared path on Bridge/Drinan Streets/Cessnock Road - Railway Street to the New England Highway was estimated to cost \$1,037,000.

The proposed pathway is currently unfunded and based on Councils current strategies there are higher order pathway projects in the Branxton/Greta area.

**c. Legislative Implications**

*Road Rules 2014 – Part 14 – Rules for Pedestrians*

*Road Rules 2014 – Part 15 – Additional Rules for Bicycle Riders*

*Road Rules 2014 – Part 7, Division 5 – Crossings and Shared Zones*

**d. Risk Implications**

**Financial Risk:** New infrastructure will require maintenance and renewal over time which is an impost on operational and capital budgets.

**Safety Risk:** Off road shared pathways provide safety benefits to users, mitigating risk by separating pedestrians and bicyclists from vehicular traffic and providing a safe travel surface.

**Opportunity Risk:** Individual grant application criteria and time frames may not align with recommended projects or Council's capacity to deliver.

**e. Environmental Implications**

N/A

**f. Other Implications**

N/A

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**CONCLUSION**

The genuine community need and desirability for an integrated pathway network has long been recognised.

Council has adopted strategies and plans which guide the prioritisation of the inclusion of pathway projects on construction programs. These adopted strategies were subject to high level investigation and extensive community engagement at the time of development.

It is recommended that Council advise the petitioners that the requested pathways are not yet funded, but are listed for inclusion on future programs.

The petitioners should also be advise that vehicle and pedestrian volumes in the streets surrounding Branxton Public School do not meet the criteria for installation of a pedestrian crossing and that the school is well served by its recently upgraded children's crossing.

**ENCLOSURES**

- 1** Branxton Town Centre to Branxton Public School - Pathway Petition - *This matter is considered to be confidential under Section 10A(2) (j) of the Local Government Act, as it deals with Council Policy. (The petition includes personal information of individuals )*

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**SUBJECT:** *PEDESTRIAN ACCESS - ELIZABETH STREET, ABERMAIN*

**RESPONSIBLE OFFICER:** *Principal Engineer - Traffic and Transport - Warren Jeffery  
Traffic Engineering Officer - Nathan Goodbun*

**SUMMARY**

The purpose of this report is to update Council on the outcome of consultation with local residents in regards to options to reinstate pedestrian access under the South Maitland Railways viaduct at Elizabeth Street, Abermain.

**RECOMMENDATION**

1. That Council notes that the physical space available under the viaduct on Elizabeth Street, Abermain precludes safe simultaneous use by pedestrians, cyclists and motorists.
2. That Council notes the outcome of consultation undertaken with local residents in regards to options to reinstate pedestrian access under the South Maitland Railway viaduct at Elizabeth Street, Abermain.
3. That the existing prohibition of pedestrians on Elizabeth Street be maintained given that amenable alternate pedestrian access is available at Charles Street, where concrete pathway is provided for pedestrians adjacent the underpass.
4. That the General Manager writes to the Organiser of the Petition to notify of the outcome.

**BACKGROUND**

The installation of safety barriers by Transport for NSW in Elizabeth Street, Abermain reduced the existing minimal road reserve available for pedestrian access on the underpass for the South Maitland Railways running lines, adjacent Swamp Creek, creating an environment which is not conducive to safe pedestrian access.

The road environment at the location is as follows:

- Single lane, one way, local road;
- 5m wide sealed pavement with no shoulders;
- No pedestrian pathway;
- Restricted sight distances, due to bridge abutments and road curvature; and
- Urban default (50km/h) speed limit.

The reduction in available road reserve resulted in there being insufficient width to safely accommodate pedestrian traffic within the underpass, without pedestrians having to occupy the trafficable lane.

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In addition compromised sight distances for both motorists and pedestrians, due to the eastern bridge abutments, and the curvature of the road, render the location unsuitable for use by pedestrians and motor vehicles.

With amenable alternative pedestrian access being available on Charles Street, where concrete pathway is provided for pedestrians adjacent the underpass and the presence of concrete pathway on the southern side of Maitland Road between Elizabeth Street and Charles Street, which is serviced by a pedestrian bridge over Swamp Creek, the Local Traffic Committee (LTC) recommended the prohibition of pedestrian movements under the Elizabeth Street viaduct at its meeting of 18 January 2021.

At its Ordinary Meeting of 17 February 2021, Council resolved to implement the LTC recommendation and the pedestrian prohibition signs were subsequently installed as depicted in **Enclosure1**.

Following installation of the pedestrian prohibition signage a number of complaints from residents arose, which were the catalyst for Council's consideration of Notice of Motion number BN21/2021, at its Ordinary Meeting of 18 August 2021, where Council resolved as follows:

***That Council moves that the General Manager investigates, in consultation with local residents, options to reinstate pedestrian access under the South Maitland Rail viaduct at Elizabeth Street, Abermain.***

The subject Notice of Motion was based on the following rationale:

*Council resolved to stop legal pedestrian access under the Elizabeth Street viaduct due to concerns of pedestrian and vehicle safety along the section of narrow road, whilst leaving this section open for one way traffic into this area of Abermain.*

*This has had serious impact to the many residents who live in this area and rely on public transport and short pedestrian connectivity to the Abermain CBD.*

*It is acknowledged that this was done for pedestrian safety, however the unintended consequence of this move, means many of the elderly and young people who reside in this large section of Abermain now have an extended legal walk of over 800m to access the bus stops and the town centre of Abermain against a traditional 100m.*

*It is my view that the restoring of short pedestrian connectivity to the Abermain CBD is paramount for pedestrian safety, as taking precedence over the current one-way vehicular traffic entry to the area.*

**REPORT/PROPOSAL**

When considering this matter, it is imperative to note that the physical space available under the viaduct on Elizabeth Street, Abermain precludes safe, simultaneous use by pedestrians, cyclists and motorists.

In order to reinstate pedestrian access under the viaduct, in furtherance of the above resolution of Council, it is necessary to preclude use of this section of road by motor vehicles.



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Traffic classifier data for Elizabeth Street obtained between 3 March 2022 and 14 March 2022 showed an Average Daily Volume (ADV) of 129 vehicles. Similarly, traffic classifiers deployed on Charles Street during the same period showed an ADV of 930 vehicles.

Given that Elizabeth Street is a one-way street, carrying only 129 southbound vehicles it is considered that the diversion of the Elizabeth St traffic movements onto Charles Street would not cause a significant adverse impact the performance of Charles Street, or the service level of the intersection of Charles Street and Cessnock Road.

Recent works associated with the installation of traffic signals at the adjacent State Road intersection of Cessnock Road and Orange Street improved access for vehicles from Cessnock Road onto Charles Street, with the addition of a new left turn lane, which makes Charles Street more amenable for use by diverted motor vehicles, which would otherwise have travelled under the viaduct on Elizabeth Street.

**OPTIONS**

Option 1

That the existing prohibition of pedestrians on Elizabeth Street be maintained given that amenable alternate pedestrian access is available at Charles Street, where concrete pathway is provided for pedestrians adjacent the underpass. Similarly, there is concrete pathway on the southern side of Maitland Road between Elizabeth Street and Charles Street, which is serviced by a pedestrian bridge over Swamp Creek. This is the preferred option.

Option 2

That a report be prepared to the Local Traffic Committee to seek consent for the regulation of traffic under Part 8 of the *Roads Act 1993* to provide for the safe exclusive use of Elizabeth Street, Abermain, by bicyclists and pedestrians, whilst maintaining provision for access by motor vehicles in emergency situations only.

**CONSULTATION**

Pursuant to the above resolution of Council community engagement on this matter was undertaken by way of a mail out of 269 letters (with attached signage sketch) to owners and occupiers of properties in Elizabeth, Charles and adjacent streets. A template sample of the consultation letter is attached as **Enclosure 2**.

In response to this bulk mail out Council received 8 mailed/emailed responses and a petition containing 62 signatures. These responses were predominately opposed to the proposal to close Elizabeth Street to motor vehicle traffic enabling exclusive use by pedestrians and bicycle riders. The received responses are attached as **Enclosures 3 and 4** respectively.

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**STRATEGIC LINKS**

**a. Delivery Program**

Delivery Program 2017-2021: The recommendation of this report is consistent with the following strategic objectives;

- 1.3: Promoting safe communities;
- 4.1: Better transport links;
- 4.2: Improving the road network;
- 5.2: Encouraging more community participation in decision making; and
- 5.3: Making Council more responsive to the community.

**b. Other Plans**

Cessnock City Council - Road Safety Strategic Plan 2020-2024: The recommendation of this report is consistent with the following strategic objectives:

- 4.1.2 Ensure Council's road infrastructure works comply with Austroads Design Guidelines, Australian Standards and Transport for NSW Technical Directions
- 5.2.1 Ensure compliant road design that delivers safe and efficient road and transport infrastructure that meets demand;
- 5.2.2 Ensure design and construction of new or upgraded road and transport infrastructure associated with development is processed through Local Traffic Committee and Local Development Committee (Traffic) to facilitate mandatory compliance with Austroads Design Guidelines, Australian Standards and Transport for NSW Technical Directions; and
- 5.3.1 Review, assess and respond to road safety concerns brought to Council's notice from members of the community.

**IMPLICATIONS**

**a. Policy and Procedural Implications**

N/A

**b. Financial Implications**

As the proposal is only at the conceptual stage, no estimation of detailed cost has been undertaken. Should it be determined to proceed with Option 2, the works required consist mainly of signage, line marking concrete island construction and some landscaping works.

Option 1 involves no additional costs as the treatment is already authorised and in place.

**Works and Infrastructure**

**Report No. WI35/2022**

**Works and Infrastructure**



**c. Legislative Implications**

- *Roads Act 1993* – Section 5 – Right of passage along public road by members of public;
- *Roads Act 1993* – Section 7 – Roads Authorities;
- *Roads Act 1993* – Part 8 – Regulation of Traffic by Roads Authorities
- *Road Rules 2014* – Part 14 – Rules for Pedestrians;
- *Road Rules 2014* – Part 15 – Additional Rules for Bicycle Riders; and
- *Civil Liability Act 2002* – Part 5 – Liability of Public and Other Authorities.

**d. Risk Implications**

**Safety Risk:** Both options 1 and 2 create a safe environment for all road users as they provide physical separation of motor vehicle traffic from pedestrians.

Any attempt to restore the pre-intervention situation where cars and pedestrians intermix at the pinch point would not likely be supported through the Local Traffic Committee process.

Should Council seek to unilaterally take this course of action and as a result person/s are killed or injured, Council would likely be excluded from the liability protections afforded to public authorities under Part 5 of the *Civil Liability Act 2002*.

**e. Environmental Implications**

N/A

**f. Other Implications**

N/A

**CONCLUSION**

Having confirmed that the subject length of Elizabeth Street cannot safely accommodate simultaneous use by pedestrians, cyclists and motorists and that access by one user-group is to the exclusion of the other, it is necessary for Council to exercise its regulatory functions as a roads authority and install the appropriate treatment at the location.

In performing this task Council is faced with balancing the needs of different road users. If this balancing exercise is to be guided exclusively by the results of the specific community responses on this matter, the decision to leave the road as it is – Option 1, would prevail.

However, if Council prefers to adopt an innovative approach and opts to implement the Option 2 treatment, based on the low volume of motor vehicle traffic using Elizabeth Street, it is likely that people will eventually accept the situation and walking and cycling movements in the area will likely increase as a result of the provision of a safer road environment.

By way of compromise, Council could elect to implement Option 2 (through the Local Traffic Committee process) on a temporary 3 month trial basis (using rubber kerbing instead of concrete islands) to gauge community acceptance and monitor the outcomes, followed by a report back to Council, seeking a resolution as to which option should ultimately be permanently implemented, under Part 8 of the *Roads Act 1993*.

**Works and Infrastructure**

**Report No. WI35/2022**

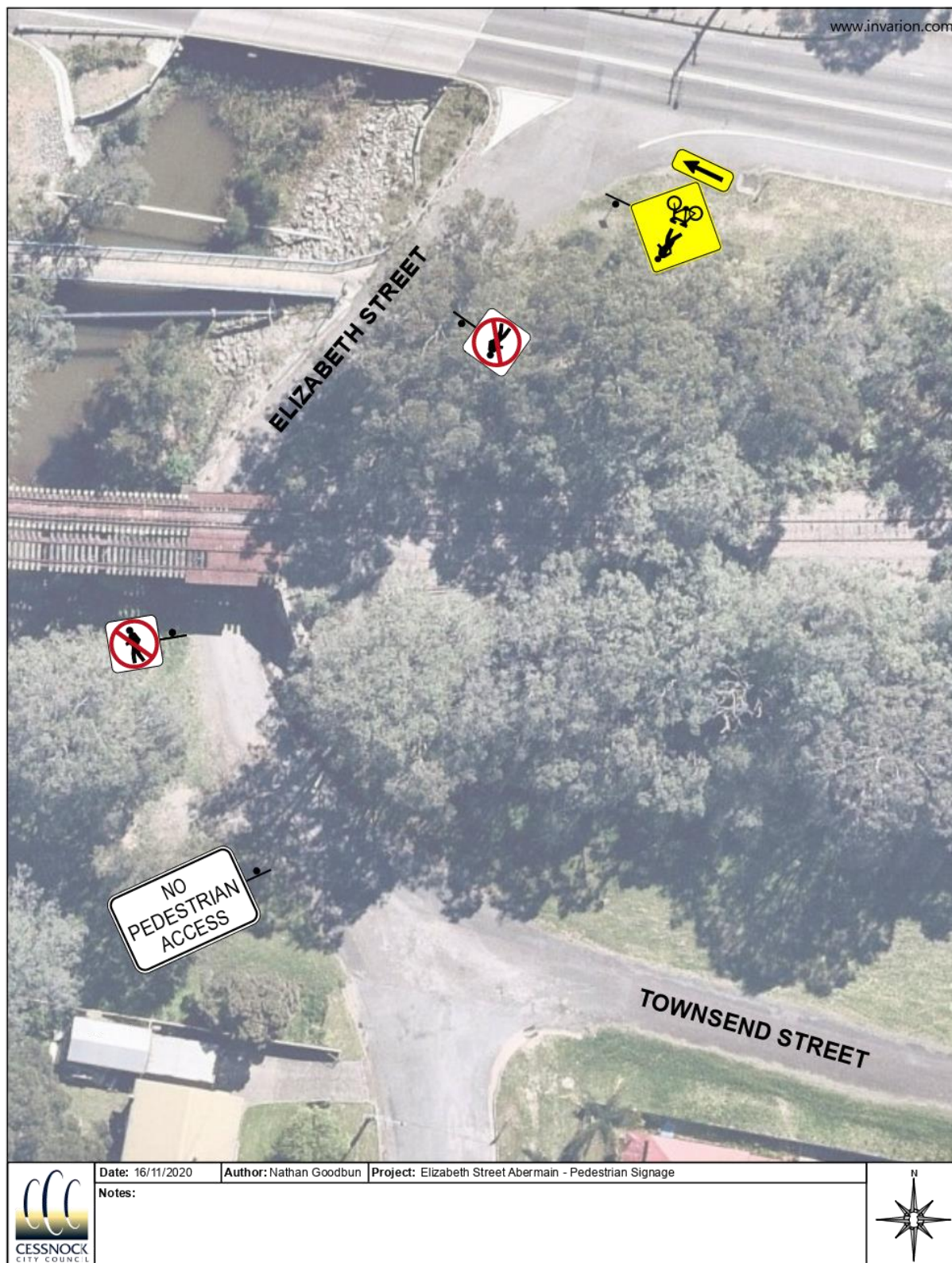
**Works and Infrastructure**

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**ENCLOSURES**

- 1 [↓](#) Elizabeth Street Abermain \_ Existing Pedestrians Prohibited \_ Signage Diagram.
- 2 [↓](#) Elizabeth Street Abermain \_ Pedestrian Access \_ Community Consultation Letter
- 3 [↓](#) Community Consultation Submissions
- 4 [↓](#) Petition - *This matter is considered to be confidential under Section 10A(2) (j) of the Local Government Act, as it deals with Council Policy. (as the petition contains personal information of individuals )*





16 February 2022

«Owners»  
«Address\_Line\_1»  
«Address\_Line\_2»  
«Address\_Line\_3»

Dear Owner / Resident

**Elizabeth Street, Abermain – Pedestrian Access**

At its Ordinary Meeting of 18 August 2021, Council resolved as follows;

*That the General Manager investigates, in consultation with local residents, options to reinstate pedestrian access under the South Maitland Rail viaduct at Elizabeth Street, Abermain.*

The physical space available under the viaduct on Elizabeth Street, Abermain precludes safe simultaneous use by pedestrians, cyclists and motorists. In furtherance of the above resolution of Council, in order to reinstate pedestrian access under the viaduct it is necessary to preclude use of this section of road by motor vehicles.

Recent works associated with the installation of traffic signals at the adjacent intersection of Cessnock Road and Orange Street have improved access from Cessnock Road onto Charles Street with the addition of a new left turn lane, which makes Charles Street more amenable for use by vehicles which would otherwise have travelled under the viaduct on Elizabeth Street.

As shown in the attached plan this proposal provides for the safe exclusive use of the subject length of Elizabeth Street by bicyclists and pedestrians. Vehicular access will be maintained for emergency situations.

In order to give this matter further consideration before progressing any further Council invites you to provide comment on the proposal.

Should you wish to make comment on the matter, please forward your written comments, addressed to the General Manager, and endorsed: "Elizabeth Street Abermain – Pedestrian Access":

Mail: General Manager,  
Cessnock City Council,  
PO Box 152,  
Cessnock NSW 2325

Or by Email: [council@cessnock.nsw.gov.au](mailto:council@cessnock.nsw.gov.au)

TELEPHONE: (02) 4993 4100, FAX: (02) 4993 2500  
POSTAL ADDRESS: PO BOX 152, CESSNOCK, NSW, 2325 or DX 21502 CESSNOCK  
EMAIL ADDRESS: [council@cessnock.nsw.gov.au](mailto:council@cessnock.nsw.gov.au) VISIT US AT: <http://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.

All feedback must be received by 4pm Thursday 3 March 2022.

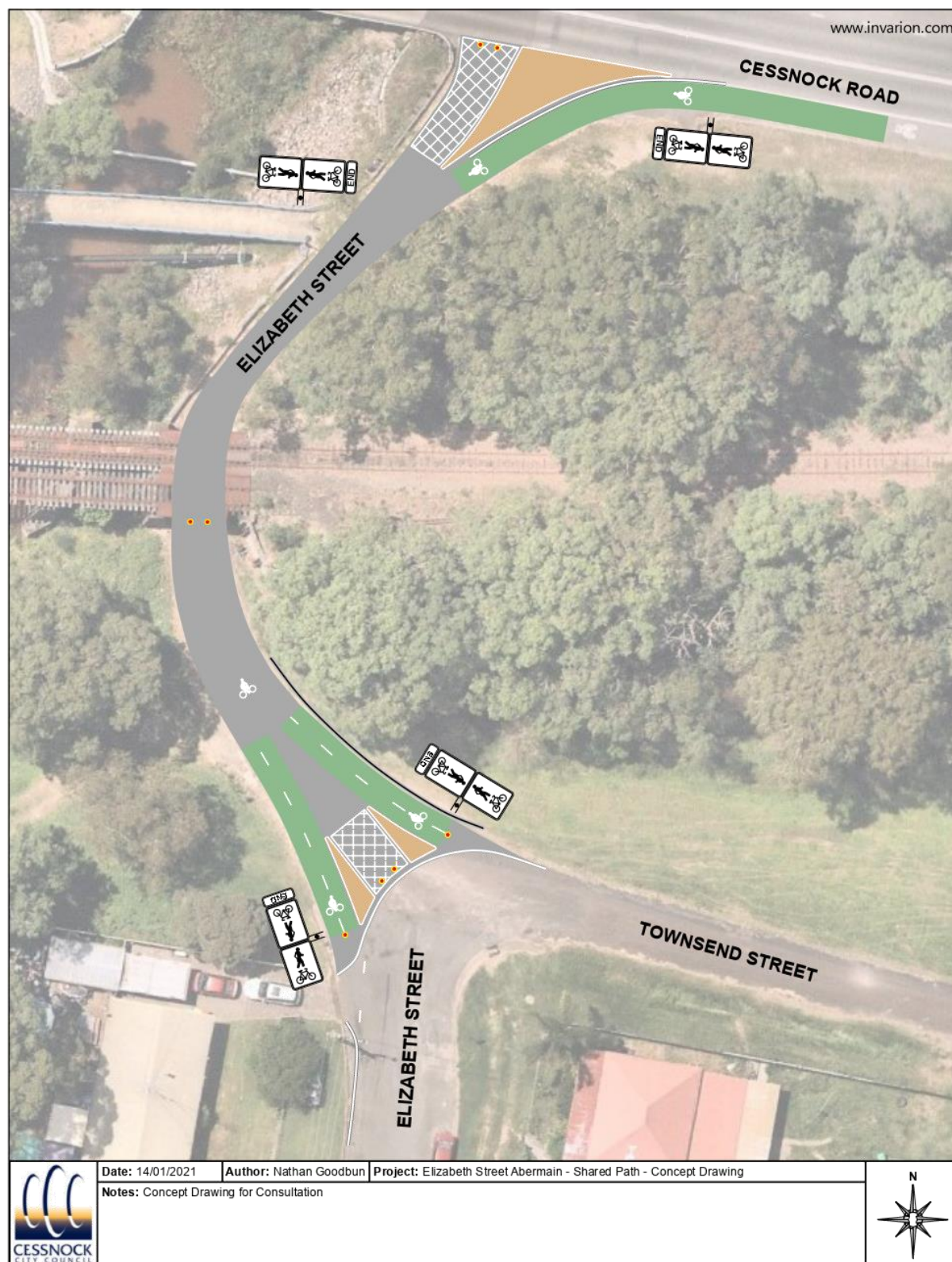
Yours faithfully,

A handwritten signature in black ink, appearing to read 'N Goodbun', with a long horizontal flourish extending to the right.

Nathan Goodbun  
Engineering Officer – Traffic & Transport

Enc.: DOC2022/021292 - Traffic & Transport \_ Elizabeth Street Abermain \_ Road Closure  
& Shared Path \_ N Goodbun







[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Tuesday, 8 March 2022 3:56 PM  
**To:** council  
**Cc:** [REDACTED]  
**Subject:** Elizabeth Street, Abermain - Pedestrian Access  
**Attachments:** Elizabeth Street Abermain - Pedestrian Access.pdf

Dear General Manager

Please see attached correspondence with regards to Elizabeth Street, Abermain – Pedestrian Access

Kind regards

[REDACTED]  
Admin | Mindaribba Local Aboriginal Land Council

[REDACTED]  
*A social, health and learning hub for our Aboriginal community.*



"I acknowledge the traditional owners and custodians of country throughout Australia and their continuing connection to the land, culture and community. I pay my respect to all Elders past, current and forthcoming."

## LOCAL ABORIGINAL LAND COUNCIL

1A Chelmsford Drive, Maitland NSW 2323 | PO Box 401, East Maitland NSW 2323  
P: 02 4015 7000 | F: 02 4934 8544 | E: admin@mindaribbalalc.org

4 March 2022

General Manager  
Cessnock City Council  
PO Box 152  
Cessnock NSW 2325

Dear General Manager,

**Re: Elizabeth Street Abermain - Pedestrian Access**

We would like to thank you for the opportunity to make comment on the above mentioned matter.

Mindaribba Local Aboriginal Land Council (MLALC) is the gazetted authority for Cultural and Heritage within the LALC's boundaries. The Mindaribba LALC is committed to protecting the interests of Aboriginal persons in its area in relation to the acquisition, management, use, control, and disposal of its land. It is the Mindaribba LALC's responsibility under the *New South Wales Aboriginal Land Rights Act 1983* to preserve and protect the cultural, educational and historic existence of all Aboriginal objects and places no matter their level of significance.

Mindaribba LALC would like to indicate our support for the option to reinstate the pedestrian access under the South Maitland Rail Viaduct but would deem it necessary that an Aboriginal Culture & Heritage Assessment be undertaken on this site before proceeding. Consideration should be taken where road widening will occur and where stand-up areas for construction will be placed. Our concern for the integrity and security of possible Aboriginal relics in this area is due to the age of current infrastructure and lack of legislative guidelines for protection of culture and heritage relics when these current roadways were built.

If you would like to discuss this matter further I can be contacted on [REDACTED] or by emailing [REDACTED]

Yours sincerely,

[REDACTED]

Chief Executive Officer

ABN: 82 826 020 881

[www.mindaribbalalc.org](http://www.mindaribbalalc.org)

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Friday, 4 March 2022 2:04 PM  
**To:** council  
**Subject:** Elizabeth Street Abermain - Pedestrian Access

The General Manager

Thankyou for informing us of the proposal to make Elizabeth Street Abermain access from Cessnock Road, pedestrians and bicyclists only.  
We give our full support for this change to traffic conditions.

Thanking you  
Regards

[REDACTED]

[REDACTED]

Abermain

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Wednesday, 2 March 2022 11:57 PM  
**To:** council  
**Subject:** Elizabeth Street Abermain - Pedestrian Access

Closing Elizabeth Street to motor vehicles will increase the increase the access via Charles Street. Charles Street is only one lane under the viaduct and increased traffic will increase the wait time to progress under the viaduct and the risk of accidents.

A more appropriate idea would be to build a pedestrian access on the Charles Street side of Elizabeth Street above the creek.

[REDACTED]

Sent from myMail for iOS

**From:** [REDACTED]  
**Sent:** Wednesday, 2 March 2022 3:38 PM  
**To:** council  
**Cc:** [REDACTED]  
**Subject:** ELIZABETH STREET ABERMAIN - PEDESTRIAN ACCESS

To Nathan Goodbun,

As a concerned resident of [REDACTED] Abermain, I would like to note that during the [REDACTED] years I have lived on this street, both pedestrian and cars have accessed the viaduct together. This could still be a viable option if Council were willing to consider the suggestions I have noted below:

During the 2015 flood, water washed part of the road away. Council came, did a quick fix, and placed concrete barriers in place of the damaged guard rail. In April 2021 Council decided it was not safe to walk through the viaduct because it isn't wide enough for both pedestrians and cars. The road is over 4.5m wide and there is room for a pedestrian path similar to the one along the viaduct in Charles Street which would allow both pedestrian and car usage. The road has been used by both pedestrians and cars for over 60 years and as far as safety goes, there is a speed hump and road signs saying '15km' in place. A suggestion would be to use the money left over from the 2015 flooding fund to place signage alerting drivers that there may be pedestrians walking.

The road under the viaduct would be wide enough if the barrier is replaced with a new guard rail which would take it back to the width that it previously was. I would like to add that it appears that Council has never been fully committed to the upkeep of the shared roadway as the road is often found in disrepair and is like an obstacle course when driving on it.

I would also like to note the complete lack of community consultation on the part of Council regarding this matter. The 'No Pedestrian Access' signage was erected without any community notification. I contacted Council during April and May 2021 asked if someone more senior could contact me or meet at the viaduct, but I have had no response to this request.

The quick-fix Council did after the 2015 flood has been left for six years and now it appears to be imperative that Council act. What was the trigger during the last six years for Council to realise the works they carried out was no longer a safe option?

During one of the conversations with Council, I was told the only safe access to the main road was to walk along William Street and Charles Street. This is not a safe option as traffic on Williams Street is two-way traffic with a 50km speed zone and there is no walking path on the Williams Street bridge. This is a safety issue with pedestrians not having a designated walkway on the bridge.

I thank you for the opportunity to express my concerns [REDACTED]. The written form of contact has its benefits, but I feel more is to be gained by a face-to-face meeting at the site with residents. This, I feel, would be far more beneficial for both parties.

The option proposed by Council to allow pedestrian only access to Elizabeth Street is just a cost cutting exercise on the part of Council. As I have stated in the first paragraph, pedestrian and car access to Elizabeth Street has been occurring for over 60 years. We look forward to Council's response in this matter.

We request that Council suppress our personal details from public submission.

Regards,  
[REDACTED]

**From:** [REDACTED]  
**Sent:** Tuesday, 1 March 2022 9:37 AM  
**To:** council  
**Subject:** Elizabeth Street Abermain - Pedestrian Access

Attn: General Manager,

Re: Elizabeth Street Abermain – Pedestrian Access.

Dear Sir / Madam,

I am simply astounded by this proposal and in short I have 2 words to say in response: **ABSOLUTELY RIDICULOUS!** Has council conducted any feasibility study in regard to the benefits of such pedestrian or cycle access? Where would a pedestrian or cyclist go to from the corner of Elizabeth Street and Cessnock Road: the nearest park is Howe Park in Abermain which is better accessed from Charles Street or The Pines Oval and its parklands in Weston. The parklands on the eastern side of Cessnock Road in Abermain is hardly ever used by anyone except the occasional tradesman having a break for lunch!

Simple fact is that in the last two and a half plus years that I have lived in [REDACTED] Abermain I can count on 1 hand the number of cyclists and or pedestrians that I have seen travelling along Cessnock Road near this viaduct, neither had any intention of heading towards the eastern side of the railway line. The cyclist was heading towards Cessnock and rode past the Elizabeth St viaduct as well as riding past Charles St. The 3 pedestrians were crossing the small pedestrian bridge, crossed the road in front of me and kept walking towards Weston. In other words none of them were interested in the sights of Abermain on the eastern side of the railway line!!!

Furthermore, I contradict the assumption that this viaduct (at Elizabeth Street) is unable to be used by all 3 forms of travel, ie pedestrian, cyclists and motor vehicles. As you approach the viaduct from the Weston direction there is a small road bump at an angle to the roadway that causes me to slow to less than 20km (probably more like 10 or less): I drive a 4WD and am well aware that if I travelled over this bump too fast I could easily end up running into the pedestrian bridge instead of going through the viaduct as intended. **If this bump were to be increased in size plus 2 or 3 more placed along this section that would require both cyclists as well as motorists to slow to a speed that would ensure the safety of any pedestrians using the viaduct.** Quite frankly I cannot see any cyclists desiring to travel through the viaduct from Cessnock Road ever given the fact that there are not really any major sights to see and the state of the roads with thousands of potholes does no lend itself to a pleasurable ride at all. Howe Park and the sports grounds are nowhere near this viaduct so access to both is best using the Charles Street viaduct anyway.

Last December I did see a pushbike in the eastern side of the railway line, I think it was in John Street: an obvious Xmas present as it had training wheels plus the child's parents were nearby therefore I doubt that these parents would allow their child to ride its cycle (with or without training wheels) under the viaduct and onto Cessnock Road.

The wording of the 3<sup>rd</sup> paragraph of council's letter, 16<sup>th</sup> February 2022, makes absolutely no sense: why would a vehicle travelling through the lights at Orange Street travel along Cessnock Road towards Elizabeth Street where it cannot make a right hand turn? Furthermore, "improved access from Cessnock Road onto Charles Street": **WHAT ABOUT ACCESS FROM CHARLES STREET TO CESSNOCK ROAD** still need to give way to cars speeding around the corner from Cessnock Road with limited time to stop as you are still being blinded by the viaducts walls.

Living at the end of [REDACTED] can say that the myriad of motor cycles (with under-aged riders) that ride through Montgomery Street should be more of a concern to council than spending thousands of ratepayers funds on restricting vehicular access to the eastern side of the railway line at Abermain. I should point out to council that according to the plans [REDACTED] is actually not a public road therefore access to this reserve should not be permissible.

Finally, rather than spending ratepayer's funds on this proposal why not spend them on re-sealing Charles Street as well as sealing this road all the way to the railway crossing at Neath plus maybe re-sealing all the other roads on the eastern side to the railway line in Abermain since they all have thousands of potholes plus repaired potholes in each and every-one of them: Charles, Elizabeth, John, Nelson, Torrens & William Streets. Before council proceeds with the proposal for the Elizabeth Street viaduct it should widen the Charles Street viaduct to allow 2 way traffic so that ratepayers on the eastern side of the railway line at Abermain have reasonable access to Cessnock Road as well. At the moment ratepayers on the eastern side are penalised every time they wish to access Cessnock Road and need to give way to traffic turning into Charles Street from Cessnock Road. Perhaps a better proposal would be to make both viaducts one way traffic and widen as well as straighten the Elizabeth Street one so that a pedestrian path and cycleway can be added to both.

Current proposal is as I said "absolutely ridiculous".

Yours faithfully,

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]



**From:** [REDACTED]  
**Sent:** Tuesday, 22 February 2022 11:08 AM  
**To:** council  
**Subject:** Elizabeth St, Abermain. Pedestrian access.

Re Proposal to force all traffic currently using Elizabeth Street to use Charles Street.  
Has the Cessnock Council Corporation completed a study as to how many pedestrians currently use Elizabeth St?  
Has the Cessnock Council Corporation completed a study as to how many cyclists currently use Elizabeth St?  
Has the Cessnock Council Corporation completed a study as to how many vehicles currently use Elizabeth St?  
Have there been any reports of accidents or issues with the current Elizabeth Street access?  
Do any members of the Cessnock Council Corporation have a vested interest in this proposal?  
Do any members of the Cessnock Council Corporation live adjacent to the proposed works?  
The closure of Elizabeth street to vehicular traffic, would force all traffic of the neighbourhood to use Charles Street. This would increase an already substantial number of vehicle movements along Charles Street and force a more circuitous route for vehicles which currently use Elizabeth Street.  
The current Charles Street viaduct limits vehicular movement to single line traffic, requiring oncoming traffic to give way. Forcing all Elizabeth Street traffic to use Charles Street would cause additional congestion of the Charles Street viaduct.  
During the recent road closures at Charles Street. Elizabeth Street was utilised as an access to the neighbourhood.  
Closure of Elizabeth Street to vehicular access would hinder emergency services timely access to the neighbourhood.  
Halving the number of access roads to a neighbourhood seems to be a shortsighted and drastic measure.  
If pedestrian and cyclist traffic, under the rail viaduct, is at a level that requires action has an alternative solution been investigated?  
Installation of pedestrian/cyclist activated traffic light, similar to current pedestrian crossings at traffic light intersections, would provide safe access.  
An additional dedicated pedestrian/cycleway bridge adjacent to Elizabeth Street roadway would provide safe access.

Thank you.  
Local resident who would like to remain anonymous.



[REDACTED]

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**From:** [REDACTED]  
**Sent:** Thursday, 24 February 2022 1:41 PM  
**To:** council  
**Cc:** [REDACTED]  
**Subject:** Elizabeth Street Abermain - Pedestrian Access  
**Attachments:** [REDACTED]

General Manager

Cessnock City Council

Dear Sir

I am writing to you today in relation to the proposed changes to Elizabeth Street, Abermain for Pedestrian Access Only.

If Elizabeth Street is made a Pedestrian access only road this will increase the amount of traffic using the Charles Street intersection when traveling from Kurri and therefore place more possibility of collisions due to the lack of visibility under the train bridge.

When approaching from Kurri and you slow down or stop at the Give Way sign you cannot see past the Train Bridge until you have completed your left hand turn into Charles Street leaving a very small window of time to brake if a car has already entered from the Charles Street side of the underpass.

[REDACTED] I, on two separate occasions, have nearly had a collision with cars traveling in both directions because drivers do not have full vision of the road ahead and I feel this needs to be addressed before any changes are made to Elizabeth Street.

Before the Road works were complete the left hand turn from Cessnock Road into Charles Street gave full view under the train bridge and vision of any approaching vehicles, as well as, if traveling North along Charles Street you had a clear vision of the intersection and turning lane from Kurri to see other vehicles. With the turning lane now closer to the bridge the room to see other vehicles approaching has been greatly impaired.

Please take this under consideration as I feel this matter really needs to be looked into before an accident occurs.

Regards

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Works and Infrastructure

Report No. WI36/2022

Works and Infrastructure



**SUBJECT:** *MINUTES OF CESSNOCK LOCAL TRAFFIC COMMITTEE MEETING HELD 19 APRIL 2022*

**RESPONSIBLE OFFICER:** *Road Safety Officer - Alison Shelton  
Principal Engineer - Traffic and Transport - Warren Jeffery*

### **RECOMMENDATION**

That the Minutes of the Cessnock Local Traffic Committee Meeting of 19 April 2022, which was held electronically, be adopted as a resolution of the Ordinary Council.

1. TC16/2022 – That Council authorises the installation of regulatory signage and line marking on Wollombi Road, Cessnock in accordance with the Wollombi Road Cessnock \_ Signage & Line Marking Diagram.
2. TC17/2022 - That Council authorises installation of regulatory parking signage on Nelson Street, Greta in accordance with the Nelson Street Greta \_ Signage Diagram.
3. TC18/2022 - That Council notes the withdrawal of Local Traffic Committee item TC02/2021 – Maitland Street, East Branxton – Lane Configuration & Line Marking as shown in the Maitland Street East Branxton \_ Line Marking Diagram.

### **MINUTES OF LOCAL TRAFFIC COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL HELD ELECTRONICALLY WITH REQUESTED RECEIPT OF COMMENTS BY TUESDAY, 19 APRIL 2022.**

**OPENING:** The meeting was conducted electronically by email, circulation of reports for review, comment and decision.

**VOTING MEMBERS:** Councillor J Hawkins (in the Chair)  
Mr John Markulin – Transport for NSW  
Inspector Justina Gorgievski – NSW Police  
Mr Clayton Barr MP – NSW State Member for Cessnock

**CIRCULATED TO:** Voting Members  
Mr David Moloney – Director Works & Infrastructure  
Mr Warren Jeffery – Principal Engineer Traffic & Transport  
Ms Jules Bosco – Principal Development Engineer  
Mr Nathan Goodbun – Traffic Engineering Officer  
Ms Alison Shelton – Road Safety Officer  
Mrs Tracey Cocking – Senior Business Support Officer  
Mr Raymond McCarthy – Ranger  
Mr John Meldrum - Hunter Valley Buses  
Mr Richard Ingall - Rover Coaches  
Cessnock Cabs

## ***APOLOGIES***

Nil

## ***CONFIRMATION OF MINUTES***

**NOTED** that the Minutes of the Local Traffic Committee held on 21 March 2022, as circulated, were previously confirmed as a true and correct record.

## ***DISCLOSURES OF INTEREST***

Nil

## ***BUSINESS ARISING FROM PREVIOUS MINUTES***

Nil

## ***LISTED MATTERS***

**SUBJECT:** ***WOLLOMBI ROAD, CESSNOCK  
REGULATORY SIGNAGE AND LINE MARKING***

**REPORT NO.:** ***TC16/2022***

**REFERENCE.:** ***DOC20221/159401***

**MATTER:** Council has received funding under the Regional Road Resurfacing Program to undertake renewal works on Wollombi Road Cessnock, between Darwin Street and Allandale Road. During this work, the opportunity will be taken to reconfigure median traffic islands and line marking in preparation for the future upgrade of Wollombi Road to four travel lanes.

**DISCUSSION:** The matter was described as per the report, without further comment.

### ***RECOMMENDATION***

**That Council authorises the installation of regulatory signage and line marking on Wollombi Road, Cessnock in accordance with the Wollombi Road Cessnock \_ Signage & Line Marking Diagram.**

**SUPPORT:** Unanimous

Works and Infrastructure

Report No. WI36/2022

Works and Infrastructure



**SUBJECT:** *NELSON STREET, GRETA  
REGULATORY PARKING CONTROLS*

**REPORT NO.:** *TC17/2022*

**REFERENCE.:** *SIF16/41*

**MATTER:** The replacement of the Anvil Creek Bridge at Greta, and the associated realignment of Nelson Street and installation of guardrail on the approaches to the bridge necessitates the installation of regulatory parking controls.

**DISCUSSION:** The matter was described as per the report, without further comment.

**RECOMMENDATION**

That Council authorises the installation of regulatory parking signage on Nelson Street, Greta in accordance with the Nelson Street Greta \_ Signage & Line Marking Diagram.

**SUPPORT:** Unanimous

**SUBJECT:** *MAITLAND STREET, EAST BRANXTON  
LANE RECONFIGURATION & LINE MARKING*

**REPORT NO.:** *TC18/2022*

**REFERENCE.:** *DOC2022/029867*

**MATTER:** Progression of works for the Branxton-Greta Memorial Shared Path project has culminated in the adoption of the previously proposed and community preferred option of installing a separate pedestrian and cycling bridge over Red House Creek. Accordingly, the previously recommended crossing on the existing road alignment will not be required.

**DISCUSSION:** The matter was described as per the report, without further comment.

**RECOMMENDATION**

That Council notes the withdrawal of Local Traffic Committee item TC02/2021 – Maitland Street, East Branxton – Lane Configuration & Line Marking as shown in the Maitland Street East Branxton \_ Line Marking Diagram.

**SUPPORT:** Unanimous

**CLOSURE:** The meeting was conducted electronically via email.

**Works and Infrastructure**

**Report No. WI36/2022**

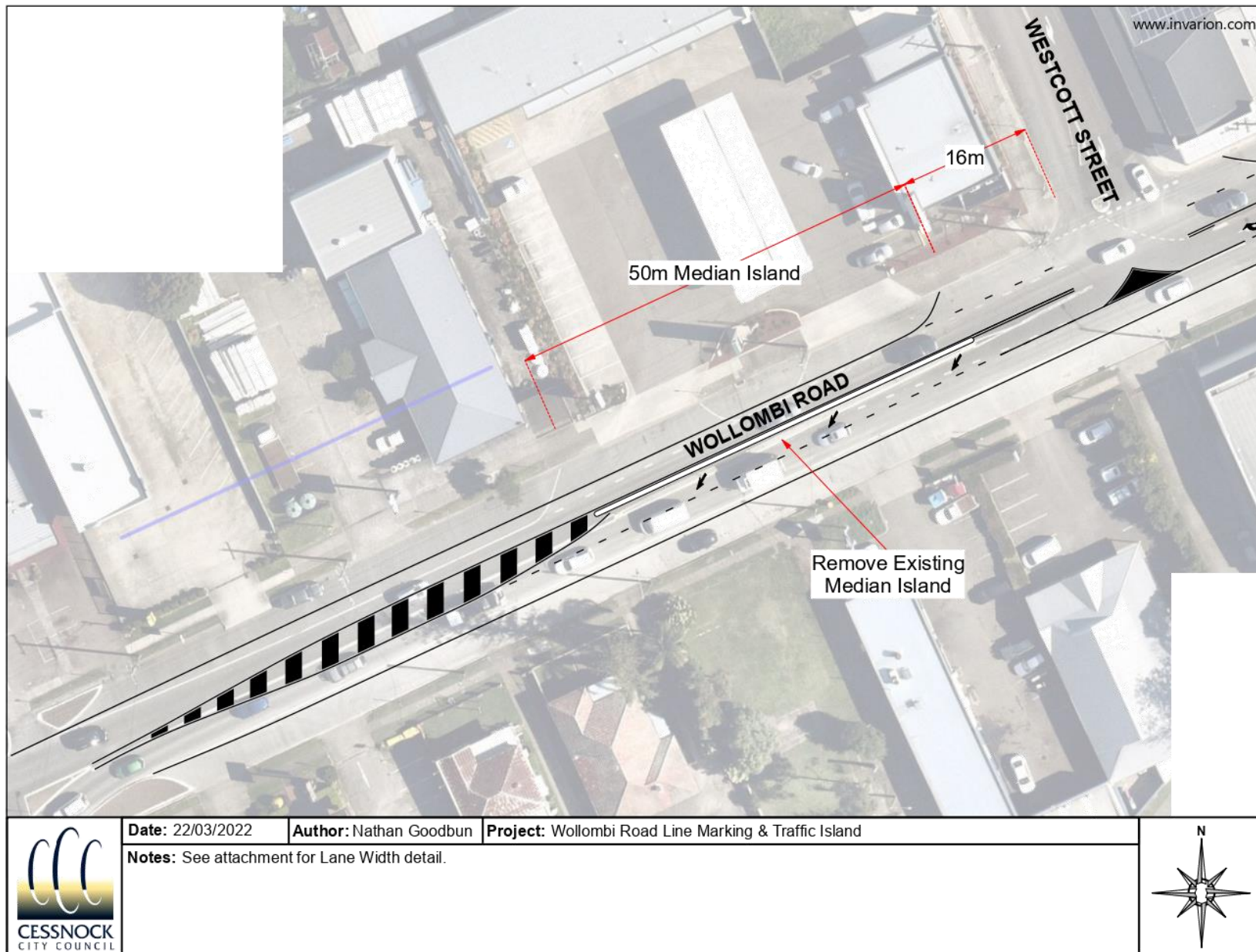
**Works and Infrastructure**

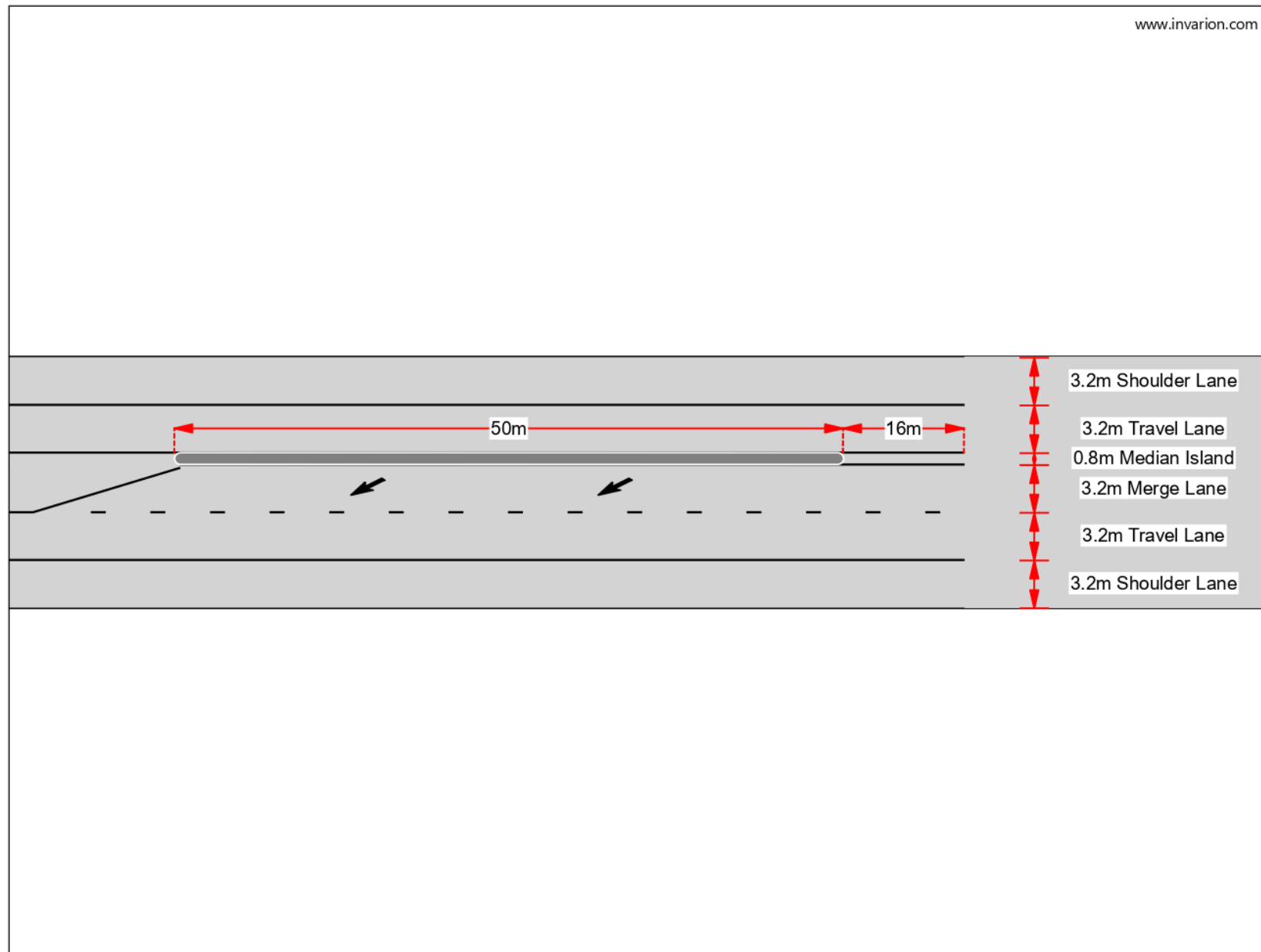
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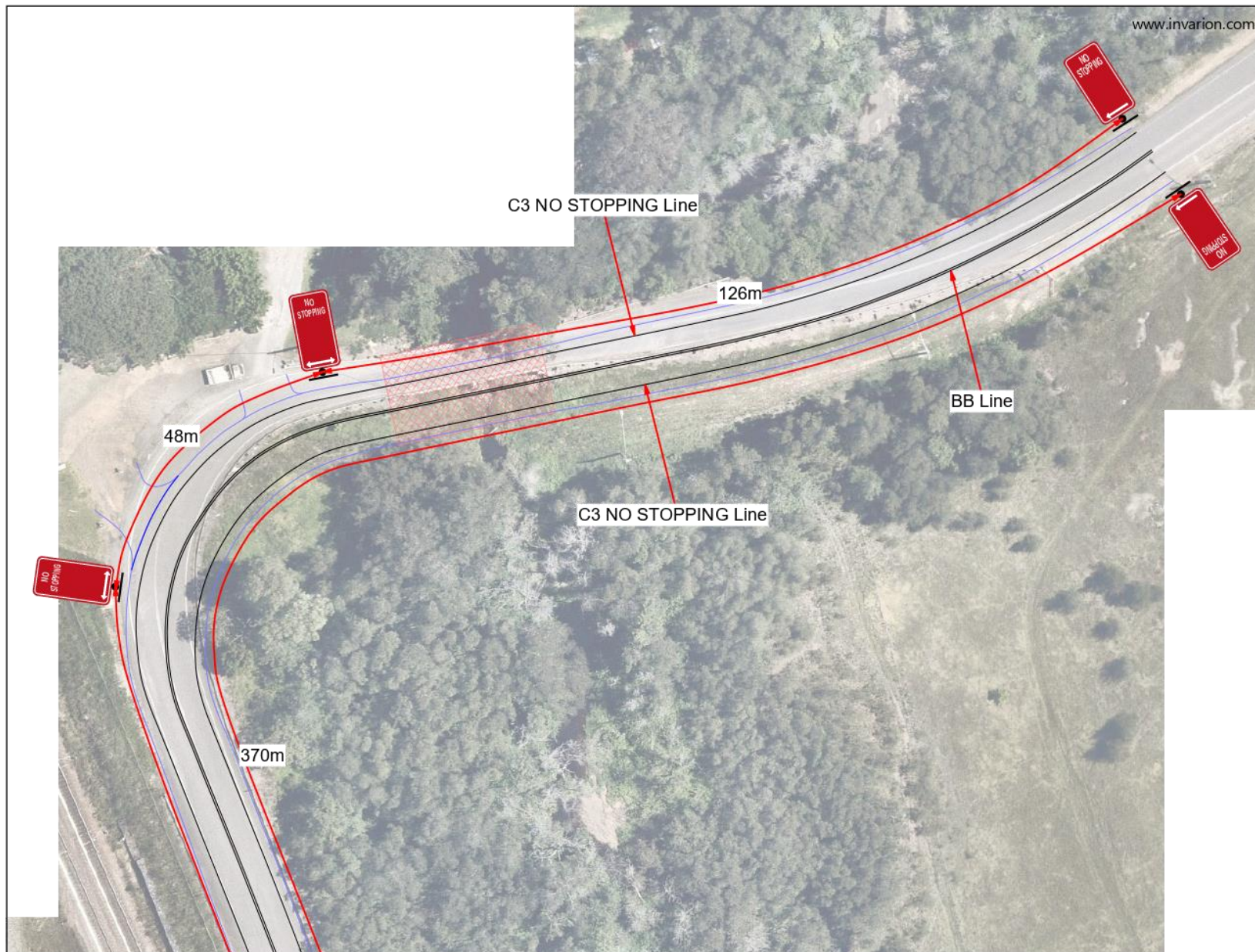
***ENCLOSURES***

- [1](#) ↓ Wollombi Road Cessnock - Signage & Line Marking Diagram
- [2](#) ↓ Nelson Street Greta \_ Signage & Line Marking Diagram
- [3](#) ↓ Maitland Street East Branxton \_ Line Marking Diagram

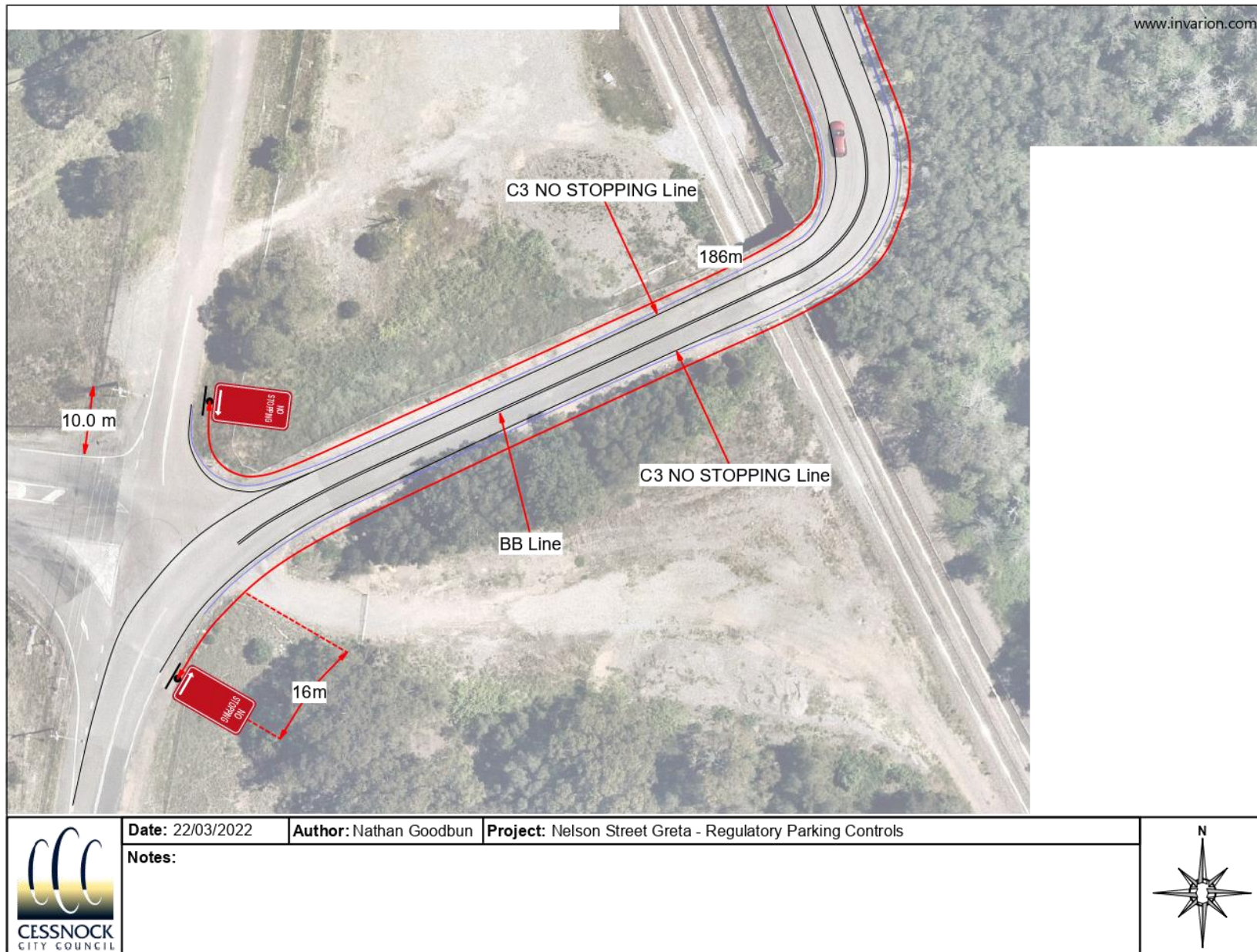




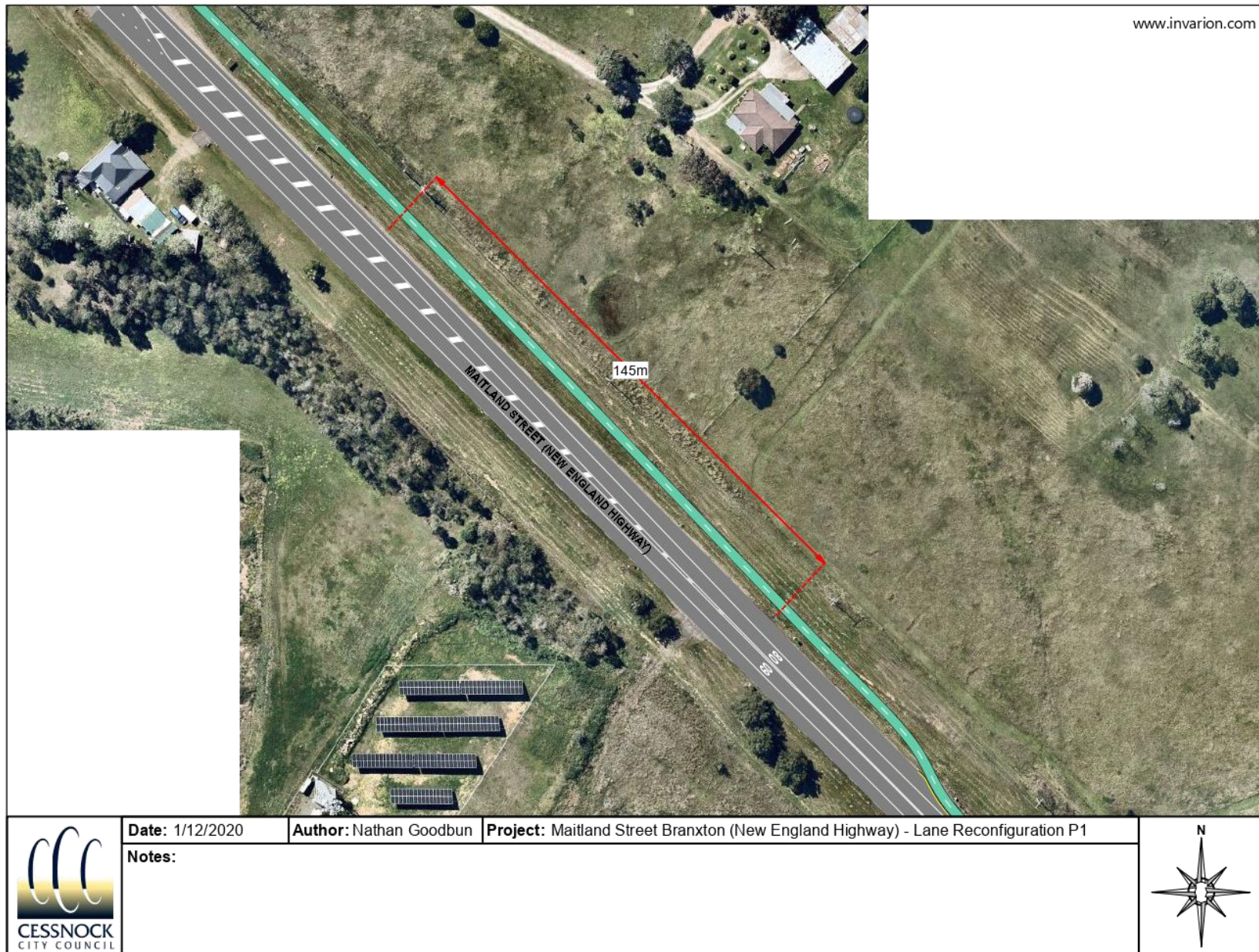




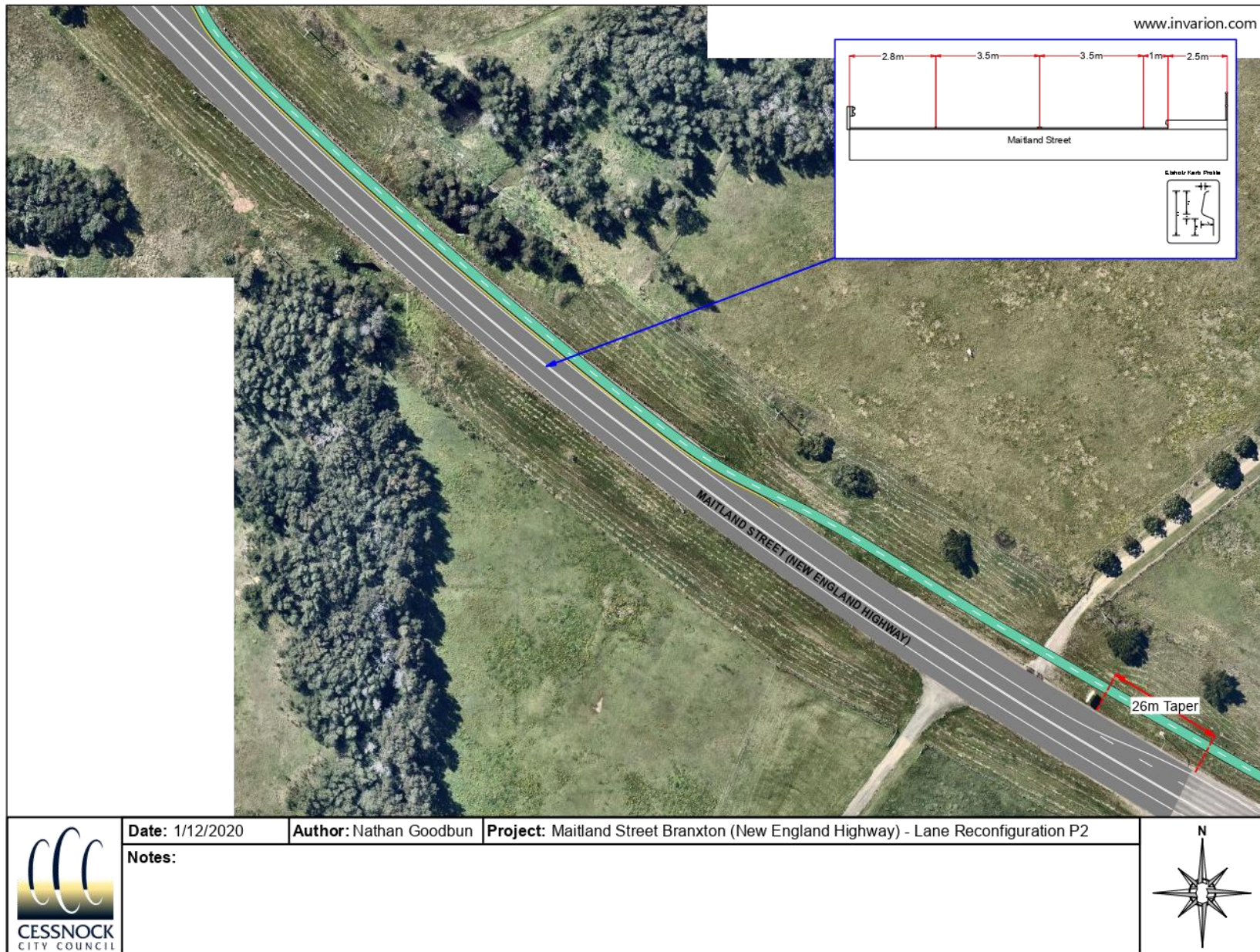












Correspondence

Report No. CO7/2022

Corporate and Community Services



**SUBJECT:** *PE16/2022 - CESSNOCK CITY COUNCIL COMPANION ANIMAL MANAGEMENT PLAN 2022 - 2026*

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

#### **RECOMMENDATION**

**That Council notes the correspondence received from the Member for Cessnock Clayton Barr MP, regarding the review of the Companion Animals Act 1998 and the Companion Animals Regulation 2018.**

At its Ordinary Meeting of 16 March 2022 Council considered PE16/2022 – Cessnock City Council Companion Animal Management Plan 2022 – 2026 and resolved:

- 1. *That Council adopts the 2022-2026 Companion Animal Management Plan.***
- 2. *That the General Manager write to the Minister for Local Government the Hon Wendy Tuckerman MP and the State Member for Cessnock Mr Clayton Barr requesting a State Government review of the Companion Animals Act 1998 and the Companion Animals Regulation 2018 in order to ensure the document remains up-to-date so as to reflect all NSW Local Government Areas Companion Animals Management Plans. The review should include the fees and charges to register dogs over 6 months of age due to the number of dogs being rehomed over the age of 6 month.***

Correspondence has been received from the Member for Cessnock Clayton Barr MP, advising that representations have been made on Councils behalf to the Minister for Local Government, Hon Wendy Tuckerman, seeking consideration of Councils concerns.

Copies of the correspondence are attached to this report.

#### **ENCLOSURES**

- [1](#) Correspondence from Member for Cessnock



**Clayton Barr, MP**

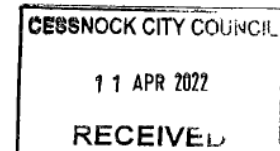
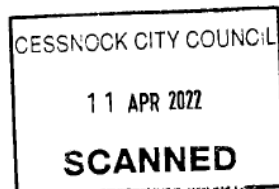
STATE MEMBER FOR THE ELECTORATE OF CESSNOCK



Our Ref: CB2-CessnockCityCouncil-Loc-20220404  
Council's ref: DOC2022/044069

4 April 2022

Mr Robert Maginnity  
Acting General Manager  
Cessnock City Council  
PO Box 152  
CESSNOCK NSW 2325



Dear ~~Mr Maginnity~~ **Rb**

Thank you for Council's recent correspondence, advising that Councillors resolved at the Council's Ordinary Meeting held on 16 March, 2022 that the State Government be requested to review the Companion Animals Act 1998 and the Companion Animals Regulation 2018, in order to ensure the document remains up-to-date so as to reflect all NSW Local Government Areas Companion Animals Management Plans.

Accordingly, representations have been made on your behalf to the Hon Wendy Tuckerman, MP, Minister for Local Government, seeking consideration of Council's request.

I shall contact you again once I have received a response.

Yours sincerely

CLAYTON BARR, MP  
State Member for the  
Electorate of Cessnock

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Country Labor - *thinking outside of the City*