



Vincent Street
CESSNOCK

6 December 2022

ORDINARY MEETING OF COUNCIL

WEDNESDAY, 14 DECEMBER 2022

ENCLOSURES

PAGE NO.

PLANNING AND ENVIRONMENT

**PE70/2022 Development Application 8/2021/21939/1 Proposing a
327 lot subdivision to occur in 3 phases**

33 Government Road, Cessnock

Enclosure1: Plan of Subdivision 4

**PE71/2022 Section 8.2 Review of Determination in respect of
Council's decision to refuse Development Application
No. 8/2022/372/1, proposing a two (2) lot Torrens Title
subdivision**

39 Congewai Street, Kearsley

Enclosure1: Plan of Subdivision 7

Enclosure2: Applicant's submission 8

**PE73/2022 Outcome of Public Exhibition of Planning Proposal
18/2022/2/1 to amend Cessnock Local Environmental
Plan 2011 Rural Zones RU2 and RU5.**

Enclosure1: Rural zones planning proposal 16

Enclosure2: Summary of submissions 88

**PE74/2022 Comprehensive LEP Review 2022 - Planning Proposal
18/2022/4 Heritage Theme**

Enclosure1: Planning Proposal - Heritage Theme 96

CORPORATE AND COMMUNITY

CC99/2022 Review of Privacy Management Plan 2022

Enclosure1: Draft Privacy Management Plan 2022 142

CC100/2022 Misuse of Council Resources - March 2023 State Election, and Notification Relating to Illegally Place Election Signage on Public Land

Enclosure1: Circular 22-33 Misue of Council Resources 199

CC102/2022 Resolutions Tracking Report

Enclosure1: Completed Actions..... 201

Enclosure2: Outstanding All..... 209

WORKS AND INFRASTRUCTURE

WI76/2022 Minutes of Local Traffic committee Meeting held 21 November 2022.

Enclosure1: TC44/2022 Various Roads North Rothbury Stages 1 to 4 Signage & Line Marking Diagrams 236

Enclosure2: TC45/2022 Various Roads North Rothbury Stages 35 to 38 & 41 _ Signage & Line Marking Diagrams 249

Enclosure3: TC46/2022 Kesterton Rise North Rothbury Signage & Line Marking Diagram 251

Enclosure4: TC47/2022 Various Roads Rothbury ARIA Stage 1 Signage & Line Marking Diagram..... 253

Enclosure5: TC48/2022 Branxton Street Nulkaba _ Signage & Line Marking Diagram..... 255

Enclosure6: TC48/2022 Technical Direction TDT 2002 12c _ Stopping & Parking Restrictions at Intersections & Crossings 256

Enclosure7: TC49/2022 Various Roads Belbird Signage & Line Marking Diagram..... 267

Enclosure8: TC50/2022 Ferguson Street Cessnock _ Signage & Line Marking Diagram..... 268

Enclosure9: TC50/2022 Technical Direction TDT 2011 01a Pedestrian Refuges 270

Enclosure10: TC51/2022 Mount view Road Cessnock Line Marking Diagram 277

Enclosure11: TC52/2022 Shared Path Projects _ Signage & Line Marking Diagram..... 278

Enclosure12: TC52/2022 Cessnock CBD to Bridges Hill Park Shared Path _ Route Diagram..... 279

Enclosure13: TC52/2022 Bridges Hill Park to Nulkaba Shared Path _ Route Diagram..... 280

Enclosure14: TC52/2022 Branxton to Greta Shared Path _ Route Diagram 282

Enclosure15: TC52/2022 Greta Railway Station to Greta Township Shared Path _ Route Diagram 283

Enclosure16: TC52/2022 Weston Public School Precinct Shared Path _ Route Diagram..... 284

Enclosure17: TC52/2022 Rosehill Estate to Crawfordville Park Shared Path _ Route Diagram..... 285

Enclosure18: TC52/2022 Pelaw Main to Log of Knowledge Park Shared Path _ Route Diagram..... 286

Enclosure19: TC52/2022 Cessnock CBD to West Cessnock Public School Shared Path _ Route Diagram	287
Enclosure20: TC53/2022 Station & Scott Streets Weston _ Signage & Line Marking Diagram	288
Enclosure21: TC54/2022 Local Traffic Committee _ Terms of Reference	289

CORRESPONDENCE

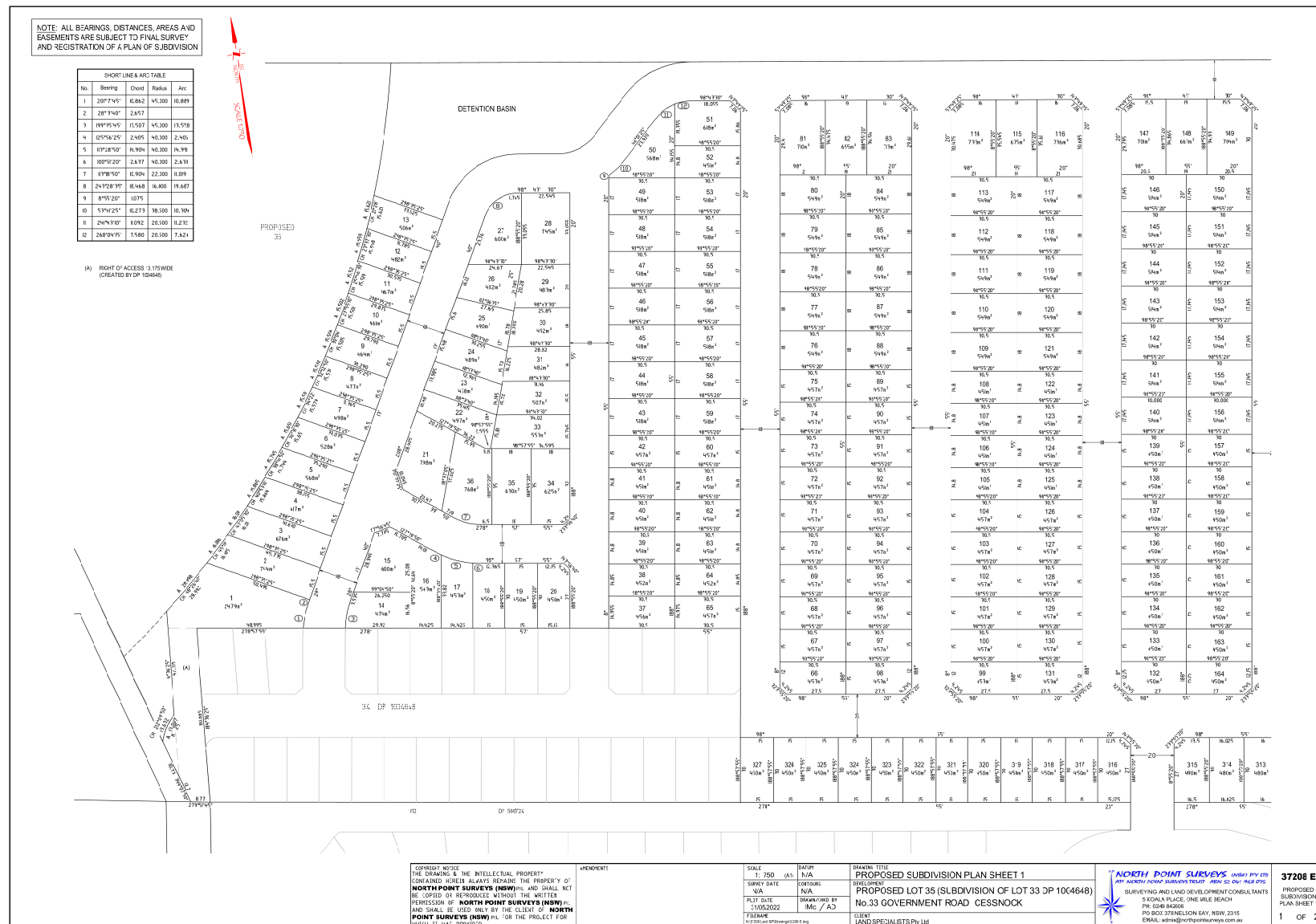
CO23/2022 CC58/2022 - Accounting Treatment - Rural Fire Service Fleet

Enclosure1: Clayton Barr MP	295
Enclosure2: Jamie Parker MP	299

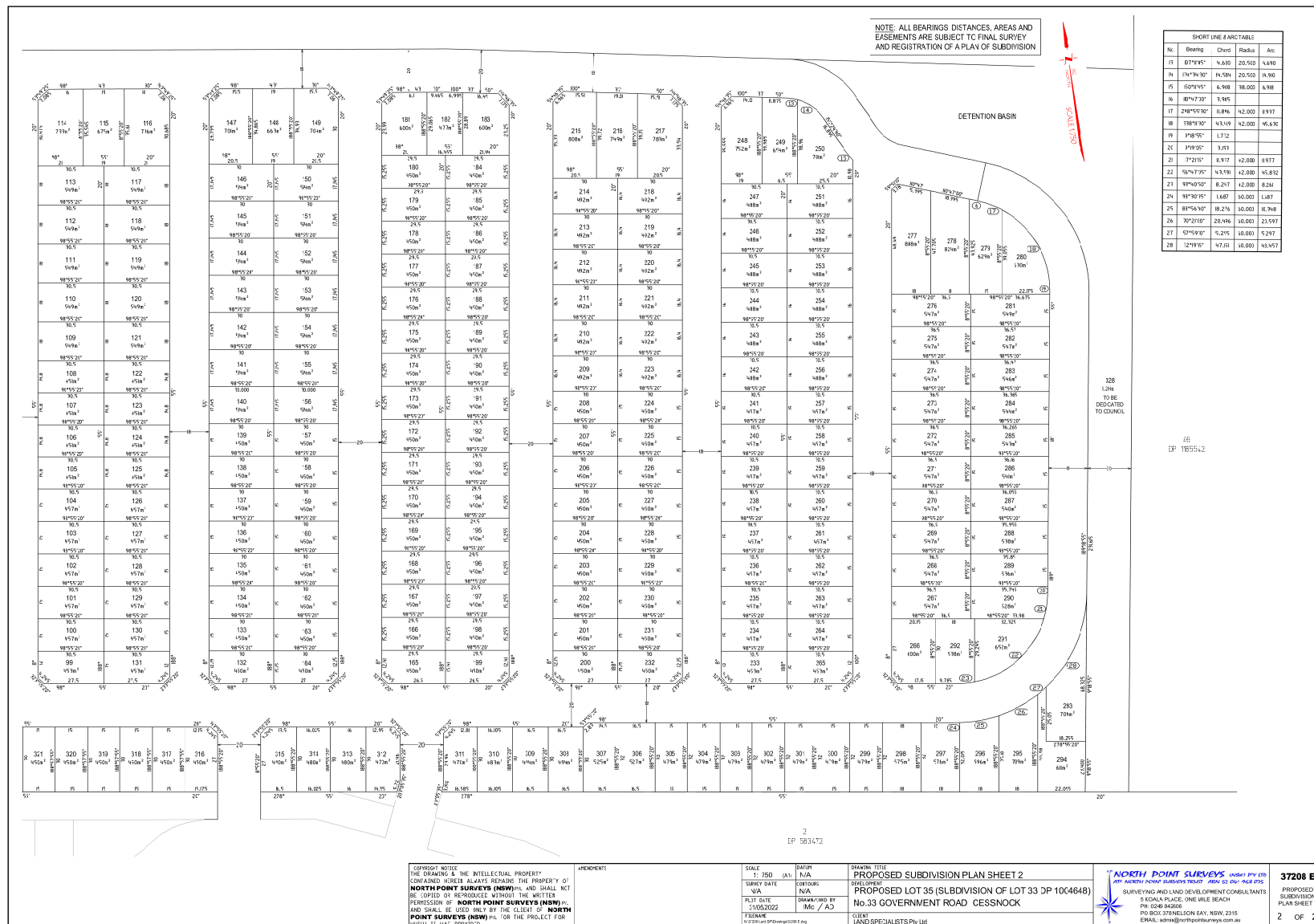
CO24/2022 LGNSW 2022 Special Conference - Response to Resolution 85 - Hon. Wendy Tuckerman MP - Stormwater Levy Review Motion 2 June 2021 Report FLOCLM11/2021

Enclosure1: Response to Conference Resolution 85 _ Hon Wendy Tuckerman MP	301
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33 Government Road, Cessnock



33 Government Road, Cessnock



33 Government Road, Cessnock

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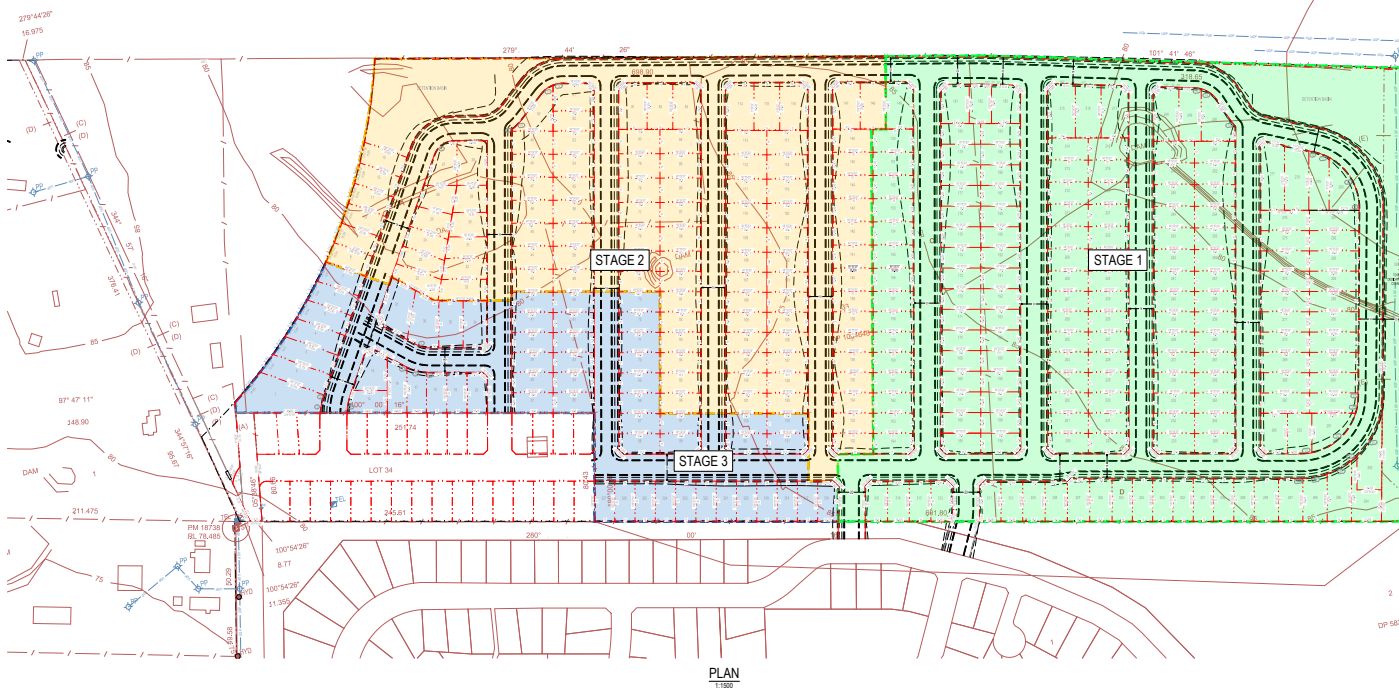


PROJECT
PROPOSED RESIDENTIAL SUBDIVISION,
LOT 33 DP 1004468, 33 GOVERNMENT ROAD,
CESSNOCK NSW

CLIENT
LAND SPECIALISTS PTY LTD

THIS DRAWING CONTAINS COLOURED INFORMATION

LEGEND	
	EXISTING POWER LINE
	EXISTING TELSTRA LINE
	EXISTING BOUNDARY
	FUTURE BOUNDARY



PM4	01.08.22	ISSUED FOR APPROVAL	T.O.	C.D.
PM2	21.08.21	ISSUED FOR APPROVAL	S.M.	C.D.
PM2	18.08.21	ISSUED FOR APPROVAL	K.M.	C.D.
PM1	18.08.21	ISSUED FOR APPROVAL	K.M.	C.D.
REV	04.01	DESCRIPTION	K.M.	C.D.
TITLE		FORM 1 (REV)		

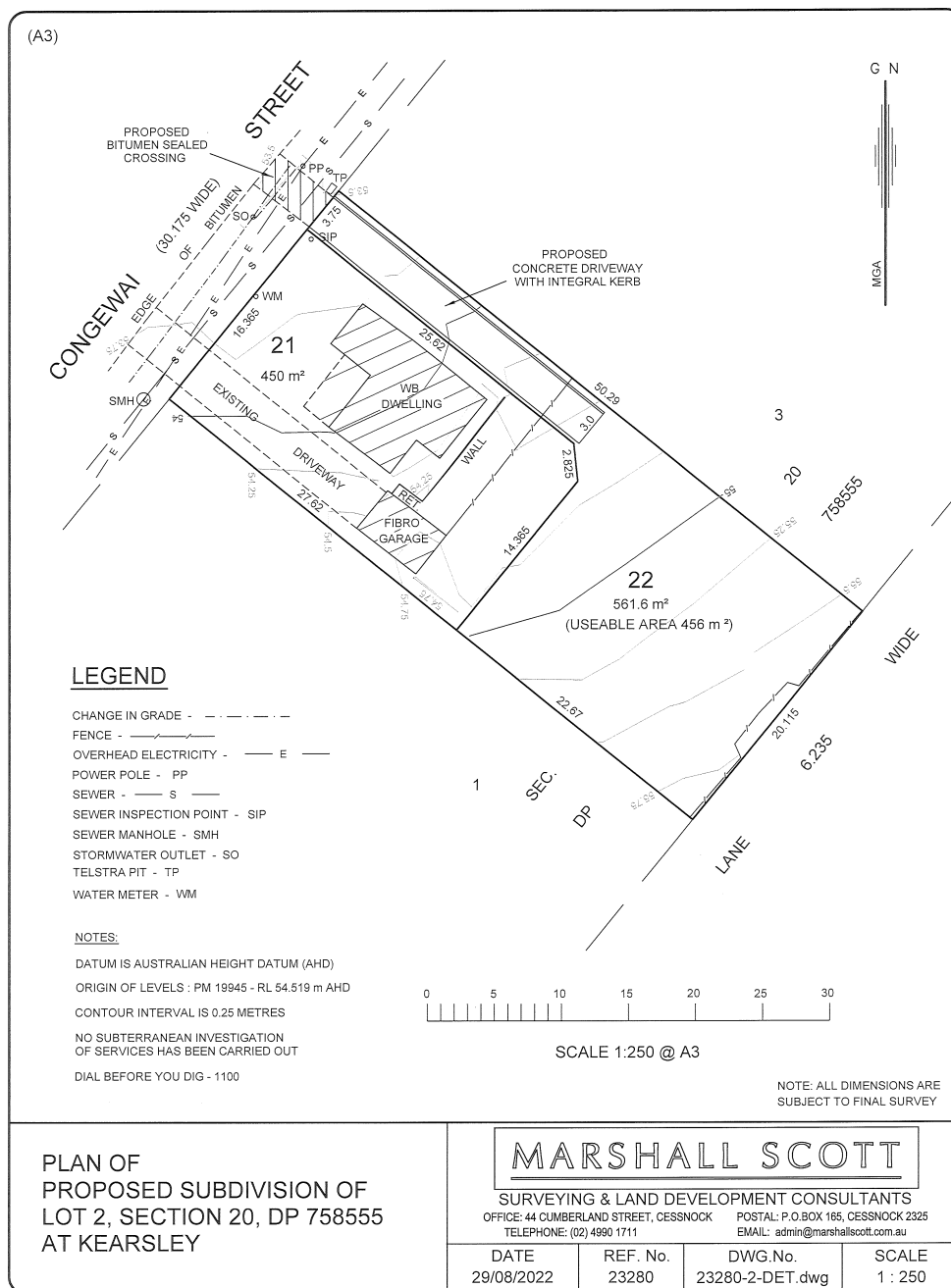
LOT STAGING PLAN



DOCUMENT STATUS			SHEET SIZE
FOR APPROVAL			A1
DRAWN K.MARULTY	DESIGNED C.DAVIES	APPROVED C.DAVIES	SCALE 1:1000
DOCUMENT No.			REVISION
16834-LD-DR-C-0500			P04

PLOTTED 01/08/22 4:42 PM

39 Congewai Street, Ke



39 Congewai Street, Kearsley

**RESPONSE TO CESSNOCK CITY COUNCIL'S
DETERMINATION OF DA8/2022/372/1
FOR THE SUBDIVISION OF LOT 2 SECTION 20 DP 758555**

CONGEWAI STREET, KEARSLEY

SUBMISSION TO:

CESSNOCK CITY COUNCIL

ON BEHALF OF:

GLEN TRIEBEL & KATHERINE TRIEBEL

PREPARED BY:



MARSHALL SCOTT PTY LIMITED

Surveying & Land Development Consultants
44 Cumberland Street Cessnock NSW 2325

Reference: 23280

September 2022

39 Congewai Street, Kearsley

Response to Cessnock City Council's Determination

RESPONSE TO CESSNOCK CITY COUNCIL'S DETERMINATION OF DA8/2022/372/1

CONTENTS

1.0	Introduction.....	2
1.1	Council's Determination.....	2
1.2	Amended Subdivision Plan	2
2.0	Surrounding Historical Infill Development.....	3
3.0	Cessnock LEP 2011.....	5
4.0	Services, Amenities and Lifestyle	5
5.0	Fencing.....	6
6.0	Conclusion.....	7

TABLES & FIGURES

Table 1	Surrounding historical infill development in Kearsley.....	3
Figure 1	Map of Surrounding infill development.....	4

39 Congewai Street, Kearsley

Response to Cessnock City Council's Determination

1.0 INTRODUCTION

This document forms part of a Division 8.2 Review application regarding Cessnock City Council's refusal of DA8/2022/372/1 for the subdivision of one (1) lot into two (2) lots at 39 Congewai Street, Kearsley.

1.1 COUNCIL'S DETERMINATION

DA8/2022/372/1 was called up to a Council meeting due to lobbying by neighbours and was refused at the Council meeting on the 17th of August 2022. According to Section 8.2 of the Environmental Planning and Assessment Act (EPAA) 1979 a review of a determination can be sought. The Councillors determined DA8/2022/372/1 by refusal based on the following reasons in Schedule 1 of the determination "*1) that proposed lot 21 did not comply with the minimum lot size, 2) The development is not in keeping with the local village amenity and 3) The site is not considered a suitable location for an intensification of development sought.*"

This application for review proposes an amended subdivision plan and provides an opportunity to address concerns that were raised by neighbours and Councillors at the Council meeting. Listed items 1, 2 and 3 in the determination for refusal are addressed in the below chapters.

1.2 AMENDED SUBDIVISION PLAN

The subdivision plan has been amended so that proposed lot 21 is 450 square metres and complies with the minimum lot size in the Cessnock LEP 2011. The amended plan does not rely on clause 4.6 to permit a variation to the development standard. Item 1 in the determination has been satisfied with the amended subdivision plan. Further details are in chapter 2.1 lot size and shape of the accompanying Statement of Environmental Effects.

39 Congewai Street, Kearsley

Response to Cessnock City Council's Determination

2.0 SURROUNDING HISTORICAL INFILL DEVELOPMENT

In response to items 2 and 3 in Council's determination regrading DA8/2022/372/1, table 1 and figure 1 identifies historical development in the existing urban area of Kearsley. According to Cessnock City Council's records there have been fourteen (14) cases that either involve subdivision, residential development of more than one (1) dwelling on one lot or a combination of the two types. Table 1 and figure 1 demonstrate that there has been historical infill development in the existing urban area of Kearsley.

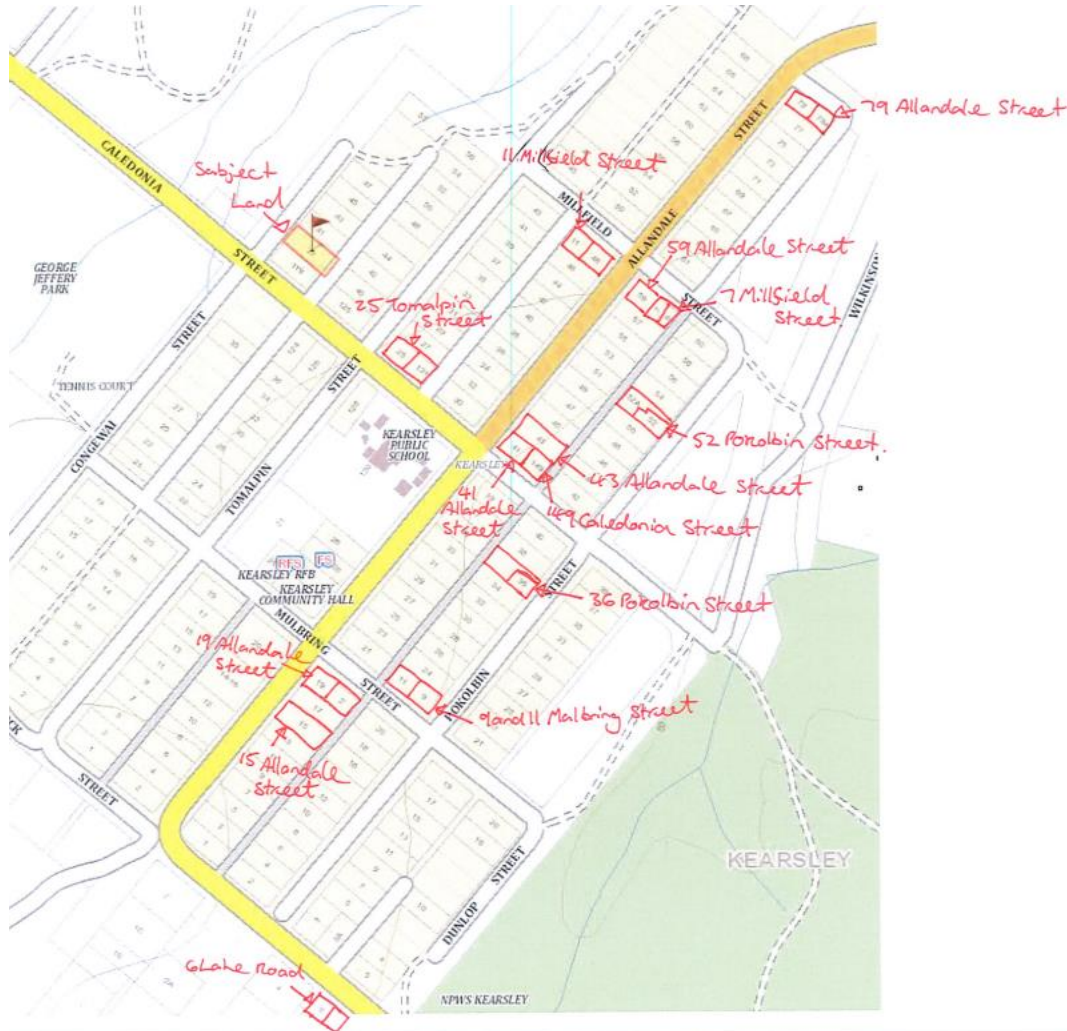
TABLE 1: Surrounding historical infill development in Kearsley

Number	Address	Lot/ DP/ SP	Development Consent details
1	79 Allandale Street	Lot 101/102 DP1284029	Subdivision of one (1) lot into two lots. DA8/2020/85/1 approved 19/6/2020.
2	7 Millfield Street	Lot 101/ 102 DP1210389	Dual occupancy – 8/2010/613/1 approved 26/11/2010 & Subdivision DA8/2010/834/1 approved 4/4/2011.
3	11 Millfield Street	Lot 111 / 112 DP1203347	Two (2) lot Subdivision DA8/2004/507/1 approved 19/7/2004, and DA8/2013/249/1 for combined subdivision and relocated dwelling was approved on the 21/8/2013.
4	52 Pokolbin Street	Lot 152 / 151 DP1088239	Erection of a single storey dwelling for dual occupancy (detached) & carport DA8/2000/437/1 approved 15/12/2000.
5	43 Allandale Street	SP82543	Erection of a detached dual occupancy DA8/2006/151/1 approved 8/11/2006.
6	59 Allandale Street	Lot 101 DP1151980	Two (2) lot subdivision DA8/2003/1080/1 approved on the 1/12/2003.
7	41 Allandale Street	Lot A DP400124	Historical subdivision Council clerk's certificate number 1102 dated 20 th of September 1956.
8	149 Caledonia Street	Lot B DP400124	Dual Occupancy DA8/2003/1465/1 approved on the 23/4/2004.
9	25 Tomalpin Street	Lot 131 / 132 DP1110075	Subdivision of one (1) lot into two (2) lots. DA8/2005/1035/1 approved 17/2/2006.
10	36/ 36A Pokolbin Street	SP91327 / Lot 2 DP1168154	Two lot Subdivision DA8/2009/556/1 approved 18/3/2010, attached dual occupancy DA8/2012/9/1 approved on the 11/2/2012 and Strata Subdivision of attached dual occupancy DA8/2015/37/1 approved on the 10/2/2015.
11	9 and 11 Mulbring Street	Lot 201/ 202 DP847013	One (1) into two (2) lot Subdivision 5/1994/38/1 approved 4/5/1994.
12	15 Allandale Street	Lot 8 Section 6 DP758555	Complying Development Certificate for a detached dual occupancy 9/2012/145/1 approved 7/11/2012.
13	19 Allandale Street	Lot 1 DP58038 / B DP389598	Historical Subdivision of one lot into two lots, prior to 1974.
14	6 and 6A Lakes Road	Lot 200/ 201 DP1110298	Two (2) lot subdivision DA8/2004/1065/1 approved by the Land and Environment Court of NSW 6/9/2006.

39 Congewai Street, Kearsley

Response to Cessnock City Council's Determination

Figure 1 Map of Surrounding infill development



Although Kearsley has not been developed to the same scale as other urban areas of Cessnock there has been continuous development regarding small scale infill subdivisions and associated residential development. Claims made by the Councillors in the meeting on the 17th of August regarding DA8/2022/372/1 do not represent historical patterns of development in Kearsley that are demonstrated in table 1 and figure 1. Moreover, the adopted zoning and minimum lot size reflect the historical patterns of residential development in the locality of Kearsley, which this proposal complies with. As demonstrated in table and figure 1 there has been ongoing residential development within the existing urban footprint of Kearsley, which demonstrates that this proposed subdivision is in keeping with the local amenity. Furthermore, since there has been continuous intensification at the scale proposed in Kearsley for decades, this site is a suitable location for an intensification of development sought. Since this proposal complies with the Cessnock LEP 2011 and Cessnock DCP 2010, and is similar to numerous historical

39 Congewai Street, Kearsley

Response to Cessnock City Council's Determination

developments in the existing urban area, DA8/2022/372/1 is in public interest and should be supported by Cessnock City Council.

3.0 CESSNOCK LEP 2011

This site and the urban area of Kearsley is zoned R2 Low Density Residential with a minimum lot size of 450 square metres. The objectives of the R2 Low Density Residential Zone are:

- *To provide for the housing needs of the community in a low density residential environment.*
- *To enable other land uses that provides facilities or services to meet the day to day needs of residents.*

DA8/2022/372/1 will lead to the creation of an additional lot that will be able to provide for the housing needs of the community within a low density residential environment by satisfying the housing parameters in the Cessnock DCP 2010 for lot 21 and for the subdivision parameters for lot 22. No changes to the use of the land are proposed and the land will remain for residential dwellings. Therefore, the objectives of R2 Low Density Residential Zone and the 450 minimum lot size are satisfied as well as relevant controls in the Cessnock DCP 2010. Since DA8/2022/372/1 satisfies the minimum lot size, the objectives of R2 Low Density Zone, this development is appropriate in this case.

4.0 AMENITIES/ LIFESTYLE & SERVICES

Comments made in the Council meeting referred to the lack of amenities and services in Kearsley and that additional development will impact residents lifestyle.

Amenities

Statements by Councillors at the Council meeting stated that this proposal is inappropriate due to the lack of amenities and community facilities. West of the urban area of Kearsley are extensive sports grounds and children's play equipment area, as part of George Jeffery Park, which is a substantial size and requires ongoing costs regarding maintenance. Being able to facilitate growth in the existing urban area will create the opportunity for more rate payers in the locality that will lead to better maintenance of existing community resources.

During the Council meeting there were references to the lifestyle that people have bought into Kearsley for, of which this proposal for subdivision threatens. This proposal for one additional lot does not reduce the amenity or lifestyle that people have bought into in Kearsley since this proposal is in accordance with the Cessnock LEP 2011, Cessnock DCP 2010 and there were no concerns raised by Council during the assessment process regarding impacts on amenity. It should be noted that the owners do wish to construct a dwelling on proposed lot 22 in future and that they intend to have it as a long-term lease, will contribute to easing the local housing crisis.

Comments were made by the Councillors highlighting that existing residents want dwellings on large lots within the existing urban fabric of Kearsley and do not want additional development in the existing urban footprint. Despite Council's assertions it is

39 Congewai Street, Kearsley

Response to Cessnock City Council's Determination

demonstrated in figure 1 and table 1 there has been numerous historical infill developments in the existing urban footprint of Kearsley. Given that this proposal is similar to existing development and is in accordance with the existing planning rules, refusal of this proposal is contrary to the Cessnock LEP 2011 that was adopted by Council and historical forms of development in Kearsley.

Services

There are existing commercial uses in the urban area of Kearsley including a service station/ convenience store, a pub and primary school.

Commercial Uses

Comments were made by Councillors that there is limited access to commercial uses and public transport in Kearsley as a reason for refusal. There is a service station and associated convenience store on the corner of Allandale Street and Mulbring Street. Although there is no public transport through Kearsley, the proposed development is 4.3 kilometres from Vincent and the Cessnock CBD, which is the approximate distance east from Vincent Street that Bellbird is from Vincent Street to the west. Bellbird is expected to accommodate a substantial expansion of future residential development of Cessnock and residents are expected to commute by car for grocery shopping and to access services with very limited or non-existent public transport options. Hence levelling this argument for a two lot subdivision in Kearsley by the Councillors does not reflect the reality of the existing urban footprint of Cessnock.

Kearsley Public School

Kearsley Public School is a small primary school providing Kindergarten to year 6 education. Due to the small catchment the population of the school is small and they are continually struggling to find students to fill classrooms to keep the existing teaching staff. Although this subdivision is for one additional lot, permitting development in the urban area of Kearsley does promote the potential for additional students providing more demand for students at Kearsley Public School maintaining the viability of the school.

5.0 FENCING

The dividing fence between the subject land and the neighbour to the north at 41 Congewai Street was raised as an issue during the Council meeting. According to the Dividing Fences Act 1991 in Part 2 *Liability for fencing work, Section 6 General principle—liability for fencing work* clause (1) *"An adjoining owner is liable, in respect of adjoining lands where there is no sufficient dividing fence, to contribute to the carrying out of fencing work that results or would result in the provision of a dividing fence of a standard not greater than the standard for a sufficient dividing fence"*. Given the state of the existing fence, each of the affected parties can provide an equal share in funding a dividing fence. The property owners of the subject land have stated that they are and have always been willing to equally share funding for the construction of a new fence, based on appropriate quotes and with respectful communication between the two parties.

39 Congewai Street, Kearsley

Response to Cessnock City Council's Determination _____.

6.0 CONCLUSION

DA8/2022/372/1 for the subdivision of one (1) lot into two (2) lots satisfies the R2 Low Density Residential zoning and minimum lot size in the Cessnock LEP 2011. Contrary to Council's assertions at the Council meeting on the 17th of August 2022, as demonstrated in figure 1 and table 1 in this document there has been numerous applications for development that has resulted in intensification of the existing urban area of Kearsley. Furthermore, this proposal has been amended to satisfy the development standard and given that this proposal satisfies the Cessnock LEP 2011 the location is suitable for the intensification of development sought. Given that this proposal satisfies the Cessnock LEP 2011 and is similar to historical development in Kearsley it will not adversely affect the amenity surrounding environment or the characteristics of the area and is therefore this subdivision is in the public interest and should be supported by Cessnock City Council.



PLANNING PROPOSAL

AMENDMENT TO THE CESSNOCK LOCAL ENVIRONMENTAL PLAN 2011

Comprehensive LEP Review

Amending RU2 and RU5 Land Use Tables, Local Objectives, Clauses and Mapping Anomalies
Page 1 of 30



TABLE OF CONTENTS

PART 1: OBJECTIVES AND OUTCOMES.....	4
PART 2: EXPLANATION of PROVISIONS.....	5
PART 3: JUSTIFICATION	15
Section A: Need for the Planning Proposal	16
Section B: Relationship to Strategic Planning Framework.....	17
Section C: Environmental, Social and Economic Impact	22
Section D: Infrastructure (Local, State and Commonwealth)	22
Section E: State and Commonwealth Interests	23
PART 4: MAPS	24
PART 5: COMMUNITY CONSULTATION.....	25
PART 6: PROJECT TIMELINE.....	26

Tables

Table 1: Relevant State Environmental Planning Policies.....	19
Table 2: Relevant Section 9.1 Ministerial Directions.....	20
Table 3: Indicative project timeline.	26

Appendices

Appendix 1: Council Report and Minutes (dates).....	27
Appendix 2: Rural Lands Issues Paper	28
Appendix 3: Gateway Determination – Department of Planning and Environment.....	29
Appendix 4: Lot Size Map Sheets affected by Item 3(a).....	31

Version 3.0

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Revision History

Version	Description	Date
1	Draft for Council Consideration	20/04/2022
2	Public exhibition copy	14/09/2022
3	Final for Council consideration	14/12/2022

Note:

Changes to the Planning Proposal originally endorsed by Council (Version 1) have been made in accordance with the conditions of Gateway determination issued by the Department of Planning and Environment. As a result of the Gateway determination, amendments are no longer proposed for the RU3 Forestry zone. The requirements of the Gateway determination can be found in Appendix 3 of this proposal.

PART 1: OBJECTIVES AND OUTCOMES

The *Cessnock Local Environmental Plan 2011* (LEP 2011) and Cessnock Development Control Plan 2010 (DCP 2010) contain provisions that guide development.

Cessnock City Council's Strategic Planning Team is completing a comprehensive review of the LEP 2011, which involves reviewing the instrument to ensure it:

- is current and accurate;
- is responsive to emerging forms of development;
- reflects the objectives contained in the Hunter Regional Plan 2036 and Greater Newcastle Metropolitan Plan 2036; and
- addresses the outcomes of endorsed local strategies, such as the Cessnock 2027 Community Strategic Plan (CSP) and Local Strategic Planning Statement (LSPS) 2036.

This Planning Proposal examines and makes recommendations regarding amendments to relevant zone objectives, permissible land uses, clauses and land-use mapping, relating to the following zones:

RU2 Rural Landscape Zone

RU5 Village Zone

Note: This Planning Proposal also applies to any land that is not serviced by reticulated sewer [see Item 3(a)]

This Planning Proposal follows the recommendations of the Rural Lands Issues Paper completed by Cessnock City Council's Strategic Planning Team. This Paper was the result of a detailed review of the provisions contained in the LEP 2011 as they apply to rural lands, and the alignment of these with the strategic framework, to ensure consistency with the relevant priorities and principles for land contained in the Cessnock Local Strategic Planning Statement (LSPS) 2036 and other relevant local and regional plans and strategies.

PART 2: EXPLANATION of PROVISIONS

Item 1: Amendments to LEP 2011 RU2 and RU5 Zone Objectives

Zone objectives establish the purpose of the zones and reflect the intended strategic land use direction of Cessnock Local Government Area (LGA). Mandatory zone objectives are included in the Standard Instrument (SI) to ensure consistency in how zones are applied across NSW. Zone objectives are used by Council to help determine if a development application is consistent with the strategic planning aims for the Cessnock area.

Additional local zone objectives are necessary when the mandatory objectives do not cover all major land use issues for land within the zone. Additional local objectives are also necessary when locality specific or relating to a major activity node or other land use that has major environmental impacts on the activities and amenity of the resident and/or working population within the particular zone.

The following amendments to Land Use Objectives are proposed to better address local planning issues and to align with the strategic planning framework for the Cessnock LGA.

a) It is proposed to amend the following RU2 Rural Landscape Zone objectives as follows:

Existing = Mandatory	(M)	Proposed green = additions/amendments strikethrough = to be removed	Reason
To encourage sustainable primary industry production by maintaining and enhancing the natural resource base (M).		To encourage sustainable primary industry production by maintaining and enhancing the natural resource base (M).	No change – this is a mandatory objective
To maintain the rural landscape character of the land (M).		To maintain the rural landscape character of the land (M).	No change – this is a mandatory objective
To provide for a range of compatible land uses, including extensive agriculture (M).		To provide for a range of compatible land uses, including extensive agriculture (M).	No change – this is a mandatory objective
To enable other forms of development that are associated with rural activity and require an isolated location or support tourism and recreation.		To enable other compatible forms of development that are associated with rural activity and require an isolated location or support tourism and recreation.	Stand-alone tourist uses in the RU2 zone are inconsistent with LSPS planning priorities 8, 11, 12 & 22. The use has the potential to intensify land use conflict on rural land. Smaller scale secondary uses including bed and breakfast accommodation, farm stay accommodation and tourist cabins are proposed to be permissible in this zone.

To ensure that the type and intensity of development is appropriate in relation to the rural capability and suitability of the land, the preservation of the agricultural, mineral and extractive production potential of the land, the rural environment (including scenic resources) and the costs of providing services and amenities.	To ensure that the type and intensity of development is appropriate in relation to the rural capability and suitability of the land. and the preservation of the agricultural mineral and extractive production potential of the land, the rural environment (including scenic resources) and the costs of providing services and amenities.	Repetition of other objectives is removed
To maintain and enhance the scenic character of the land.	To maintain and enhance the scenic character of the land.	No change
To ensure that development does not create unreasonable or uneconomic demands for the provision or extension of services.	To ensure that development does not create unreasonable or uneconomic demands for the provision or extension of services or infrastructure by public authorities.	Clarification of intent. Recognition that the level of infrastructure provision in RU2 zone may be incompatible with some land uses.
To minimise the visual impact of vegetation clearing in order to be consistent with the rural character of the locality.	Delete objective.	This is a repetition of other objectives
To minimise disturbance to the landscape from development through clearing, earthworks, access roads and construction of buildings.	To minimise disturbance to the landscape from development through vegetation clearing, earthworks, access roads and construction of buildings.	Clarification
To ensure development does not intrude into the skyline when viewed from a road or other public place.	To ensure development does not intrude into the skyline when viewed from a road or other public place.	No change

b) It is proposed to amend the following RU5 Village Zone objectives as follows:

Existing (M) = Mandatory	Proposed	Reason
To provide for a range of land uses, services and facilities that are associated with a rural village (M).	To provide for a range of land uses, services and facilities that are associated with a rural village (M).	No change – this is a mandatory objective
To ensure that development is compatible with the amenity, functioning and scale of a rural village.	To ensure that development is compatible with the amenity, functioning character and scale of a rural village.	This is to promote consistency with LSPS Planning Priority 3: <i>The character and vitality of our town centres and villages is protected and enhanced</i>

Item 2: Amendments to LEP 2011 RU2 and RU5 Zone Land Use Tables

The LEP 2011 land use tables list the various forms of development that are considered to be compatible with the objectives of the rural zones and therefore permitted with or without consent. The land use tables also list development that is not compatible with the objectives of the zones and these are listed as prohibited development.

The Standard Instrument LEP mandates certain land uses as permissible or prohibited in each zone across NSW. Additional land uses may be included if, in Council's opinion, the mandated uses do not satisfactorily address the local intent of the zone. The proposed land use table amendments below will enable greater flexibility for compatible development to occur within the rural zones, while prohibiting uses that are incompatible with the objectives of the zone. Refer to **Appendix 2: Rural Lands Issues Paper** for a detailed explanation of the proposed amendments to the Land Use Tables.

- a) It is proposed to amend the RU2 Rural Landscape Zone Land Use Table as follows:

Amend the RU2 Rural Landscape Zone Land Use Table to:

Permit

Secondary dwellings, Plant nurseries,

Prohibit

Advertising structures, Airstrips, Amusement centres, Backpackers' accommodation, Boat launching ramps, Boat sheds, Caravan parks, Centre-based child care facilities, Correctional centres, Development which cannot be characterised into any land uses defined in the SI, Dual occupancies, Function centres, Health consulting rooms, Hospitals, Hotel or motel accommodation, Jetties, Local distribution premises, Neighbourhood shops, Places of public worship, Port facilities, Pubs, Public administration buildings, Registered clubs, Respite day care centres, Restaurants or cafes, Rural supplies, Self-storage units, Service stations, Serviced apartments, Veterinary hospitals.

The current RU2 Land Use Table is provided below with mandated uses ***bolded and italicised***

2 Permitted without consent
<i>Extensive agriculture; Home occupations</i> , Horticulture
3 Permitted with consent
<i>Aquaculture</i> , Cellar door premises; Dual occupancies; <i>Dwelling houses; Environmental protection works; Farm buildings</i> ; Health consulting rooms; Home industries; Hospitals; Neighbourhood shops; Pubs; Restaurants or cafes; <i>Roads</i> ; Roadside stalls; Rural supplies; Self-storage units; Any other development not specified in item 2 or 4
4 Prohibited

Boat building and repair facilities; Car parks; Charter and tourism boating facilities; Commercial premises; Depots; Entertainment facilities; Exhibition homes; Exhibition villages; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Heliports; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Moorings; Mortuaries; Passenger transport facilities; Recreation facilities (indoor); Residential accommodation; Restricted premises; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Wharf or boating facilities; Wholesale supplies

The *proposed* RU2 Land Use Table is provided below with mandated uses ***bolded and italicised***:

2 Permitted without consent
<i>Extensive agriculture; Home occupations;</i> Horticulture
3 Permitted with consent
<i>Agriculture</i> , Airports, Animal boarding or training establishments, Bed and breakfast accommodation, Building identification signs, Business identification signs, Camping grounds, Cellar-door premises, Cemeteries, Community facilities, Crematoria, <i>Dwelling houses</i> , Eco tourist facilities, Educational establishments, Electricity generating works, Emergency services facilities, Environmental facilities, <i>Environmental protection works</i> , Extractive industries, <i>Farm buildings</i> , Farm stay accommodation, Flood mitigation works, Forestry, Helipads, Home-based child care, Home business, Home industries, Home occupations, Information and education facilities, Intensive plant agriculture, Open cut mining, Plant nurseries, Recreation areas, Recreation facilities (major), Recreation facilities (outdoor), Research stations, <i>Roads</i> , Roadside stalls, Rural industries, School-based child care, Secondary dwellings, Sewerage systems, Tourist and visitor accommodation, Waste or resource management facilities, Water supply systems
4 Prohibited
Backpackers' accommodation, Hotel or motel accommodation, Serviced apartments, any development not specified in item 2 or 3.

Note: It is proposed to list the RU2 Zone as a closed zone whereby all land uses not listed as either permissible with consent or permissible without consent, will be prohibited. See the Land Use matrix in **Attachment 2** for full details on the proposed permissibility of all land uses within the rural zones.

b) It is proposed to amend the RU5 Village Zone Land Use Table as follows:

Amend the RU5 Village Zone Land Use Table to:

Permit

Building identification signs, Business identification signs, Early education and care facilities, Home-based child care, Water supply systems,

Prohibit

Boarding houses, Extensive agriculture, High technology industries, Intensive plant agriculture.

The *current* RU5 Land Use Table is provided below with mandated uses ***bolded and italicised***:

2 Permitted without consent
<i>Home occupations</i>
3 Permitted with consent
Bed and breakfast accommodation; Boarding houses; Business premises; Cemeteries; <i>Centre-based child care facilities; Community facilities</i> ; Crematoria; <i>Dwelling houses</i> ; 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; <i>Neighbourhood shops; Oyster aquaculture</i> ; Passenger transport facilities; <i>Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor)</i> ; Registered clubs; <i>Respite day care centres</i> ; Roads; Roadside stalls; Rural supplies; <i>Schools</i> ; Secondary dwellings; Semi-detached dwellings; Seniors housing; Service stations; Sewerage systems; Shops; <i>Tank-based aquaculture</i> ; Vehicle repair stations; Veterinary hospitals
4 Prohibited
Any other development not specified in item 2 or 3

The *proposed* RU5 Land Use Table is provided below with mandated uses ***bolded and italicised***:

2 Permitted without consent
<i>Home occupations</i>
3 Permitted with consent
Bed and breakfast accommodation; Building identification signs, Business identification signs, Business premises; Cemeteries; <i>Centre-based child care facilities; Community facilities</i> ; Crematoria; <i>Dwelling houses</i> ; Early education and child care facilities, Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Food and drink premises; Home-based child care; Home businesses; Hotel or motel accommodation; Information and education facilities; Light industries; Mortuaries; <i>Neighbourhood shops; Oyster aquaculture</i> ; Passenger transport facilities; <i>Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor)</i> ; Registered clubs; <i>Respite day care centres</i> ; Roads; Roadside stalls; Rural supplies; <i>Schools</i> ; Secondary dwellings; Semi-detached dwellings; Seniors housing; Service stations; Sewerage systems; Shops; <i>Tank-based aquaculture</i> ; Vehicle repair stations; Veterinary hospitals, Water supply systems
4 Prohibited
High technology industries, Any other development not specified in item 2 or 3

Item 3: Amendments to LEP 2011 clauses

- a) It is proposed to amend the following clause as follows:

Revise clause 4.1 Minimum Lot Size (Delete subclause 4A and replace with clause 4.1 (E))

From

4.1 (4A) Despite subclause (3), a lot resulting from the subdivision of the following land must not be less than the minimum size specified below in relation to the land—

(a) (Repealed)

(b) if the lot is on land identified as "T2" on the Lot Size Map and the subdivision will result in the creation of lots that are not able to be serviced by a reticulated water and reticulated sewerage system—2,000 square metres,

(c) if the lot is on land identified as "T3" on the Lot Size Map and the subdivision will result in the creation of lots that are not able to be serviced by a reticulated water and reticulated sewerage system—2 hectares.

To

4.1 (E) Minimum subdivision lot size for land that is not serviced by reticulated sewer

(1) Despite clause 4.1(3), Development consent must not be granted to subdivide land that is not serviced by a reticulated sewer service, unless:

the size of each resulting lot is not less than 4,000m², or the minimum size shown on the Lot Size Map in relation to that land, whichever is greater, and

The consent authority is satisfied that all resulting lots are suitable for onsite wastewater management.

(2) This clause applies despite clause 4.1AA and 4.2B

The proposed amendment is in response to concerns over unsafe environmental health outcomes arising from inadequate on-site waste water management systems (septic systems) on undersized or otherwise incompatible lots. This will result in the areas identified as 'T2' and 'T3' being deleted from the Lot Size Maps.

The proposed amendment will have the effect of changing the minimum lot size for land that is currently identified as 'T2' or 'T3' on the Lot Size Maps to 4000 square metres, or the existing minimum lot size shown on the Lot Size Map in relation to that land, whichever is larger.

Additionally, subdivision will only be permitted when the consent authority is satisfied the resulting lots will be suitable for onsite wastewater management. The proposed clause will

ensure that subdivision and subsequent development of land may only occur where land is of a sufficient size to safely accommodate on-site waste water management systems.

b) It is proposed to amend the following clause as follows:

Delete clause.7.13:

<p>7.13 Dual occupancies on land in Zone RU2</p> <p>The objective of this clause is to preserve the rural character of the area.</p> <p>Development consent must not be granted to development for the purpose of dual occupancies on land in Zone RU2 Rural Landscape unless the consent authority is satisfied that—</p> <p>the dwellings are designed and sited to give the appearance of being a single development, and</p> <p>the dwellings will use shared facilities such as a common driveway, fire breaks and essential services, and</p> <p>any ancillary buildings and structures will be situated within close proximity to the dwellings, and</p> <p>the dwellings are designed and sited to avoid significant adverse environmental impacts, and</p> <p>(e) the dwellings are designed and sited to avoid significant adverse impacts on the agricultural potential and capability of the land.</p>

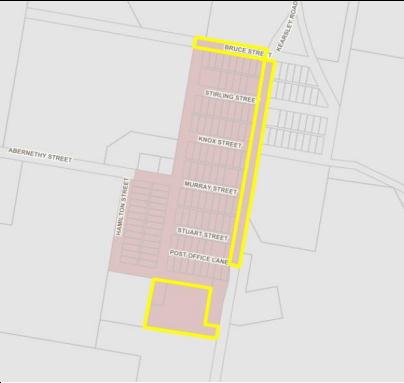
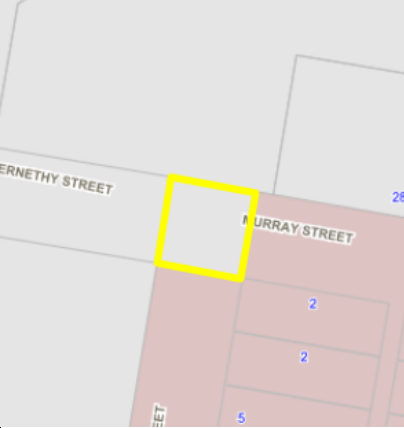
This clause establishes additional conditions under which dual occupancies may be approved in the RU2 zone. Amendments to the land use table proposed under the planning proposal include prohibiting dual occupancies in the RU2 Rural Landscape zone, as they are inconsistent with a number of planning priorities outlined in Council's LSPS and have potential to increase land use conflicts on rural land. This clause will no longer have any application in the event of a prohibition of this land use within the RU2 zone.



Item 4: Administrative amendments to LEP 2011 mapping

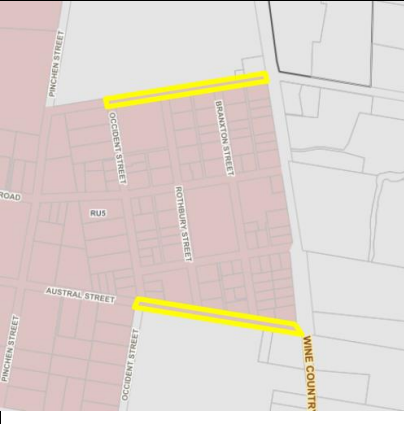

The following LEP 2011 map administrative amendments will correct anomalies to ensure the most appropriate zone and lot size is applied to the land.

A number of proposed amendments apply to roads. These are administrative changes and are not intended to alter the development potential of these roads. It is established practice to refer to the zoning of adjoining land when seeking to establish an appropriate zoning for roads (see NSW Department of Planning LEP Practice Note PN 10-001).

Similarly, proposed changes to minimum lot sizes are administrative and are intended to apply a standard minimum lot size to adjoining land within the same zone.

No.	Lot / Sec / DP	Planning Considerations	LEP Map		Subject Land
			Current	Proposed	
1	Part 2 / 840845 1 / 840845	<p>Address: 83 Ferguson Street Abernethy 20 Munn Street Abernethy Ferguson Street Road Reserve Bruce Street Road Reserve</p> <p><u>Reason for LEP Amendment:</u> To apply standard 750m² lot size to Zone RU5 land.</p> <p>Note: Land is not serviced by reticulated sewer and will be subject to new lot size clause for un-serviced land (See Issue 3a).</p> <p><u>Map Sheet:</u> LSZ_006D</p>	LZN: RU5 MLS: 40ha	LZN: RU5 MLS: 750m ²	
2	NA	<p>Address: Murray Street Road Reserve Abernethy</p> <p><u>Reason for LEP Amendment:</u> To apply standard 40Ha lot size to Zone RU2 land.</p> <p><u>Map Sheet:</u> LSZ_006D</p>	LZN: RU2 MLS: 750m ²	LZN: RU2 MLS: 40Ha	

No.	Lot / Sec / DP	Planning Considerations	LEP Map		Subject Land
			Current	Proposed	
3	12 / 3 / 759103 4 / 1175179 5 / 1175179	<p>Address: Negro Street Wollombi Paynes Crossing Road Wollombi</p> <p><u>Reason for LEP Amendment:</u> To apply standard 40Ha lot size to Zone RU2 land.</p> <p>Note: Land is not serviced by reticulated sewer and will be subject to new lot size clause for unserviced land (See Issue 3a).</p> <p><u>Map Sheet:</u> LSZ_003</p>	LZN: RU2 MLS: 750m ²	LZN: RU2 MLS: 40ha	
4	NA	<p>Address: Paynes Crossing Road Wollombi Negro Street Wollombi Cedar Street Wollombi</p> <p><u>Reason for LEP Amendment:</u> To apply consistent zoning of road.</p> <p>Note: Land is not serviced by reticulated sewer and will be subject to new lot size clause for unserviced land (See Issue 3a).</p> <p><u>Map Sheet:</u> LZN_003 LZN_006B</p>	LZN: RU5 MLS: 40ha	LZN: RU2 MLS: 40ha	

No.	Lot / Sec / DP	Planning Considerations	LEP Map		Subject Land
			Current	Proposed	
5	NA	<p>Address: Boreas Street Nulkaba Austral Street Nulkaba</p> <p>Reason for LEP Amendment: To apply standard 750m² lot size to Zone RU5 land.</p> <p>Note: Land is serviced by reticulated sewer.</p> <p>Map Sheet: LSZ_006C</p>	<p>LZN: RU5</p> <p>MLS: 40ha</p>	<p>LZN: RU5</p> <p>MLS: 750m²</p>	
6	NA	<p>Address: Averys Lane Heddons Greta</p> <p>Reason for LEP Amendment: To apply consistent zoning of road.</p> <p>Map Sheet: LZN_009A LSZ_009A</p>	<p>LZN: RU2</p> <p>MLS: 40ha</p>	<p>LZN: R2</p> <p>MLS: 450m²</p>	

PART 3: JUSTIFICATION

Rural zones apply to many of the villages in Cessnock, pasture and grazing land, areas of important scenic value, and state forest in the Cessnock Local Government Area (LGA).

The *LEP 2011* is the primary planning instrument that guides development on rural land in Cessnock LGA. However, the provisions of this instrument are dated and must be reviewed to ensure consistency with relevant rural priorities and principles contained in the Cessnock Local Strategic Planning Statement (LSPS) 2036 and other applicable local and regional plans and strategies.

This Planning Proposal seeks to amend the Zone Objectives, Land Use Tables and associated clauses and Mapping to ensure they are current and accurate, responsive to new forms of development and respond to objectives contained in regional plans and endorsed local strategies. The intended outcomes of this Planning Proposal are based on the findings of the Cessnock Rural Lands Issues paper. This Paper was the result of a detailed review of the provisions contained in the LEP 2011 as they apply to rural lands, and the alignment of these with the strategic framework applying to Cessnock LGA. In accordance with the Department of Planning and Environment's "Guide to Preparing Planning Proposals", this section provides a response to the following issues:

- Section A: Need for Proposal;
- Section B: Relationship to Strategic Planning Framework;
- Section C: Environmental, Social and Economic Impact; and
- Section D: State and Commonwealth Interests

Section A: Need for the Planning Proposal

1 Is the planning proposal a result of an endorsed LSPS, strategic study or report?

This Planning Proposal is required to address the following Priorities of the Cessnock Local Strategic Planning Statement 2036

Planning Priority 1:	Our urban areas are compact.
Planning Priority 3	The character and vitality of our town centres and villages is protected and enhanced.
Planning Priority 5:	Infrastructure and services meet the needs of our community and are appropriately funded.
Planning Priority 6:	Rural residential, large lot residential development and environmental living are considered in limited and appropriate locations
Planning Priority 7:	Urban development is encouraged in areas with existing infrastructure.
Planning Priority 8:	Our rural land is protected from incompatible development.
Planning Priority 12	Our town centres are the focus of local commerce.
Planning Priority 22:	Our rural landscape is retained and enhanced.
Planning Priority 28:	Our commercial centres and villages are tourist destinations in their own right.
Planning Priority 29:	Our villages retain their unique qualities that reflect their histories.
Planning Priority 30:	Growth of our villages occurs in a way that protects their character and setting in the rural and environmental landscape and responds to risk of bushfire and flooding.

2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The objective of this Planning Proposal is to amend the LEP 2011 RU2 Rural Landscape Zone and RU5 Village land use tables and the maps accompanying the LEP in respect of various parcels of land in the LGA. A planning proposal is the only way for Council to achieve these objectives.

Section B: Relationship to Strategic Planning Framework

3 Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Hunter Regional Plan 2036

The Hunter Regional Plan (HRP) provides the overarching strategic framework to guide development, investment and planning within the Hunter region to 2036. The HRP sets the following regionally focused goals:

- The leading regional economy in Australia
- A biodiversity-rich natural environment
- Thriving communities
- Greater housing choice and jobs

The Planning Proposal is consistent with the following directions and/or actions of the HRP:

- Direction 10: Protect and enhance agricultural productivity
- Direction 13: Plan for greater land use compatibility

Direction 10 of the HRP identifies the need to protect locations that can accommodate agricultural enterprises from incompatible development. Many of the proposed amendments contained in this Planning Proposal apply to productive rural lands and seek to reinforce their productivity through protection from incompatible development.

Direction 13 of the HRP 2036 identifies the potential for compatibility issues to arise as a result of the continued growth of the Hunter region. This Planning Proposal seeks to amend the rural zone objectives land use tables of the LEP 2011, to prevent land uses which are likely to cause conflict in the rural zones and their surrounds.

Draft Hunter Regional Plan 2041

The draft Hunter Regional Plan was on public exhibition until 4 March 2022 and the planning proposal is required to consider the document.

The Planning Proposal is consistent with the following Strategies and Priorities of the draft Hunter Regional Plan 2041:

- Strategy 4.9: Dwellings on rural lands that are not a primary residence or associated with agriculture should be limited to avoid conflicts with agricultural activities
- Rural land should principally facilitate agriculture, given its importance to the regional economy.

Greater Newcastle Metropolitan Plan

The Greater Newcastle Metropolitan Plan (GNMP) sets out strategies and actions that will drive sustainable growth across Cessnock City, Lake Macquarie City, Maitland City, Newcastle City and Port Stephens, which together make up Greater Newcastle. The plan also helps to achieve the vision set in the Hunter Regional Plan 2036 for the Hunter to be the leading regional economy in Australia with a vibrant new metropolitan city at its heart.

The Planning Proposal is consistent with the following strategies and/or actions of the Greater Newcastle Metropolitan Plan:

- Strategy 13: Protect rural amenity outside urban areas
- Strategy 16: Prioritise the delivery of infill housing opportunities within existing urban areas

Strategy 13 recognises the importance of rural areas for agricultural production and highlights the need to protect these from urban development to sustain long-term agricultural viability. This Planning Proposal aligns with the Actions of the GNMP, by seeking to enable the growth of the agricultural sector by directing urban development away from rural areas and managing the number of new dwellings in rural areas.

Strategy 16 of the GNMP identifies the need to focus the delivery of housing within existing urban areas, where capacity already exists for substantial population growth. By limiting uses of a higher intensity in rural areas, this Planning Proposal encourages increased levels of development in our town centres and established urban areas.

4 Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Cessnock Local Strategic Planning Statement 2036 (LSPS)

The Cessnock Local Strategic Planning Statement 2036 (LSPS) establishes a 20-year vision for land use planning in the Cessnock LGA. The LSPS sets out the important character and values, which are to be preserved and establishes planning principles to manage land use planning in the future.

The planning proposal is consistent with the planning priorities and principles of the endorsed LSPS, notably Action 5, which outlines the need to review the LEP 2011 to bring about the following outcomes:

- To ensure that land-uses are compatible with the rural landscape.

Community Strategic Plan - Our People, Our Place, Our Future

The Cessnock Community Strategic Plan 2036 (CSP) was prepared in 2022 and identifies the community's main priorities and expectations for the future and ways to achieve these goals. The vision of the CSP is:

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 needs.

A range of strategic directions are provided which relate to the social, environmental and economic health, sustainability and prosperity of the Cessnock LGA. The Planning Proposal is consistent with the following themes of the CSP:

- Objective 3.1 – Protecting and enhancing the natural environment and rural character of the area
- Objective 5.2 – Encouraging more community participation in decision making

Objective 3.1 of the CSP focuses on the conservation and preservation of the natural environment and rural character while balancing the impact of development to ensure a

Page 18 of 30

sustainable and healthy community. The Planning Proposal seeks to apply appropriate land use zones to protect the character of our rural areas.

Objective 5.2 of the CSP focuses on involving the community in decision making processes affecting their future. Consultation is an important component of the Planning Proposal process and ensures outcomes align with the community's expectations in relation to recreation and open space areas and the environment.

5 Is the planning proposal consistent with any other applicable State and regional studies or strategies?

A 20-year Economic Vision for Regional NSW

The Economic Vision for Regional NSW seeks to drive sustainable, long term economic growth in regional NSW

The planning proposal is consistent with the principles of this strategy, notably:

- Principle 6: Recognising each region's strengths and underlying endowments
- Principle 7: Regulation and planning to promote commercial opportunities
- Principle 8: Sustainable economies and communities are better able to recover from shocks

State Emergency Management Plan (EMPLAN)

The State Emergency Management Plan (EMPLAN) provides a coordinated and comprehensive approach to emergency management in NSW. The Plan identifies the importance of land use planning in prevention of impacts of hazards on the community.

6 Is the planning proposal consistent with applicable SEPPs?

An assessment of relevant SEPPs against the planning proposal is provided in the table below.

Table 1: Relevant State Environmental Planning Policies

SEPP	Consistency and Implications
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Nothing in this Planning Proposal impacts on the operation of this SEPP
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Nothing in this Planning Proposal impacts on the operation of this SEPP
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Nothing in this Planning Proposal impacts on the operation of this SEPP
State Environmental Planning Policy (Housing) 2021	This Planning Proposal seeks to limit inappropriate forms of housing in rural areas, thereby promoting the planning and delivery of housing in urban locations where it will make good use of existing and planned infrastructure and services
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	Nothing in this Planning Proposal impacts on the operation of this SEPP
State Environmental Planning Policy (Planning Systems) 2021	Nothing in this Planning Proposal impacts on the operation of this SEPP

SEPP	Consistency and Implications
State Environmental Planning Policy (Primary Production) 2021	A key aim of this Planning Proposal is to reduce conflict between primary production and rural development, supporting sustainable agriculture. This Planning Proposal is supportive of the provisions of the Primary Production SEPP
State Environmental Planning Policy (Resilience and Hazards) 2021	Nothing in this Planning Proposal impacts on the operation of this SEPP
State Environmental Planning Policy (Resources and Energy) 2021	Nothing in this Planning Proposal impacts on the operation of this SEPP
State Environmental Planning Policy (Transport and Infrastructure) 2021	Nothing in this Planning Proposal impacts on the operation of this SEPP

7 Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

An assessment of relevant Section 9.1 Directions against the planning proposal is provided in the table below.

Table 2: Relevant Section 9.1 Ministerial Directions

Ministerial Direction		Consistency and Implications
Planning Systems		
1.1	Implementation of Regional Plans	Consistent. This Planning Proposal facilitates the implementation of the Hunter Regional Plan 2036.
1.2	Development of Aboriginal Land Council land	N/A
1.3	Approval and Referral Requirements	Consistent
1.4	Site Specific Provisions	N/A
Planning Systems – Place-based		
Design and Place		
Biodiversity and Conservation		
3.1	Conservation Zones	N/A
3.2	Heritage Conservation	N/A
3.5	Recreation Vehicle Areas	N/A
Resilience and Hazards		
4.1	Flooding	Consistent
4.2	Coastal Management	N/A
4.3	Planning for Bushfire Protection	Consistent
4.4	Remediation of Contaminated Land	Consistent
4.5	Acid Sulfate Soils	Consistent
4.6	Mine Subsidence and Unstable Land	Consistent
Transport and Infrastructure		
5.1	Integrating Land Use and Transport	Consistent
5.2	Reserving Land for Public Purposes	N/A
5.3	Development Near Regulated Airports and Defence Airfields	N/A
5.4	Shooting Ranges	Consistent
Housing		
6.1	Residential Zones	N/A

6.2	Caravan Parks and Manufactured Home Estates	Consistent. Caravan parks in RU2 zone are inconsistent with the zone objectives, the objectives contained in the Hunter Regional Plan 2036, Greater Newcastle Metropolitan Plan 2036, Draft Hunter Regional Plan 2041 and Cessnock LSPS. Caravan Parks and/or Manufactured Home Estates as a form of low cost housing are better suited in urban areas within proximity to existing centres, services and facilities. These are appropriately provided within other zones in the LGA.
Industry and Employment		
7.1	Business and Industrial Zones	N/A
Resources and Energy		
8.1	Mining, Petroleum Production and Extractive Industries	Consistent
Primary Production		
9.1	Rural Zones	Consistent. This Planning Proposal aligns with the objective of this direction, to protect the agricultural production value of rural land.
9.2	Rural Lands	Consistent. This Planning Proposal aligns with the following objectives of this direction: (a) protect the agricultural production value of rural land, (b) facilitate the orderly and economic use and development of rural lands for rural and related purposes, (c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State, (d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses, (e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land, (f) support the delivery of the actions outlined in the NSW Right to Farm Policy.
9.3	Oyster Aquaculture	N/A

Section C: Environmental, Social and Economic Impact

8 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The Planning Proposal will have no impact on threatened species or endangered ecological communities (EEC).

9 Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

The Planning Proposal will have no impact on environmentally sensitive land or endangered ecological communities (EEC).

10 Has the planning proposal adequately addressed any social and economic effects?

The planning proposal is unlikely to have any significant adverse social or economic impacts. This Planning Proposal seeks to facilitate the conduct of lawful agricultural practices without conflict or interference arising from complaints from neighbours and other land users, thereby strengthening the long term viability of agricultural enterprise and economic activity.

Although not included in the Planning Proposal, amendments are currently being made by the NSW Department of Planning and Environment (DPE) that are intended to provide sustainable long-term economic growth in rural zones. These changes will allow small-scale tourism and commercial uses related to primary production in rural zones under new land use terms including *farm experience premises* and *farm gate premises*. These land uses create the ability to operate cafes and hold functions, when connected to primary production activity carried out on a commercial farm.

Section D: Infrastructure (Local, State and Commonwealth)

11 Is there adequate public infrastructure for the planning proposal?

The Planning Proposal will not generate additional demands on public infrastructure and includes provisions to restrict higher intensity residential land uses in rural areas, thereby encouraging the planning and delivery of housing in urban locations where it will make good use of existing and planned infrastructure and services.

Section E: State and Commonwealth Interests

12 What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Council will undertake consultation with the following public authorities and the community as required by the Gateway determination:

- Mining, Exploration and Geoscience; and
- Department of Primary Industries.

PART 4: MAPS

The following LEP map sheets will be required to be amended as a result of the Planning Proposal

Note:

Map sheets marked with ‘^’ are proposed to be amended as a result of Item 3(a) - proposed removal of areas known as T2 and T3 from Lot Size Maps. See Appendix 4 for identification of land affected by this Item.

Map sheets marked with ‘#’ are proposed to be amended as a result of Item 4 - proposed mapping administrative amendments. See Item 4 on page 11 for identification of affected land.

Land Zoning Map

- LZN_003 #
- LZN_006B #
- LZN_009A #

Lot Size Map

All Cessnock LEP 2011 Lot Size Maps are proposed to be amended to remove reference to Clause 4.1 from the map legend. The following Lot Size Maps are proposed to be further amended, as noted above:

- LSZ_003 ^#
- LSZ_005 ^
- LSZ_005A ^
- LSZ_006B ^
- LSZ_006C ^#
- LSZ_006CA ^
- LSZ_006D ^#
- LSZ_008 ^
- LSZ_009 ^
- LSZ_009A ^#

PART 5: COMMUNITY CONSULTATION

Community consultation will be undertaken in accordance with the Gateway determination. This includes newspaper advertising and a Have Your Say engagement page on Council's website. The Planning Proposal will also be available for viewing in hard-copy at:

- Council's Administrative Building (Customer Service Section);
- Cessnock Public Library; and
- Kurri Kurri Public Library

The public exhibition period for this proposal lasted for more than the required 28 business days. Any views expressed in written submissions during the exhibition period will be considered by Council before a final decision is made on whether or not the draft plan should be made.

PART 6: PROJECT TIMELINE

It is estimated that the proposed amendment to the LEP 2011 will be completed by May 2023. Additional time has been added to the timeline taking into consideration the Christmas period and scheduling of Council meetings.

Table 3: Indicative project timeline.

Plan Making Stage		May 2022	June 2022	July 2022	Aug 2022	Sep 2022	Oct 2022	Nov 2022	Dec 2022	Jan 2023	Feb 2023	Mar-2023	Apr 2023	May 2023
STAGE 1	Submit to DPIE for Gateway Determination													
STAGE 2	Receive Gateway Determination													
STAGE 3	Preparation of documentation for Public Exhibition													
STAGE 4	Public Exhibition													
STAGE 5	Review/consideration of submission received													
STAGE 6	Report to Council													
STAGE 7	Forward Planning Proposal to DPIE with request the amendment be made													

Appendix 1: Council Report and Minutes (dates)

Report to Ordinary Meeting of Council – *20 April 2022*

Minutes of Ordinary Meeting of Council – *20 April 2022*

All Council reports and minutes are accessible from Council's website:
www.cessnock.nsw.gov.au/Council/Council-meetings/Minutes-and-agendas

Appendix 2: Rural Lands Issues Paper

CESSNOCK LOCAL ENVIRONMENTAL PLAN AND DEVELOPMENT CONTROL PLAN COMPREHENSIVE REVIEW

Rural Lands Issues Paper

INTRODUCTION.....	2
RELEVANT CESSNOCK LSPS 2036 PRIORITIES	2
RURAL ZONES.....	2
RU1 Primary Production	3
RU2 Rural Landscape.....	3
RU3 Forestry	4
RU4 Primary Production Small Lots.....	5
RU5 Village	6
RU6 Transition	7
ISSUES AND RECOMMENDATIONS	8
Land Use Zones.....	8
Land Use Tables.....	9
LEP Clauses	12
Local Environmental Plan Map Sheet Amendments.....	17
Cessnock Development Control Plan 2011.....	18
Appendix A – Existing and Proposed Rural Zones Land Use Table.....	22
Appendix B – Proposed LEP Map Sheet Anomalies	31

INTRODUCTION

The *Cessnock Local Environmental Plan 2011* (Cessnock LEP 2011) and Cessnock Development Control Plan 2010 (the Cessnock DCP 2010) contain provisions that guide development on rural land. However, the provisions of these policy documents are dated and must be reviewed to ensure consistency with the relevant rural priorities and principals contained in the Cessnock Local Strategic Planning Statement (LSPS) 2036 and other relevant local and regional plans and strategies.

Rural zones apply to many of the villages in Cessnock, much of the Vineyard's District, pasture and grazing land, areas of important scenic value, and state forest in the Cessnock Local Government Area (LGA).

Our rural land is important for regional employment, tourism and commerce, but is vulnerable to encroachment from urban forms of development and activities. A key challenge for rural land planning is protecting our important agricultural land and areas of significant rural amenity, while encouraging other non-agricultural development that also compete for the land. Immediate threats to our important agricultural land include fragmentation (by subdivision), urban encroachment and the cumulative impact of larger scale, non-agricultural development.

RELEVANT CESSNOCK LSPS 2036 PRIORITIES

The following Planning Priorities of the Cessnock Local Strategic Planning Statement 2036 are relevant to this comprehensive review of rural zoned land:

Planning Priority 1:	Our urban areas are compact.
Planning Priority 2:	Housing is diverse, adaptable and affordable and our urban areas facilitate affordable living.
Planning Priority 3:	The character and vitality of our town centres and villages is protected and enhanced.
Planning Priority 4:	Our community is safe, healthy and active.
Planning Priority 5:	Infrastructure and services meet the needs of our community and are appropriately funded.
Planning Priority 6:	Rural residential, large lot residential development and environmental living are considered in limited and appropriate locations
Planning Priority 7:	Urban development is encouraged in areas with existing infrastructure.
Planning Priority 8:	Our rural land is protected from incompatible development.
Planning Priority 9:	Our wine tourism industry is supported and enhanced
Planning Priority 11:	Our city has a defined hierarchy of commercial centres.
Planning Priority 12:	Our town centres are the focus of local commerce.
Planning Priority 22:	Our rural landscape is retained and enhanced.
Planning Priority 23:	The scenic and rural landscape of our Vineyards District is preserved.
Planning Priority 27:	Our region is internationally acclaimed for its events, festivals and hosting functions.
Planning Priority 28:	Our commercial centres and villages are tourist destinations in their own right.
Planning Priority 29:	Our villages retain their unique qualities that reflect their histories.
Planning Priority 30:	Growth of our villages occurs in a way that protects their character and setting in the rural and environmental landscape and responds to risk of bushfire and flooding.

RURAL ZONES

Land use zone objectives set out the overarching intent for development within each zone and provide guidance regarding forms of development that are appropriate and compatible with the intent of the zone. The SILEP lists mandated objectives for each zone; however, additional local objectives may be included if, in Council's opinion, the mandated objectives do not satisfactorily address the local intent of the zone.

The Cessnock LEP 2011 employs the following land use zones for rural land:

- RU2 Rural Landscape
- RU3 Forestry
- RU4 Primary Production Small Lots
- RU5 Village

The standard instrument LEP provides the following additional zones for rural land:

- RU1 Primary Production
- RU6 Transition

RU1 Primary Production

The NSW Department of Planning's Practice Note 11-002 states that the RU1 zone covers land used for most kinds of commercial primary industry production, including extensive agriculture, intensive livestock and intensive plant agriculture, aquaculture, forestry, mining and extractive industries. The zone is aimed at utilising the natural resource base in a sustainable manner. The zone is not a default zone for non urban land. The zone is allocated to land where the principal function is primary production.

In 2011, 'intensive livestock agriculture' and 'intensive plant agriculture' were added to the zone Direction to ensure these uses are included in the Land Use Table as either permitted with or without consent.

The mandated objectives of the RU1 zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

The following land uses must be included as either "Permitted without consent" or "Permitted with consent" in the zone:

- Environmental protection works
- Farm buildings
- Intensive livestock agriculture
- Intensive plant agriculture
- Roads
- Roadside stalls

The following land uses must be included as "Permitted without consent" in the zone:

- Extensive agriculture
- Home occupations

The following land uses must be included as "Permitted with consent" in the zone:

- Aquaculture
- Dwelling houses
- Extractive industries
- Open cut mining

There are no land uses that must be included as "Prohibited" in the zone.

RU2 Rural Landscape

The NSW Department of Planning's Practice Note 11-002 states that the RU2 zone is for rural land used for commercial primary production that is compatible with ecological or scenic landscape qualities that have been

conserved (often due to topography). It may apply to land that is suitable for grazing and other forms of extensive agriculture, or intensive plant agriculture (such as 'viticulture'), but where the permitted uses are usually more limited and differ from RU1 land due to landscape constraints. This zone is not to be used where the main purpose of the zone is to protect significant environmental attributes or to provide for rural residential accommodation.

The mandated objectives of the RU2 zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.

The current land use table for the RU2 zone is:

Mandated	Currently Permitted	Currently prohibited
Either with or without consent:	Without Consent:	<ul style="list-style-type: none"> • Boat building and repair facilities • Car parks • Charter and tourism boating facilities • Commercial premises • Depots • Entertainment facilities • Exhibition homes • Exhibition villages • Freight transport facilities • Health services facilities • Heavy industrial storage establishments • Heliports • Highway service centres • Home occupations (sex services) • Industrial retail outlets • Industrial training facilities • Industries • Marinas • Mooring pens • Moorings • Mortuaries • Passenger transport facilities • Recreation facilities (indoor) • Residential accommodation • Restricted premises • Sex services premises • Storage premises • Transport depots • Truck depots • Vehicle body repair workshops • Vehicle repair stations • Warehouse or distribution centres • Wharf or boating facilities • Wholesale supplies
<ul style="list-style-type: none"> • Environmental protection works • Farm buildings • Roads 	<ul style="list-style-type: none"> • Extensive agriculture (Mandated) • Home occupations (Mandated) • Horticulture 	
Without consent:	With Consent	
<ul style="list-style-type: none"> • Extensive agriculture • Home occupations 	<ul style="list-style-type: none"> • Aquaculture (Mandated) • Cellar door premises • Dual occupancies • Dwelling houses (Mandated) • Environmental protection works (Mandated) • Farm buildings (Mandated) • Health consulting rooms • Home industries • Hospitals • Neighbourhood shops • Pubs • Restaurants or cafes • Roads (Mandated) • Roadside stalls • Rural supplies • Self-storage units 	
With consent:	Any other development not otherwise specified	
<ul style="list-style-type: none"> • Aquaculture • Dwelling houses 		

RU3 Forestry

The NSW Department of Planning's Practice Note 11-002 states that the RU3 zone identifies and protects land that is to be used for long-term forestry use, such as State forests. Land which is to be used for private forestry may alternatively be zoned RU1 Primary Production zone or RU2 Rural Landscape.

The mandated objectives of the RU3 zone are:

- To enable development for forestry purposes.
- To enable other development that is compatible with forestry land uses.

The current land use table for the RU3 zone is:

Mandated	Currently Permitted	Currently prohibited
Either with or without consent:	Without consent:	Any other development not otherwise specified
<ul style="list-style-type: none"> • Roads 	<ul style="list-style-type: none"> • Uses authorised under the Forestry Act 2012 or under Part 5B (Private native forestry) of the Local Land Services Act 2013 (Mandated) 	
Without consent:	With consent:	
<ul style="list-style-type: none"> • Uses authorised under the Forestry Act 2012 or under Part 5B (Private native forestry) of the Local Land Services Act 2013 	<ul style="list-style-type: none"> • Aquaculture (Mandated) • Environmental facilities • Environmental protection works • Extensive agriculture • Extractive industries • Horticulture • Open cut mining • Recreation areas • Roads (Mandated) • Sawmill or log processing works 	
With consent:		
<ul style="list-style-type: none"> • Aquaculture 		

RU4 Primary Production Small Lots

The NSW Department of Planning's Practice Note 11-002 states that the RU4 zone (previously named Rural Small Holdings) is for land which is to be used for commercial primary industry production, including emerging primary industries and agricultural uses that operate on smaller rural holdings.

In 2011, the name of the zone was changed to clarify that it is a rural zone for agricultural uses, not a pseudo-residential zone. The objectives of the zone have been changed to encourage employment opportunities in relation to primary production on small lots and to minimise fragmentation and alienation of resource lands important for food security. The changed zone name, modified core zone objectives and additional mandated permissible uses ('intensive plant agriculture' and 'plant nursery') better reflect the intent of the zone – being an agricultural industry/food production focus and not a rural residential lifestyle zone.

The mandated objectives of the RU4 zone are:

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

The current land use table for the RU4 zone is:

Mandated	Currently Permitted	Currently prohibited
Either with or without consent:	Without consent:	<ul style="list-style-type: none"> • Hotel or motel accommodation
<ul style="list-style-type: none"> • Extensive agriculture • Farm buildings • Intensive plant agriculture • Roads • Roadside stalls 	<ul style="list-style-type: none"> • Extensive agriculture (Mandated) • Home occupations (Mandated) 	Any other development not otherwise specified
Without consent:	With consent:	
<ul style="list-style-type: none"> • Home occupations 	<ul style="list-style-type: none"> • Agricultural produce industries • Animal boarding or training establishments • Aquaculture (Mandated) 	

- With consent:
- Aquaculture
 - Dwelling houses
 - Plant nurseries
- Cellar door premises
 - Centre-based child care facilities
 - Community facilities
 - Dwelling houses **(Mandated)**
 - Environmental facilities
 - Environmental protection works
 - Farm buildings **(Mandated)**
 - Function centres
 - Home businesses
 - Home industries
 - Information and education facilities
 - Intensive plant agriculture **(Mandated)**
 - Neighbourhood shops
 - Plant nurseries **(Mandated)**
 - Respite day care centres
 - Restaurants or cafes
 - Roads **(Mandated)**
 - Roadside stalls **(Mandated)**
 - Rural supplies
 - Rural workers' dwellings
 - Secondary dwellings
 - Signage
 - Tourist and visitor accommodation
 - Waste or resource management facilities

RU5 Village

The NSW Department of Planning's Practice Note 11-002 states that the RU5 zone is a flexible zone for centres where a mix of residential, retail, business, industrial and other compatible land uses may be provided to service the local rural community. The RU5 zone would typically apply to small rural villages within rural areas.

The mandated objectives of the RU5 zone are:

- To provide for a range of land uses, services and facilities that are associated with a rural village.

The current land use table for the RU5 zone is:

Mandated	Currently Permitted	Currently prohibited
<ul style="list-style-type: none"> • Roads 	<p>Without Consent:</p> <ul style="list-style-type: none"> • Home occupations (Mandated) 	<ul style="list-style-type: none"> • Pond-based aquaculture
<p>Without consent:</p> <ul style="list-style-type: none"> • Home occupations 	<p>With Consent</p> <ul style="list-style-type: none"> • Bed and breakfast accommodation • Boarding houses • Business premises • Cemeteries • Centre-based child care facilities (Mandated) • Community facilities (Mandated) • Crematoria • Dwelling houses (Mandated) • Educational establishments • Entertainment facilities • Environmental facilities • Environmental protection works 	<p>Any other development not otherwise specified</p>
<p>With consent:</p> <ul style="list-style-type: none"> • Centre-based child care facilities • Community facilities • Dwelling houses • Neighbourhood shops • Oyster aquaculture • Places of public worship • Recreation areas • Recreation facilities (indoor) • Recreation facilities (outdoor) • Respite day care centres • Schools 		

- Tank-based aquaculture
- 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 **(Mandated)**
- Oyster aquaculture **(Mandated)**
- Passenger transport facilities
- Places of public worship **(Mandated)**
- Recreation areas **(Mandated)**
- Recreation facilities (indoor) **(Mandated)**
- Recreation facilities (outdoor) **(Mandated)**
- Registered clubs
- Respite day care centres **(Mandated)**
- Roads **(Mandated)**
- Roadside stalls
- Rural supplies
- Schools **(Mandated)**
- Secondary dwellings
- Semi-detached dwellings
- Seniors housing
- Service stations
- Sewerage systems
- Shops
- Tank-based aquaculture **(Mandated)**
- Vehicle repair stations
- Veterinary hospitals

RU6 Transition

The NSW Department of Planning's Practice Note 11-002 states that the RU6 zone is to be used in special circumstances only in order to provide a transition between rural land uses (including intensive agriculture, landfills, mining and extractive industries) and other areas supporting more intensive settlement or environmental sensitivities. This zone is not to be used to identify future urban land. Councils intending to use this zone should approach the Department of Planning at the earliest opportunity during LEP preparation to determine whether or not it is appropriate in each particular instance.

The mandated objectives of the RU6 zone are:

- To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

The following land uses must be included as either "Permitted without consent" or "Permitted with consent" in the zone:

- Roads

The following land uses must be included as “Permitted with consent” in the zone:

- Dwelling houses
- Oyster aquaculture
- Tank-based aquaculture

The following land uses must be included as “Prohibited” in the zone:

- Pond-based aquaculture

ISSUES AND RECOMMENDATIONS

Land Use Zones

Issue 1: Application of RU1 Primary Production Zone to identify and protect important Agricultural Land	
Issue Summary	The RU2 Rural Landscape Zone was adopted in the LEP to recognise the important scenic amenity and local character that is provided by rural land in the Cessnock LGA outside the Vineyards District. The RU2 Zone was applied to acknowledge that the preeminent value of the rural land in the LGA is its landscape appeal, rather than its ability to be used for broad acre farming. However, there may be rural land in the LGA that is more highly regarded for its primary production potential, rather than its landscape appeal or amenity. It may be appropriate to zone this land RU1 Primary Production.
Consideration	<p>The RU2 Rural Landscape Zone applies to the majority of rural land in the Cessnock LGA with the exception being the Cessnock Vineyard’s District (zoned RU4 Primary Production Small Lots), areas of state forest (zoned RU3 Forestry), and a number of the smaller settlements in the LGA (zoned RU5 Village).</p> <p>Applying a RU1 Primary Production Zone to certain rural land in the LGA may:</p> <ul style="list-style-type: none"> • assist in preserving important agricultural land in the Cessnock LGA for primary production; • prevent further fragmentation of important agricultural land; and • prohibit forms of non-agricultural development that conflict with the core primary production objectives of the zone. <p>The major concern with this approach is the lack of reliable data to identify lands of important agricultural value in the LGA. Applying a RU1 Primary Production Zone to the Cessnock Vineyards District may also result in further inconsistencies between the Pokolbin, Broke and Fordwich wine growing areas, where Cessnock and Singleton councils have jointly adopted the RU4 Primary Production Small Lots Zone.</p> <p>Cessnock Council has recently commenced a project to identify important views, landscapes and agricultural land in the LGA. Once completed, this project will provide guidance as to where a RU1 Zone could be applied in the LGA.</p>
Recommendation	<ul style="list-style-type: none"> • Council finalise the important views, landscapes and agricultural land mapping project and carry out further consultation through a planning proposal to determine whether there is merit in applying an RU1 Primary Production Zone to important agricultural land in the Cessnock LGA. • That Council retain the RU2 Rural Landscape Zone and RU4 Primary Production Small Lots Zone until the important views, landscapes and agricultural land mapping project is complete.

Issue 2: Application of RU6 Transition Zone to buffer rural land and environmental land	
Issue Summary	Action 5 of the Cessnock Local Strategic Planning Statement (LSPS) is to investigate the merit of introducing a RU6 Transition Zone to buffer the LGA's rural and environmental land.
Consideration	<p>A key challenge for rural land planning is protecting our important agricultural land and areas of significant rural amenity, while balancing other economic interests that vie for the land. This is particularly true in relation to rural and environmental land on the fringe of our existing urban settlements, as it is often this land that is considered first for urban growth.</p> <p>There are several drawbacks to the use of the RU6 Transition Zone to buffer land. Foremost among these is the extent of land in the LGA that would need to be rezoned to provide an effective buffer. DPIE Practice Note PN11-002 outlines that the RU6 Transition Zone "is to be used in special circumstances only in order to provide a transition between rural land uses (including intensive agriculture, landfill, mining and extractive industries) and other areas supporting more intensive settlement or environmental sensitivities. This zone is not to be used to identify future urban land."</p> <p>There are no specific areas of intensive agricultural, landfill, mining or extractive industry developments in the Cessnock LGA that are of a scale that would warrant the application of the RU6 Transition Zone to buffer the development.</p>
Recommendation	That Council not adopt the RU6 Transition Zone.

Land Use Tables

Zone land use tables list the various forms of development that are considered to be appropriate and compatible with the objectives of the zone. The SILEP mandates certain uses as permissible or prohibited in each zone; however, additional land uses may be included if, in Council's opinion, the mandated uses do not satisfactorily address the local intent of the zone.

Issue 3: Comprehensive review of rural land use zone objectives	
Issue Summary	Comprehensively review the rural zone objectives to ensure that each objective is consistent with the local intent of the zone and the NSW Department of Planning's Practice Notes 11-002 and 22-002.
Consideration	The recommended land use amendments within each zone have been considered in the evaluation of the rural zone objectives.
Recommendation	See amendments outlined in the schedule of amendments to the land use zone objectives below.

Schedule of amendments to land use zone objectives

<u>Existing Objectives</u>	<u>Proposed Objectives</u>	<u>Reason</u>
RU2 Rural Landscape Zone		
• To encourage sustainable primary industry production by	• To encourage sustainable primary industry production by	• No change – this is a mandatory objective

<i>maintaining and enhancing the natural resource base (M).</i>	<i>maintaining and enhancing the natural resource base (M).</i>	
• To maintain the rural landscape character of the land (M).	• To maintain the rural landscape character of the land (M).	• No change – this is a mandatory objective
• To provide for a range of compatible land uses, including extensive agriculture (M).	• To provide for a range of compatible land uses, including extensive agriculture (M).	• No change – this is a mandatory objective
• To enable other forms of development that are associated with rural activity and require an isolated location or support tourism and recreation.	• To enable other compatible forms of development associated with rural activity that require an isolated location or support tourism and recreation.	• Tourist uses in the RU2 zone are inconsistent with LSPS planning priorities 8, 11, 12 & 22. The use has the potential to intensify land use conflict on rural land.
• To ensure that the type and intensity of development is appropriate in relation to the rural capability and suitability of the land, the preservation of the agricultural, mineral and extractive production potential of the land, the rural environment (including scenic resources) and the costs of providing services and amenities.	• To ensure that the type and intensity of development is appropriate in relation to the rural capability and suitability of the land, the preservation of the agricultural, mineral and extractive production potential of the land, the rural environment (including scenic resources) and the costs of providing services and amenities.	• Repetition of other objectives is removed
• To maintain and enhance the scenic character of the land.	• Delete objective.	• This is a repetition of other objectives
• To ensure that development does not create unreasonable or uneconomic demands for the provision or extension of services.	• To ensure that development does not create unreasonable or uneconomic demands for the provision or extension of services or infrastructure by public authorities	• Clarification of intent. Recognition that the level of infrastructure provision in RU2 zone may be incompatible with some land uses.
• To minimise the visual impact of vegetation clearing in order to be consistent with the rural character of the locality.	• Delete objective	• This is a repetition of other objectives
• To minimise disturbance to the landscape from development through clearing, earthworks, access roads and construction of buildings.	• To minimise disturbance to the landscape from development through vegetation clearing, earthworks, access roads and construction of buildings.	• Clarification
• To ensure development does not intrude into the skyline when viewed from a road or other public place.	• To ensure development does not intrude into the skyline when viewed from a road or other public place.	• No change

RU3 Forestry Zone		
• To enable development for forestry purposes (M).	• To enable development for forestry purposes (M).	• No change – this is a mandatory objective
• To enable other development that is compatible with forestry land uses (M).	• To enable other development that is compatible with forestry land uses (M).	• No change – this is a mandatory objective
RU4 Primary Production Small Lots Zone		
• To enable sustainable primary industry and other compatible land uses (M).	• To enable sustainable primary industry and other compatible land uses (M).	• No change – this is a mandatory objective
• To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature (M).	• To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature (M).	• No change – this is a mandatory objective
• To minimise conflict between land uses within this zone and land uses within adjoining zones (M).	• To minimise conflict between land uses within this zone and land uses within adjoining zones (M).	• No change – this is a mandatory objective
• To maintain prime viticultural land and enhance the economic and ecological sustainability of the vineyards district.	• To maintain prime preserve important viticultural land and enhance the economic and ecological sustainability of the vineyards district.	• To reflect Council's preferred terminology for land that is highly valued for its primary production potential.
• To encourage appropriate tourist development (including tourist-related retail) that is consistent with the rural and viticultural character of the vineyards district.	• To encourage appropriate tourist development (including tourist-related retail) that is consistent with the rural and viticultural character of the vineyards district.	• To reflect the objective of the Planning Proposal to encourage tourist-related retail to within a proposed 'Tourist Centre' to be zoned SP3 Tourist, at the intersection of Broke Road and McDonalds Road in Pokolbin.
• To enable the continued rural use of land that is complementary to the viticultural character of the land.	• To enable the continued rural agricultural use of land that is complementary to the viticulture al character of the land .	• To ensure the objective addresses defined land uses (i.e. agriculture and viticulture) in the LEP.
RU5 Village Zone		
• To provide for a range of land uses, services and facilities that are associated with a rural village (M).	• To provide for a range of land uses, services and facilities that are associated with a rural village (M).	• No change – this is a mandatory objective
• To ensure that development is compatible with the amenity, functioning and scale of a rural village.	• To ensure that development is compatible with the amenity, functioning character and scale of a rural village.	• This is to promote consistency with LSPS Planning Priority 3: The character and vitality of our town centres and villages is protected and enhanced

Issue 4: Comprehensive review of permissible land uses in rural zones	
Issue Summary	<p>Action 5 of the Cessnock LSPS is to review the Cessnock LEP to:</p> <ul style="list-style-type: none"> - ensure land uses are compatible with the rural landscape; - ensure land uses in the Vineyard District are compatible with the scenic rural character of the area and the long-term economic sustainability of the District; - provide flexibility for new tourism development in suitable locations; - ensure permitted development is consistent with the objectives of each zone; - identify lands that may be suitable for renewable energy projects; - investigate options to add scenic protection controls; - ensure permitted land uses are compatible with the rural character and amenity of the Vineyards District; - ensure that major events are permitted in strategic centres and other suitable locations; - enable land uses that support events, such as tourist and visitor accommodation, function centres, to be permissible in strategic centres and other suitable locations; - ensure permitted development is consistent with the objectives of the RU5 Village Zone; and - consider if dual occupancies and multi-unit dwellings are appropriate in the villages.
Consideration	Detailed consideration of land uses in rural zones is provided in Appendix A to this paper.
Recommendation	Proposed amendments to permissible uses in rural zones are detailed in Appendix A to this paper.

LEP Clauses

Issue 5: Comprehensive review of existing Local Environmental Plan clauses relating to rural zones	
Cl.4.1 Minimum subdivision lot size	<p><u>Issue:</u></p> <ul style="list-style-type: none"> • Cl.4.1(4A) establishes a minimum lot size for land that is not serviced by reticulated water or sewerage and is applied (through the LEP lot size map) to land in Zone RU5 (T2) and Zone R5 (T3). However, in many situations, the minimum lot size set out in cl.4.1(4A)(b) of 2,000m² is not sufficient for onsite wastewater management. • Cl.4.1(4A) could be redrafted in a manner that is not reliant on the LEP lot size map. <p><u>Consideration:</u></p> <p>Council's environmental staff have indicated that a minimum subdivision lot size of at least 4,000m² is necessary to site a dwelling, ancillary structures (e.g. shed and pool), hardstand (e.g. driveway) and an onsite wastewater management system on a lot that is reasonably flat and unconstrained.</p> <p>However, additional lot area may be required in relation to allotments that are constrained in terms of topography, natural hazards, or environmental considerations.</p> <p><u>Recommendation:</u></p>

	<p>Delete cl.4.1(4A) and include a new local clause with the following effect:</p> <p>(X) Minimum subdivision lot size for land that is not serviced by reticulated sewer</p> <p>(1) Despite clause 4.1(3), Development consent must not be granted to subdivide land that is not serviced by a reticulated sewer service, unless:</p> <p>(a) the size of each resulting lot is not less than 4,000m² or the minimum size shown on the Lot Size Map in relation to that land, whichever is greater, and</p> <p>(b) the consent authority is satisfied that all resulting lots are suitable for onsite wastewater management.</p> <p>(2) This clause applies despite clause 4.1AA and 4.2B.</p>
Cl.4.1AA Minimum lot size for community title schemes	This clause is optional and is not proposed to be amended.
Cl.4.1B Minimum lot sizes for certain split zones	<p>This clause is optional and is not proposed to be amended.</p> <p>There is no utility including Zone RU3 Forestry or Zone RU4 Primary Production Small Lots in cl.4.1B(3)(a)(ii), as there are no properties in the LGA that are split zoned RU3 or RU4 and a residential, business or industrial zone, or Zone RU5 Village.</p>
Cl.4.2 Rural Subdivision	This clause is mandatory and must be retained.
Cl. 4.2A Erection of dwelling houses on land in certain residential, rural and environmental protection zones	This clause is optional and will be subject to a separate recommendations paper relating to dwelling entitlements.
Cl.4.2B Minimum subdivision lot size for strata plan schemes in certain rural or environmental protection zones	This clause is optional and is not proposed to be amended.
Cl.4.2C Boundary adjustments in certain rural and environment protection zones	This clause is optional and is not proposed to be amended.
Cl.4.3 Height of buildings	This clause is optional and is not proposed to be amended.
Cl.4.6 Exceptions to development standards	<p>This clause is mandatory.</p> <p><u>Issue:</u></p> <p>This paper recommends the insertion of a new clause regulating the minimum subdivision lot size for land that is not serviced by reticulated sewer (see recommendation for cl.4.1). Council's environmental staff have indicated that there should</p>

	<p>be no flexibility to vary the clause as it would undermine its intent.</p> <p><u>Consideration:</u></p> <p>Cl.4.6(8) specifies particular clauses that may not be contravened in the issuing of a development consent.</p> <p><u>Recommendation:</u></p> <p>Include reference to the new clause regulating the minimum subdivision lot size for land that is not serviced by reticulated sewer in cl.4.6(8)</p>
Cl.5.3 Development near zone boundaries	<p><u>Issue:</u></p> <p>Action 5 of the Cessnock LSPS is to review Cl.5.3 of the Cessnock LEP to investigate the inclusion of all rural zones.</p> <p><u>Consideration:</u></p> <p>Clause 5.3 provides flexibility for a consent authority to consider a use that is permitted in the adjacent land use zone if that use will enable a more logical and appropriate development of the site. The clause does not currently apply to land in zone RE1, E1, E2, E3 or W1</p> <p><u>Recommendation:</u></p> <p>This clause is optional and is not proposed to be amended. The clause already applies to rural zones.</p>
Cl.5.4 Controls relating to miscellaneous uses	<p>This clause is mandatory and is not proposed to be amended.</p>
Cl.5.5 Controls relating to secondary dwellings on land in a rural zone	<p>This clause is optional and regulates the scale and location of secondary dwellings on land in a rural zone.</p> <p>Council separately resolved on 19 May 2021 (see PE26/2021) to advise DPIE that it would like to adopt cl.5.5.</p> <p>This paper makes no further recommendations regarding the clause as it is the subject of a separate process that is being finalised by DPIE.</p>
Cl.5.13 Eco-tourist facilities	<p>This clause is mandatory and is to be retained.</p>
Cl.5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones	<p>This clause is mandatory and is to be retained.</p>
Cl.5.18 Intensive livestock agriculture	<p>This clause is mandatory and is to be retained.</p>
Cl.5.19 Pond-based, tank-based and oyster aquaculture	<p>This clause is mandatory and is to be retained.</p>

Cl.5.20 Standards that cannot be used to refuse consent – playing and performing music	This clause is mandatory and is to be retained.
Cl.5.21 Flood Planning	This clause is mandatory and is to be retained.
Cl.5.22 Special flood considerations	<p>This clause is optional and relates to hazardous or sensitive development (as defined in the clause) that is proposed to be located between the Flood Planning Level and Probable Maximum Flood.</p> <p>Council separately resolved on 20 October 2021 (see PE56/2021) to advise DPIE that it would like to 'opt in' to cl.5.22, including the full list of hazardous or sensitive development types set out in sub-clause (5).</p> <p>This paper makes no further recommendations regarding the clause as it is the subject of a separate process that is being coordinated by DPIE.</p>
Cl.7.6 Tourist and visitor accommodation in certain rural and environmental zones	<p><u>Issue:</u></p> <p>The clause establishes a minimum lot size of 10 hectares for tourist and visitor accommodation in certain rural and environmental zones (i.e. Zone RU2, RU4 and E2) and is optional.</p> <p>The figure of 10ha appears to be arbitrary, and the siting, design and impact of tourist and visitor accommodation might be better managed through:</p> <ul style="list-style-type: none"> • design controls in the Cessnock DCP; and/or • reviewing the Zone RU2 and Zone RU4 land use tables in the LEP to prohibit forms of tourist and visitor accommodation that in fact conflict with the overall primary production and environmental objectives of the zones. <p><u>Consideration:</u></p> <p>Available options include retaining, amending or deleting the clause.</p> <p>The value of retaining the clause for Zone RU4 is considered low. The clause only applies to a small percent (6.5%) of allotments in Zone RU4, and these are scattered throughout the Vineyards District.</p> <p>The value of retaining the clause for Zone RU2 is also considered low. More intense forms of tourist and visitor accommodation (e.g. hotel or motel accommodation and serviced apartments) are proposed to be prohibited in Zone RU2 (see Issue 4).</p> <p>Amending the clause (e.g. to increase the nominated minimum lot size for tourist and visitor accommodation) may result in unforeseen consequences, including restricting tourist</p>

	<p>and visitor accommodation on allotments that may otherwise be capable of hosting that land use.</p> <p>Deleting the clause and including additional controls in the DCP to better manage the design, density and built form of tourist and visitor accommodation is likely to provide the consent authority the most discretion as to how and where tourist and visitor accommodation may be sited in the LGA.</p> <p><u>Recommendation:</u></p> <ul style="list-style-type: none"> Delete cl.7.6 and incorporate design principals and controls for tourist and visitor accommodation in the Cessnock DCP. Review the Zone RU2 and Zone RU4 land use tables in the LEP to prohibit forms of tourist and visitor accommodation that are likely to conflict with the overall primary production and environmental objectives of the zones.
Cl.7.7 Subdivision of land at Lovedale Road, Keinbah	This clause is optional and not proposed to be amended.
Cl.7.8 Strata title subdivision of land at Lovedale	This clause is optional and not proposed to be amended.
Cl.7.9 Strata or community title subdivision of land at Pokolbin	This clause is optional and not proposed to be amended.
Cl.7.13 Dual occupancies on land in Zone RU2	<p><u>Issue:</u></p> <p>This clause is optional and is not required if the dual occupancy land use is prohibited in Zone RU2 Rural Landscape (See Issue 4).</p> <p><u>Consideration:</u></p> <p>In the RU2 Zone, dual occupancies are considered to be inconsistent with LSPS planning priorities 6, 7, 8 & 22. The use has the potential to intensify land use conflict on rural land. Secondary dwellings are proposed as an alternative to dual occupancies in the RU2 Zone and will be regulated pursuant to Clause 5.5 of the LEP and the provisions of the DCP.</p> <p><u>Recommendation:</u></p> <p>Delete cl.7.13</p>
Cl.7.14 Essential Services	<p>This clause is optional.</p> <p><u>Recommendation:</u></p> <ul style="list-style-type: none"> Include Zone R5 Large Lot Residential, Zone RU4 Primary Production Small Lots and Zone RU5 Village in existing cl.7.14
Cl.7.15 Groundwater Vulnerability	This clause is optional and is not proposed to be amended.

Schedule 1 – Additional Permitted Uses	This clause is not proposed to be amended.
Schedule 2 – Exempt Development	This schedule is to be retained without amendment.
Schedule 3 – Complying Development	This schedule is to be retained without amendment.

Issue 6: Local Character Area Clause for Cessnock Vineyards District	
Issue Summary Consideration	<p>(X) Local character area</p> <p>(1) The objectives of this clause are as follows –</p> <p>(a) to identify the Cessnock Vineyard District Local Character Area,</p> <p>(b) to promote the desired future character of the Cessnock Vineyard District Local Character Area.</p> <p>(2) The local character and desired future character for the Cessnock Vineyard District Local is specified chapter XX of the Cessnock Development Control Plan published by Cessnock City Council on [insert the date of publication].</p> <p>(3) Development consent must not be granted to development on land in a local character area unless the consent authority has taken into account the Local Character Areas Statement for the land.</p> <p>(4) In this clause—</p> <p>local character area means land identified as “local character area” on the Local Character Areas Map</p>

Local Environmental Plan Map Sheet Amendments

Issue 6: Review the LEP maps relating to rural zones	
Issue Summary	<p>Action 5 of the Cessnock LSPS is to review the Cessnock LEP maps to:</p> <ul style="list-style-type: none"> - consider the rural zoning at Edden Street Bellbird; - consider the extent and application of the RU4 Primary Production Zone; - review the minimum lot sizes applicable to rural zones to avoid fragmentation of rural land; - provide minimum lot sizes in the RU5 Village Zone that promote higher density and housing diversity where reticulated sewer and water are connected and the site is not otherwise constrained; and - update the LEP Dwelling Entitlements Map to include parcels of land that have been identified as having an entitlement.
Consideration	<ul style="list-style-type: none"> • The Cessnock Urban Growth Management Plan (UGMP) was adopted by Council on 17 March 2021 to guide the location and timing for the release of rezoned land for urban growth. As such, upzoning two or more adjacent, rurally zoned properties, located in an UGMP investigation area will not be considered in the Comprehensive LEP review. Such proposals will be subject to a separate planning proposal in accordance with the principals of the UGMP. • Rezoning of rural land for infill development will not be considered as a component of the Comprehensive LEP review, other than to address minor anomalies in the planning instrument.

- The RU4 Primary Production Small Lots Zone should be extended to include any Zone RU2 land that is adjacent to the Cessnock Vineyards District, which demonstrates the key characteristics and amenity of the Vineyards District, e.g. vineyards land use combined with boutique tourist development or accommodation.
- It is appropriate to retain the existing Zone RU2 and Zone RU4 lot size of 40 hectares to protect the rural character and amenity of the land and prevent further fragmentation.
11
- The lot size associated with Zone RU5 is 750m² in the Cessnock LGA. It is appropriate to retain the existing Zone RU5 lot size of 750m² to protect the established character of the Cessnock villages.
Note:
 - Refer to Issue 4 for review of permissible uses in the Zone RU5.
 - Refer to Issue 5 for review of minimum lot size for land in Zone RU5 that is not serviced by reticulated water or sewer.
- Discussion relating to cl.4.2A of the LEP and the dwelling entitlement map will be the subject of a separate recommendations paper.
- Due to site specific land constraints, e.g. flooding, biodiversity and/or lack of infrastructure (road, water, sewer) etc., and/or the size of the holdings, and/or the principles contained in Council's UGMP, certain rural land has not been included in this review, including the following land, which should be subject to a site specific planning proposal, initiated by the land owner:
 - Paper subdivisions.
 - Rural land in the vicinity of 141 Mount View Road Cessnock.
 - Rural land on either side of Edden Street Bellbird.
 - Rural land at 287 Vincent Street Cessnock.
 - Rural land in the vicinity of Colliery Street Abermain
 - Rural land in the vicinity of Old school Hill Private Access Abermain
 - Rural land at 528 and 532 Main Road Cliftleigh
 - Rural Land in the vicinity of Elderslie Road East Branxton

Proposed amendments to permissible uses in rural zones are detailed in Appendix B to this paper.

Cessnock Development Control Plan 2011

Issue 7: Complexity of rural planning provisions in the Cessnock DCP 2010	
Issue Summary	A review of the rural land chapters of the DCP is needed to determine whether the number of rural chapters can be reduced, and to minimise the overall complexity of the rural planning framework.
Consideration	<p>There are currently seven chapters of the Cessnock Development Control Plan (DCP) 2010 that specifically relate to rural land:</p> <ul style="list-style-type: none"> • C4 – Land Use Conflict and Buffer Zones • D4 – Purpose-Built Rural Tourist Accommodation • D6 – Poultry Farms Neighbouring Land Uses

Recommendation	<ul style="list-style-type: none"> • D7 – Construction of Dams • D8 – Temporary Event • E3 – Vineyards District • E4 – Stanford Main <ul style="list-style-type: none"> • Draft a new 'Rural Lands' chapter of the DCP to provide guidance in relation to development in rural zones. The new Rural Lands chapter will combine existing chapters D4 Purpose-Built Rural Tourist Accommodation, D7 Construction of Dams and D8 Temporary Event. • Review and combine chapters C4 Land Use Conflict and Buffer Zones and D6 Poultry Farms Neighbouring Land Uses. • Draft a new Vineyards District DCP chapter • Review chapter E4 Stanford Main.
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Issue 7: Comprehensive review of the Development Control Plan chapters relating to rural land	
Issue:	Recommendation:
<p>Action 6 of the Cessnock LSPS is to review the Cessnock Development Control Plan (DCP) to:</p> <ul style="list-style-type: none"> - Ensure the preservation of green corridors and water sensitive urban design principles. - Include development controls for dual occupancy and medium-density development that maintains the neighbourhood character. - Ensure objectives and controls appropriately reflect the different character areas within the Vineyards District. - Ensure higher risk non-agricultural land uses are managed appropriately. - Introduce effective buffer distances to protect existing and potential rural land uses from incompatible development - Ensure objectives and controls are sufficiently robust to protect important agricultural activities from inappropriate development, including urban encroachment, land fragmentation and 	<p>Include biodiversity corridor mapping in the Vineyards District Local Character Statement and DCP.</p> <p>Address biodiversity corridors in the Rural Land DCP chapter. It is recommended to prohibit dual occupancies in all rural zones. Dual occupancies are an urban form of development that increase the risk of land use conflict (see Issue 3).</p> <p>As an alternative to dual occupancies, it is recommended to permit secondary dwellings in rural zones. Development standards for secondary dwellings in rural zones are contained in cl.5.5 of the LEP.</p> <p>Finalise the Local Character Statement and Development Control Plan for the Cessnock Vineyards District.</p> <p>Detailed consideration of land uses in rural zones is provided in Schedule 1 to this paper (see Issue 4).</p> <p>Where necessary, incorporate development controls in the DCP to manage remaining permissible land uses that have the potential to create significant land use conflicts in rural zones. Review and update Chapter C4 of the DCP regarding land use conflict and buffer zones.</p> <p>Detailed consideration of land uses in rural zones is provided in Schedule 1 to this paper (see Issue 4).</p> <p>Where necessary, incorporate development controls in the DCP to manage remaining permissible land uses that have the potential to create significant land use conflicts in rural zones.</p>

<p>inappropriate forms of residential and tourism development.</p> <ul style="list-style-type: none"> - Provide clear development standards for the range of non-agricultural development that is permitted in the Vineyards District. - Provide guidance on appropriate design and building in rural and other sensitive areas. - Include best practice policies for subdivision and development. - Include controls relating to rehabilitation and remediation of degraded land. - Include development controls that minimise the impact of urban development at the rural – urban interface. - Identify visually significant views and tree-lined local roads and provide controls to protect these assets. - Ensure an appropriate level of protection for each 'character area' with the Vineyards District. - Ensure the 'Significant Areas' map provides sufficient protection to valuable landscape elements. - Ensure that eco-tourism is sensitively designed and minimises environmental impact. <p>Action 23 of the Cessnock LSPS is to investigate a precinct planning approach for the rural and environmental areas to reflect the different character and capabilities of land across the region.</p> <p>Action 26 of the Cessnock LSPS is to Investigate policy options to protect the region's productive agricultural land from fragmentation and inappropriate development.</p> <p>Action 27 of the Cessnock LSPS is to Investigate the viability of new and emerging agricultural industries and how to support diversification of the sector through local planning policies.</p>	<p>Finalise the Local Character Statement and Development Control Plan for the Cessnock Vineyards District.</p> <p>Matter for consideration in the design standards of the forthcoming Rural Lands DCP chapter.</p> <p>Matter for consideration in the design standards of the forthcoming Rural Lands DCP chapter.</p> <p>Matter for consideration in the design standards of the forthcoming Rural Lands DCP chapter.</p> <p>Finalise the important views and agricultural land mapping project and, where necessary, incorporate development controls in the DCP to protect these significant areas.</p> <p>To be considered in the Local Character Statement and Development Control Plan for the Cessnock Vineyards District.</p> <p>Finalise the important views and agricultural land mapping project and, where necessary, incorporate development controls in the DCP to protect these significant areas. Eco-tourism development is subject to the provisions of cl.5.13 of the LEP.</p> <p>Consider whether additional controls are worthwhile in the forthcoming Rural Land DCP chapter that are specific to eco-tourist facilities.</p> <p>To be considered in the Local Character Statement and Development Control Plan for the Cessnock Vineyards District.</p> <p>Finalise the village character statements and, where necessary, incorporate development controls in the DCP to protect important village characteristics.</p> <p>Finalise the important views and agricultural land mapping project and, where necessary, incorporate development controls in the DCP to protect these significant areas (see also Issue 1).</p> <p>Finalise the important views and agricultural land mapping project and, where necessary, incorporate development controls in the DCP to protect these significant areas (see also Issue 1).</p> <p>Matter for consideration in the design standards of the forthcoming Rural Lands DCP chapter.</p>
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**Action 28 of the Cessnock LSPS is to
prepare a Rural Lands Policy.**

Prepare a 'Rural Land' chapter of the DCP to provide guidance regarding development in rural zones. The Rural Lands chapter will combine existing chapters D4 Purpose-Built Rural Tourist Accommodation, D7 Construction of Dams and D8 Temporary Event (see Issue 7).

**Strengthen controls relating to the
siting of onsite wastewater treatment
systems.**

Include development objectives and controls in the Rural Land DCP chapter relating to onsite wastewater treatment systems, including controls addressing the following matters:

- The need for detailed wastewater management reports considering the inherent conditions and constraints of the site with regard to the suitability of onsite sewage management.
- Conceptual design for onsite sewage management in accordance with the requirements and best practice recommendations of the environmental and health protection guidelines for onsite sewage management and Australian Standard 1547.
- Site coverage provisions for Zone R5 Large Lot Residential and Zone RU5 Village.
- Prohibit 'pump out' sewage treatment devices in new and existing areas.
- Strengthen reference to sewer availability and the requirement to connect in the DCP if reticulated sewer is within 2km from the development boundary and the proposed subdivision is over 5 lots. Exemptions may include:
 - If a comparison of reticulated sewerage to on-site wastewater option is undertaken on the basis of ecological sustainability and public health impacts, and the full range of benefits and constraints; and
 - the size of the resulting lots is not less than 4,000m², and
 - the consent authority is satisfied that the size and configuration of the resulting lots is suitable for onsite wastewater treatment.

Appendix A – Existing and Proposed Rural Zones Land Use Table

All SILEP defined land uses are listed in the table below and were reviewed for their compatibility with the RE1 Public Recreation and RE2 Private Recreation Zone objectives. Land uses outlined **RED** in the table below are recommended changes to the land use matrix.

Cessnock Local Environmental Plan 2011												
Rural Zone Land Use Matrix		Rural Landscape (Existing)	Rural Landscape (Proposed)	Reason		Reason		Reason		Reason		
Legend o permitted without consent [mandated under the SI]. o permitted without consent. c permitted with consent [mandated under the SI]. c permitted with consent. x prohibited [mandated under the SI]. x prohibited. A permitted under SEPP (Affordable Rental Housing) 2009. I permitted under SEPP (Infrastructure) 2007. E permitted under SEPP (Educational Establishments and Child Care Facilities) 2017. fill colours in green or red mandated under the SL. fill colour in purple public infrastructure permitted under a SEPP.				Forestry (Existing)	Forestry (Proposed)	Primary Production Small Lots (Existing)	Primary Production Small Lots (Proposed)	Village (Existing)	Village (Proposed)			
		RU2	RU2	RU3	RU3	RU4	RU4			RU5	RU5	
(LAND USE terms WITHIN agriculture group term)												
	agriculture	c	c	x	x	x	x			x	x	
	aquaculture	c	c	c	c	c	c				x	
	Oyster aquaculture	c	c	c	c	c	c			c	c	
	Pond-based aquaculture	c	c	c	c	c	c			x	x	
	Tank-based aquaculture	c	c	c	c	c	c			c	c	
	extensive agriculture [eg. grazing of livestock, etc.]	o	o	c	c	o	o			c	x	The land use has the potential to intensify land use conflict within a village context.
	bee keeping	o	o	c	c	o	o			c	x	
	dairy (pasture-based)	o	o	c	c	o	o			c	x	
	intensive livestock agriculture [eg. poultry farms, etc.]	c	c	x	x	x	x			x	x	
	feedlots	c	c	x	x	x	x			x	x	
	pig farm	c	c	x	x	x	x			x	x	
	dairies (restricted)	c	c	x	x	x	x			x	x	
	intensive plant agriculture [eg. cultivation of irrigated crops]	c	c	x	x	c	c			x	x	
	horticulture	o	o	c	c	c	c			c	x	The land use has the potential to intensify land use conflict within a village context.
	turf farming	c	c	x	x	c	c			x	x	
	viticulture	c	c	x	x	c	c			x	x	
(LAND USE terms OUTSIDE agriculture group term)												
	animal boarding or training establishments	c	c	x	x	c	x	In the RU4 Zone, the use is inconsistent with LSPS planning priorities 9 & 23. The use has the potential to intensify land use conflict on rural land. The use is not consistent with tourism or agriculture and is permissible outside the Vineyards District in the RU2 Zone.		x	x	
	farm buildings	c	c	x	x	c	c			x	x	
	forestry	c	c	o	o	x	x			x	x	
(LAND USE terms WITHIN residential accommodation group term)												
	residential accommodation	x	x	x	x	x	x			x	x	
	attached dwellings	x	x	x	x	x	x			x	x	
	boarding houses	x	x	x	x	x	x			c	x	The land use has the potential to intensify land use conflict within the village context.

[illegible]

			Note: 'Tourist cabins' will remain permissible under the tourist and visitor accommodation group term.				Note: 'Tourist cabins' will remain permissible under the tourist and visitor accommodation group term.			
(LAND USE terms OUTSIDE tourist and visitor accommodation group term)										
camping grounds	c	c		x	x		x	x	x	x
caravan parks	c	x	In the RU2 Zone, the use is inconsistent with LSP5 planning priorities 8, 11, 12 & 22. The use has the potential to intensify land use conflict on rural land. The use is appropriate within an urban setting. Caravan parks are considered to be inconsistent with rural zone objectives. Caravan Parks and/or Manufactured Home Estates as a form of low cost housing are better suited in areas within proximity to existing centres, services and facilities. These are appropriately provided within other zones in the LGA.	x	x		x	x	x	x
eco-tourist facilities	c	c		x	x		x	x	x	x
(LAND USE terms WITHIN commercial premises group term)										
commercial premises	x	x		x	x		x	x	x	x
business premises (eg. banks, post offices, hairdressers, etc.)	x	x		x	x		x	x	c	c
funeral homes	x	x		x	x		x	x	x	x
goods repair and reuse premises	x	x		x	x		x	x	x	x
office premises	x	x		x	x		x	x	x	x
retail premises	x	x		x	x		x	x	x	x
cellar door premises	c	c		x	x		c	c	x	x
food & drink premises	x	x		x	x		x	x	c	c
pubs	c	x	In the RU2 Zone, the use is inconsistent with LSP5 planning priorities 8, 11, 12 & 22. The use has the potential to intensify land use conflict on rural land. The use is appropriate within an urban setting.	x	x		x	x	c	c
restaurants or cafes	c	x	In the RU2 Zone, the use is inconsistent with LSP5 planning priorities 8, 11, 12 & 22. The use has the potential to intensify land use conflict on rural land. The use is appropriate within an urban setting, or the Cessnock Vineyard's District, where development that supports the tourist industry is consistent with the intent of the zone.	x	x		c	c	c	c
take-away food & drink premises	x	x		x	x		x	x	c	c
small bars	x	x		x	x		x	x	c	c
garden centres	x	x		x	x		x	x	x	x
hardware & building supplies	x	x		x	x		x	x	x	x
kiosks	x	x		x	x		x	x	x	x
landscaping material supplies	x	x		x	x		x	x	x	x
markets	x	x		x	x		x	x	x	x
plant nurseries	x	c	The use involves the retail sale of plants that are grown or propagated on site, or on an adjacent site. The use is appropriate in the RU2 Zone as it relates to primary production and requires a larger	x	x		c	c	x	x

25

	stock & sale yards	c	c		x	x		x	x		x	x	
(LAND USE terms WITHIN industry group term)													
	industries	x	x		x	x		x	x		x	x	
	heavy industries	x	x		x	x		x	x		x	x	
	hazardous industry	x	x		x	x		x	x		x	x	
	offensive industry	x	x		x	x		x	x		x	x	
	light industries	x	x		x	x		x	x		c	c	
	artisan food and drink industry	x	x		x	x		x	c		c	c	
	creative industries	x	x		x	x		x	x		c	c	
	high technology industries	x	x		x	x		x	x		c	x	In the RU5 Zone, the use is inconsistent with LSP5 planning priorities 11, 12, 29 & 30. The use has the potential to intensify land use conflict within the established villages and would be more appropriately located in serviced commercial or industrial land.
	data centres	x	x		x	x		x	x		c	x	The use is inconsistent with the zone objectives and would be more appropriately located in serviced commercial or industrial land.
	home industry	c	c		x	x		c	c		c	c	
	general industries	x	x		x	x		x	x		x	x	
(LAND USE terms OUTSIDE industry group term)													
	boat building and repair facilities	x	x		x	x		x	x		x	x	
	vehicle body repair workshops	x	x		x	x		x	x		x	x	
	vehicle repair stations	x	x		x	x		x	x		c	c	
(LAND USE terms WITHIN heavy industrial storage establishment group term)													
	heavy industrial storage establishments	x	x		x	x		x	x		x	x	
	hazardous storage establishments	x	x		x	x		x	x		x	x	
	liquid fuel depots	x	x		x	x		x	x		x	x	
	offensive storage establishments	x	x		x	x		x	x		x	x	
(LAND USE terms WITHIN storage premises group term)													
	storage premises	x	x		x	x		x	x		x	x	
	self storage units	c	x	In the RU2 Zone, the use is inconsistent with LSP5 planning priorities 8, 11, 12 & 22. The use has the potential to intensify land use conflict on rural land. The use is appropriate within an urban setting.	x	x		x	x		x	x	
(LAND USE terms OUTSIDE storage premises group term)													
	depots	x	x		x	x		x	x		x	x	
	warehouse or distribution centres	x	x		x	x		x	x		x	x	
	Local distribution premises	c	x	In the RU2 Zone, the use is inconsistent with LSP5 planning priorities 8, 11, 12 & 22. The use has the potential to intensify land use conflict on rural land. The use is appropriate within an urban setting.	x	x		x	x		x	x	
(LAND USE terms WITHIN sewerage system group term)													
	sewerage systems	c	c		x	x		x	x		c	c	
	biosolids treatment facilities	i	i		x	x		i	i		c	c	

	sewage reticulation systems	I	I			I	I			I	I		
	sewage treatment plants	I	I			x	x			I	I		c
	water recycling facilities	I	I			x	x			I	I		c
(LAND USE terms WITHIN waste or resource management facility group term)													
	waste or resource management facilities	I	I			x	x			c	x		x
	resource recovery facilities	I	I			x	x			c	x		x
	waste disposal facilities	I	I			x	x			c	x		x
	waste or resource transfer stations	I	I			x	x			c	x		x
(LAND USE terms WITHIN water supply system group term)													
	water supply systems	c	c			x	x			x	c		x
	water reticulation systems	c	c			x	x			x	c		x
	water storage facilities	c	c			x	x			x	c		x
	water treatment facilities	c	c			x	x			x	c		x
(LAND USE terms WITHIN air transport facility group term)													
	air transport facilities	c	c			x	x			x	x		x
	airport	c	c			x	x			x	x		x
	helipad	x	x			x	x			x	x		x
(LAND USE terms OUTSIDE air transport facility group term)													
	airstrip	c	c			x	x			x	x		x
	helipad	c	c			x	x			x	x		x
(Other LAND USE terms relating to infrastructure)													
	car parks	x	x			x	x			x	x		x
	electricity generating works	I	I			I	I			I	I		x
	freight transport facilities	x	x			x	x			x	x		x
	passenger transport facilities	x	x			x	x			x	x		c
	port facilities	c	x			x	x			x	x		x
	roads	c	c			c	c			c	c		c
	transport depots	x	x			x	x			x	x		x
	truck depots	x	x			x	x			x	x		x
	wharf or boating facilities	x	x			x	x			x	x		x
(LAND USE terms WITHIN educational establishment group term)													
	educational establishments [eg. TAFE establishment, etc.]	E	E			x	x			E	E		E
	schools	E	E			x	x			E	E		c
(LAND USE terms WITHIN health services facility group term)													
	health services facilities	x	x			x	x			I	I		I
	hospitals	c	x			x	x			I	I		I

[illegible]



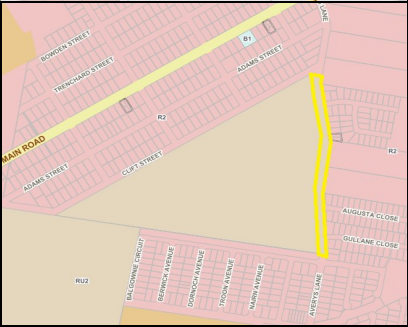
(LAND USE terms relating to recreation)											
boat launching ramps	c	x	The use is unlikely to occur in the Cessnock LGA. In the RU2 Zone, the use is inconsistent with LSP5 planning priorities 8 & 22.	x	x		x	x		x	x
boat sheds	c	x		x	x		x	x		x	x
charter & tourism boating facilities	x	x		x	x		x	x		x	x
environmental facilities	c	c		c	c		c	c		c	c
jetties	c	x	The use is unlikely to occur in the Cessnock LGA. In the RU2 Zone, the use is inconsistent with LSP5 planning priorities 8 & 22.	x	x		x	x		x	x
marinas	x	x		x	x		x	x		x	x
mooring	x	x		x	x		x	x		x	x
mooring pens	x	x		x	x		x	x		x	x
recreation areas	c	c		c	c		x	x		c	c
recreation facilities (indoor)	x	x		x	x		x	x		c	c
recreation facilities (major)	c	c		x	x		x	x		x	x
recreation facilities (outdoor)	c	c		x	x		x	x		c	c
water recreation structures	c	c		x	x		x	x		x	x
(Other miscellaneous LAND USE terms)											
cemetery	c	c		x	x		x	x		c	c
crematorium	c	c		x	x		x	x		c	c
environmental protection works	c	c		c	c		c	c		c	c
exhibition homes	x	x		x	x		x	x		x	x
exhibition villages	x	x		x	x		x	x		x	x
extractive industries	c	c		c	c		x	x		x	x
flood mitigation works	c	c		x	c	It is appropriate to include the use as permitted with consent in the RU3 Zone to reduce the risk of flooding on development	x	c	It is appropriate to include the use as permitted with consent in the RU4 Zone to reduce the risk of flooding on development. Under State Environmental Planning Policy (Infrastructure) 2007, public authorities are already permitted to carry out Flood Mitigation works without consent in the RU4 Zone.	x	x
mortuaries	x	x		x	x		x	x		c	c
open cut mining	c	x	In the RU2 Zone, the use is inconsistent with LSP5 planning priorities 8 & 22. The use has the potential to intensify land use conflict on rural land.	c	x	In the RU3 Zone, the use is inconsistent with LSP5 planning priorities 21 & 22. The use has the potential to intensify land use conflict on rural land.	x	x		x	x
(OTHER LAND USES)											
development which cannot be characterised into any land uses defined in the SI	c	x	The RU2 Zone is proposed to be a closed zone.	x	x		x	x		x	x
<p>Note 1. Zone B8 Metropolitan Centre is not included in the matrix given this zone may only be used in two nominated LGAs. Zone E1 National Parks and Nature Reserves is not included given there is no need to add any additional uses to the zone. Zones SP1 Special Activities and SP2 Infrastructure are not included given the primary uses in these zones should be annotated on the Land Zoning Map.</p> <p>Note 2. A type of development referred to in the matrix is a reference to that type of development only to the extent it is not regulated by an applicable State Environmental Planning Policy (SEPP). The following SEPPs in particular may be relevant to development on land covered by this Plan: SEPP (Housing for Seniors or People with a Disability) 2004 SEPP (Infrastructure) 2007 SEPP (Mining, Petroleum Production and Extractive Industries) 2007 SEPP (Rural Lands) 2008 SEPP (Affordable Rental Housing) 2009 SEPP No 33—Hazardous and Offensive Development SEPP No 50—Canal Estate Development SEPP No 62—Sustainable Aquaculture SEPP No 64—Advertising and Signage</p>											

			<p>Important note This information does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary.</p> <p>Disclaimer: While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agencies and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.</p>
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Appendix B – Proposed LEP Map Sheet Anomalies

The following LEP 2011 map amendments are recommended. The amendments will ensure the most appropriate zone is applied to the land.

No.	Lot / Sec / DP	Planning Considerations	LEP Map		Subject Land
			Current	Proposed	
1	Part 2 / 840845 1 / 840845	<p>Address: 83 Ferguson Street Abernethy 20 Munn Street Abernethy Ferguson Street Road Reserve Bruce Street Road Reserve</p> <p>Reason for LEP Amendment: To apply standard 750m² lot size to Zone RU5 land.</p> <p>Note: Land is not serviced by reticulated sewer and will be subject to new lot size clause for unserviced land (See Issue 3a).</p> <p>Map Sheet: LZN_006D LSZ_006D</p>	<p>LZN: RU5</p> <p>MLS: 40ha</p>	<p>LZN: RU5</p> <p>MLS: 750m²</p>	
2	NA	<p>Address: Murray Street Road Reserve Abernethy</p> <p>Reason for LEP Amendment: To apply standard 40Ha lot size to Zone RU2 land.</p> <p>Map Sheet: LZN_006D LSZ_006D</p>	<p>LZN: RU2</p> <p>MLS: 750m²</p>	<p>LZN: RU2</p> <p>MLS: 40Ha</p>	
3	12 / 3 / 759103 4 / 1175179 5 / 1175179	<p>Address: Negro Street Wollombi Paynes Crossing Road Wollombi</p> <p>Reason for LEP Amendment: To apply standard 40Ha lot size to Zone RU2 land.</p> <p>Note: Land is not serviced by reticulated sewer and will be subject to new lot size clause for unserviced land (See Issue 5).</p> <p>Map Sheet: LZN_003 LSZ_003</p>	<p>LZN: RU2</p> <p>MLS: 750m²</p>	<p>LZN: RU2</p> <p>MLS: 40ha</p>	

No.	Lot / Sec / DP	Planning Considerations	LEP Map		Subject Land
			Current	Proposed	
4	NA	<p>Address: Paynes Crossing Road Wollombi Negro Street Wollombi Cedar Street Wollombi</p> <p>Reason for LEP Amendment: To apply consistent zoning of road.</p> <p>Note: Land is not serviced by reticulated sewer and will be subject to new lot size clause for unserviced land (See Issue 5).</p> <p>Map Sheet: LZN_003 LSZ_003 LZN_006B LSZ_006B</p>	<p>LZN: RU5</p> <p>MLS: 40ha</p>	<p>LZN: RU2</p> <p>MLS: 40ha</p>	
5	NA	<p>Address: Boreas Street Nulkaba Austral Street Nulkaba</p> <p>Reason for LEP Amendment: To apply standard 750m² lot size to Zone RU5 land.</p> <p>Note: Land is serviced by reticulated sewer.</p> <p>Map Sheet: LZN_006C LSZ_006C</p>	<p>LZN: RU5</p> <p>MLS: 40ha</p>	<p>LZN: RU5</p> <p>MLS: 750m²</p>	
6	NA	<p>Address: Avery Lane Heddon Greta</p> <p>Reason for LEP Amendment: To apply consistent zoning of road.</p> <p>Map Sheet: LZN_009A LSZ_009A</p>	<p>LZN: RU2</p> <p>MLS: 40ha</p>	<p>LZN: R2</p> <p>MLS: 450m²</p>	

5. The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:
- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
 - (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The local environmental plan should be completed on or before 4 May 2023.

Dated 21st day of July 2022.

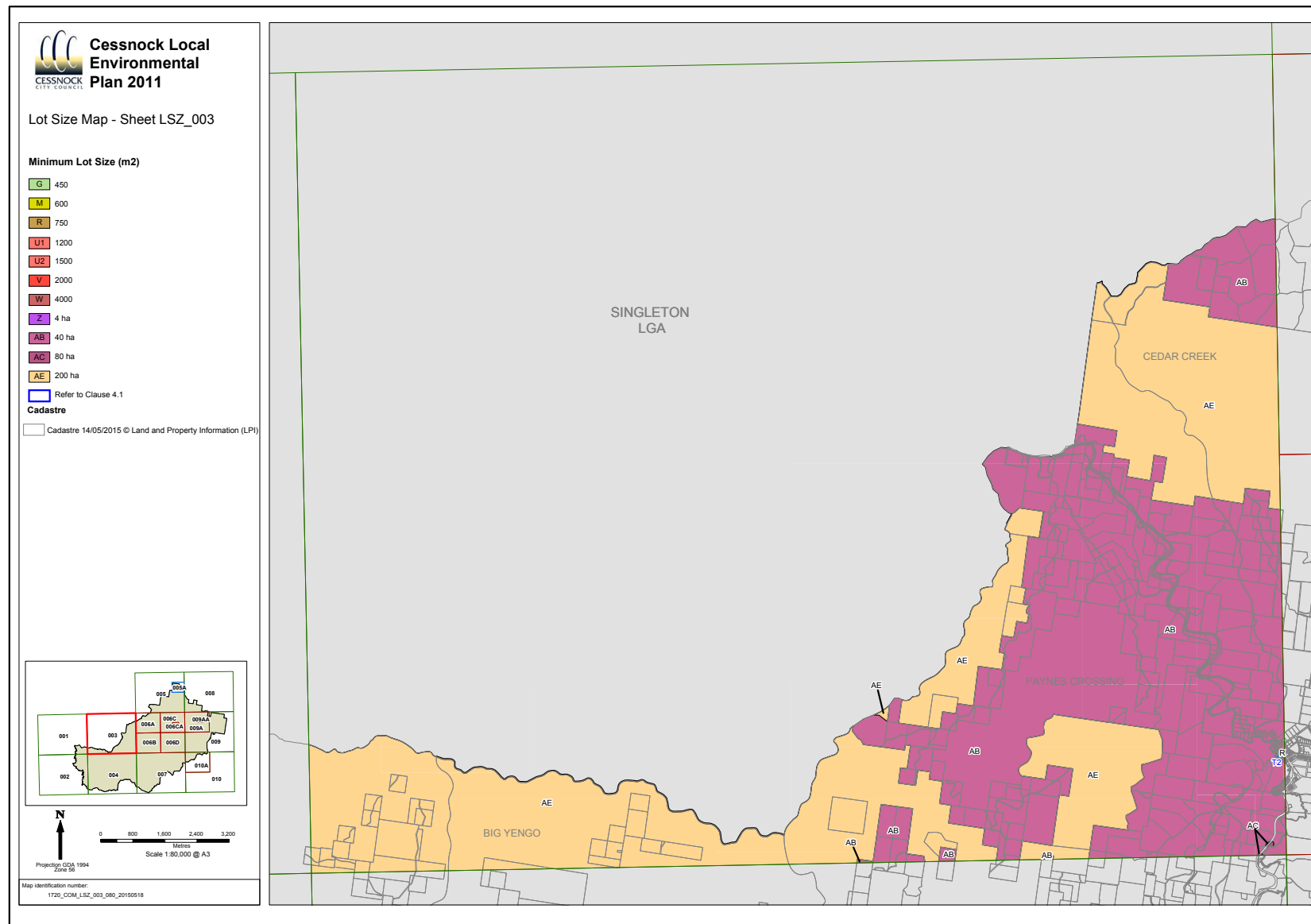


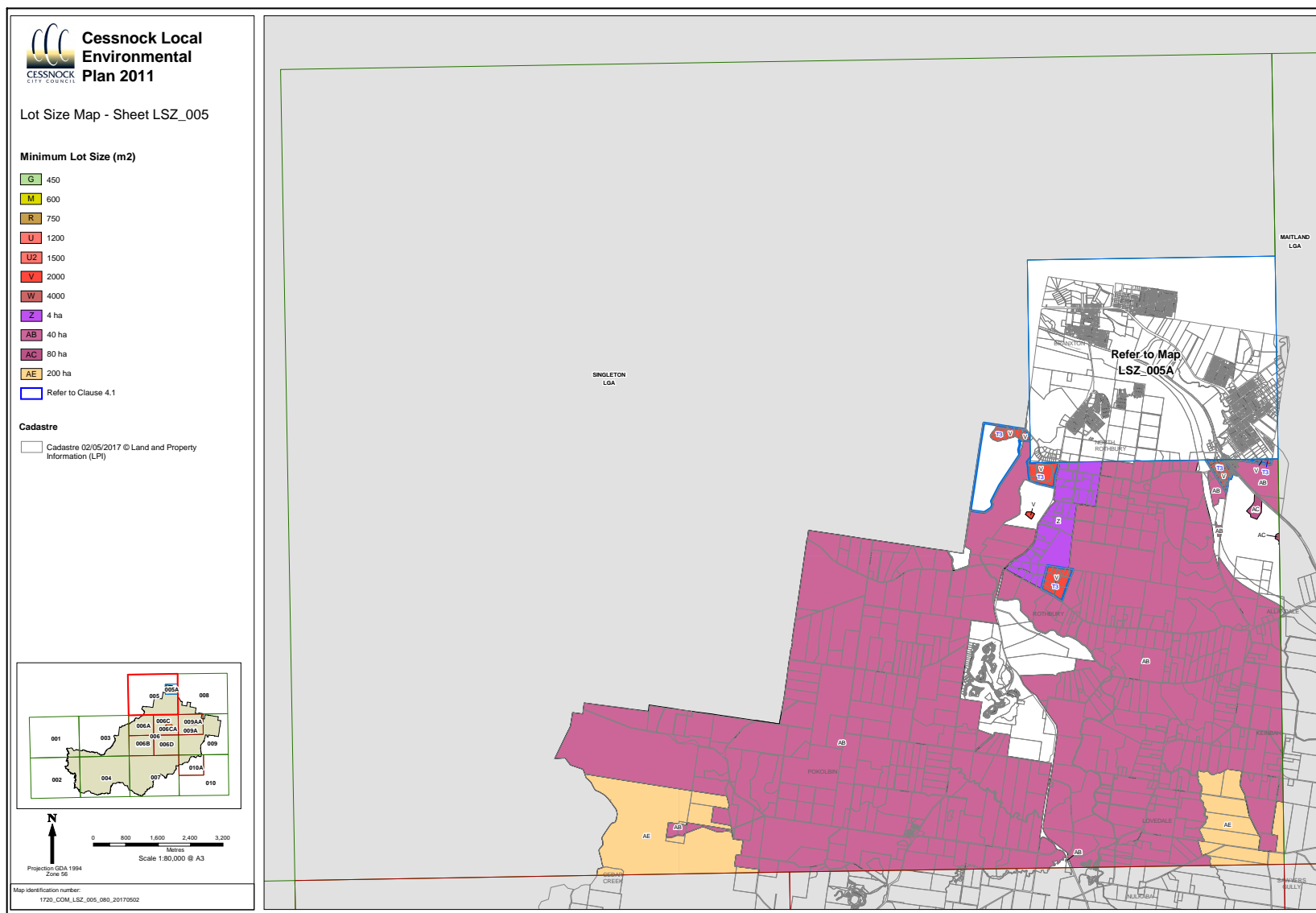
**Dan Simpkins
Director, Central Coast and Hunter Region
Planning and Land Use Strategy
Department of Planning and Environment**

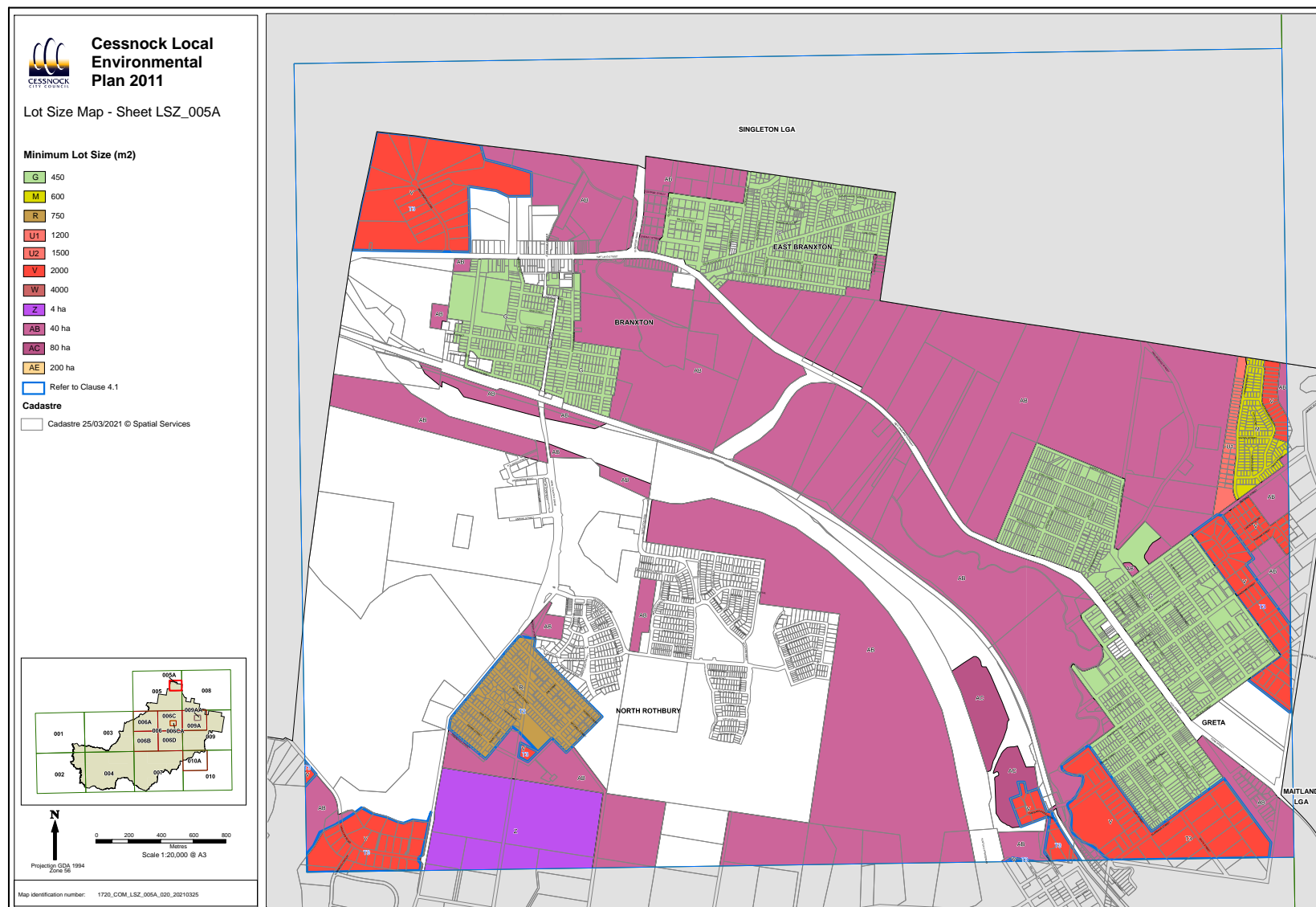
**Delegate of the Minister for Planning and
Homes**

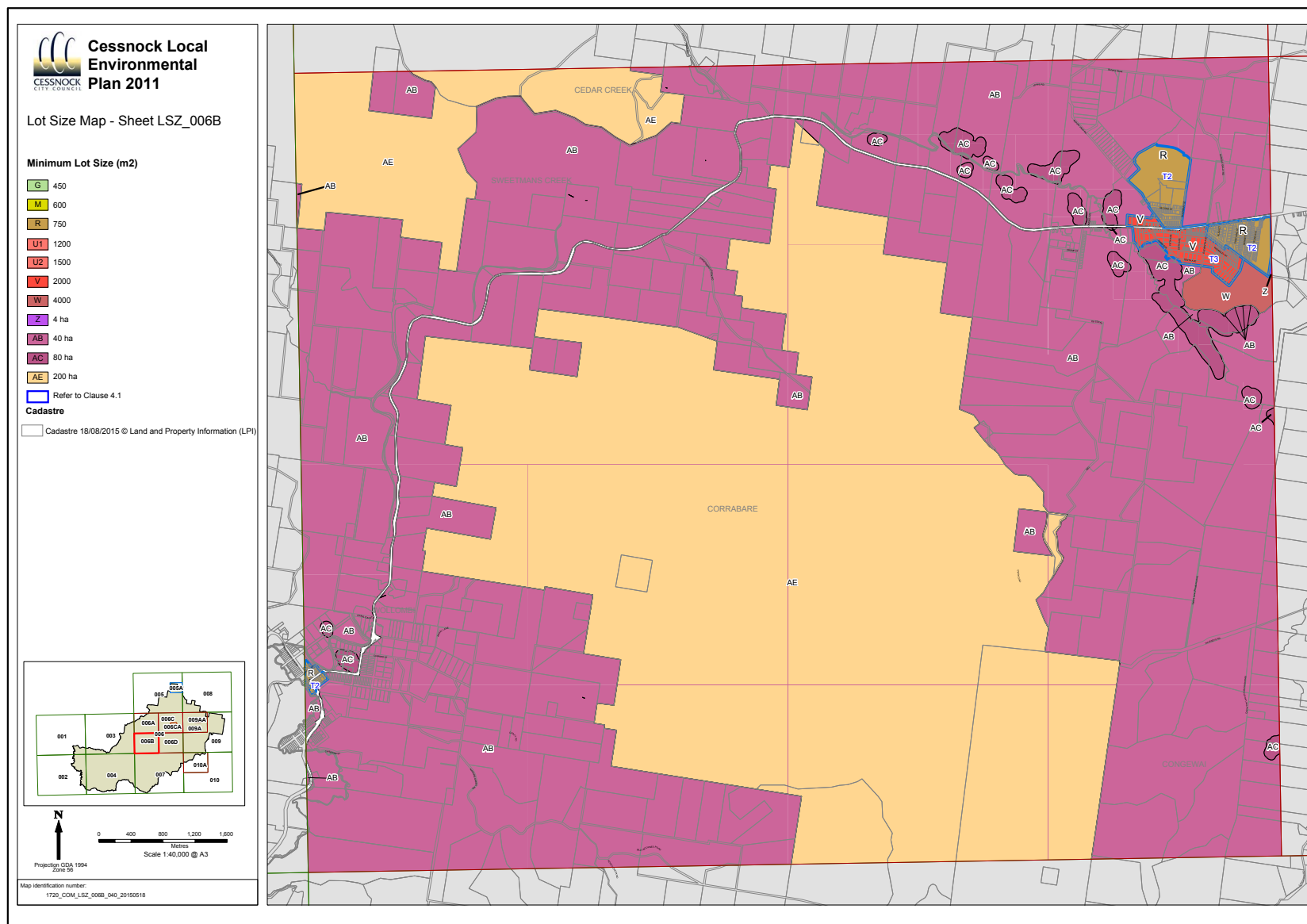
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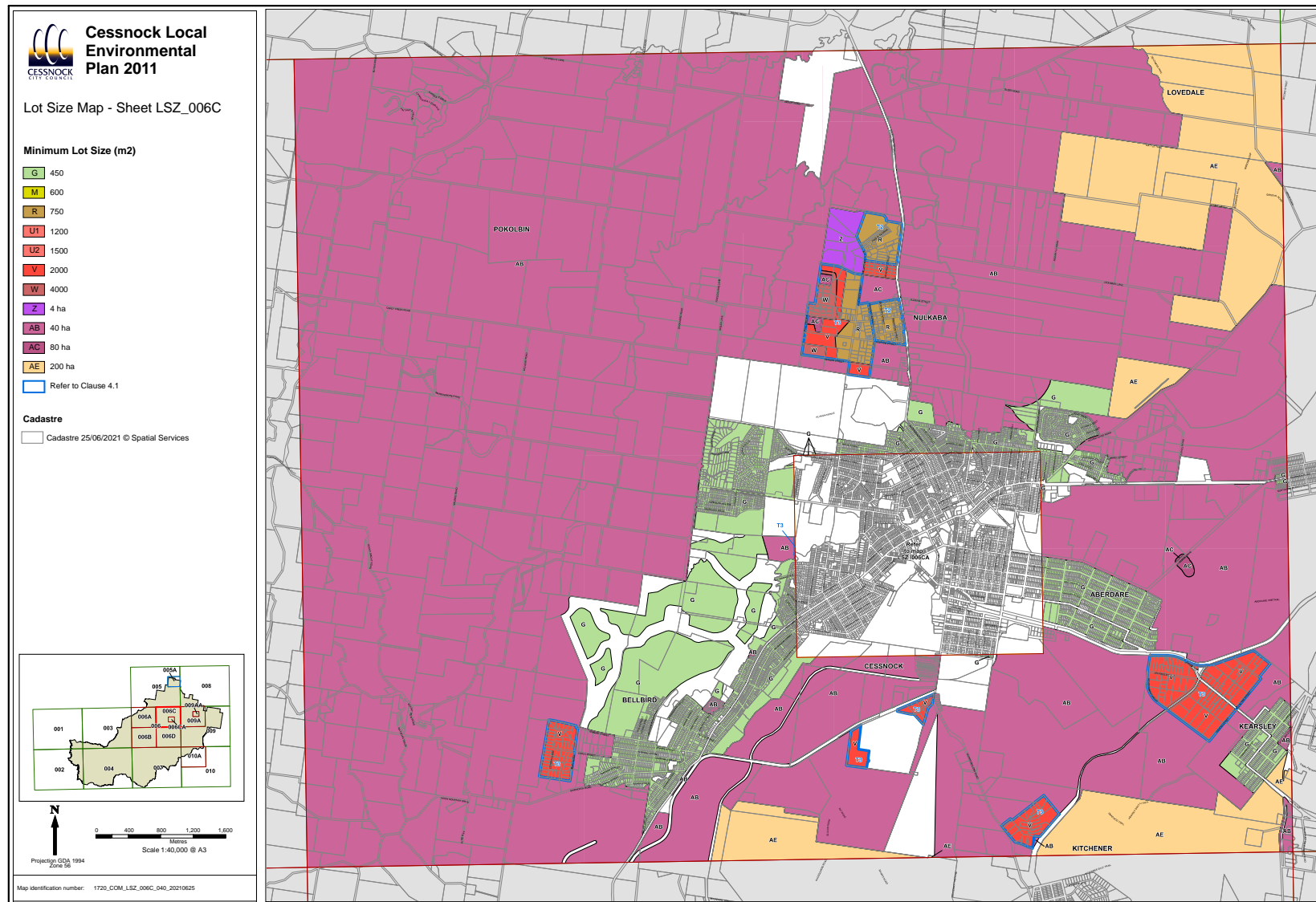
Appendix 4: Lot Size Map Sheets affected by Item 3(a) - proposed removal of areas known as T2 and T3

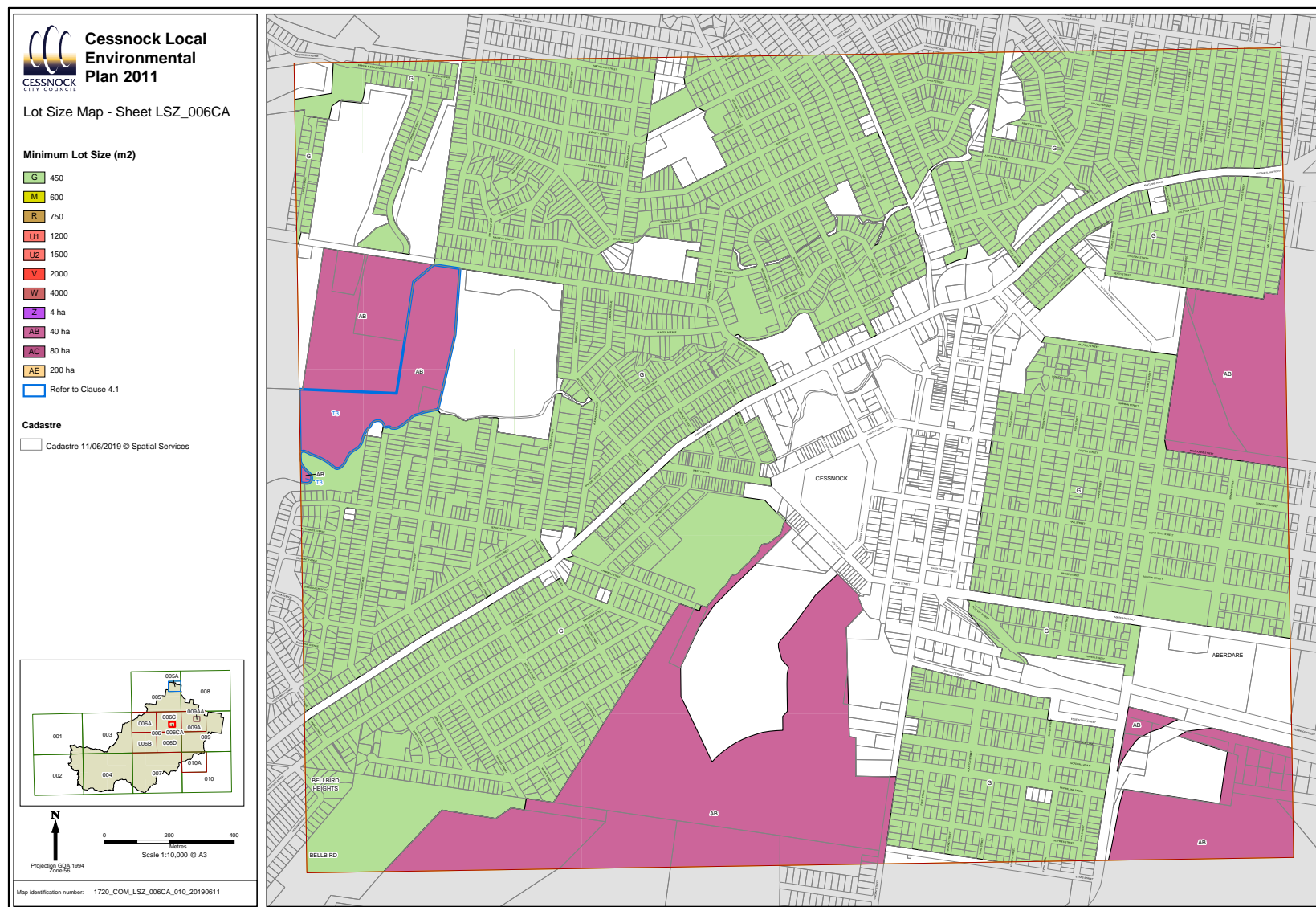


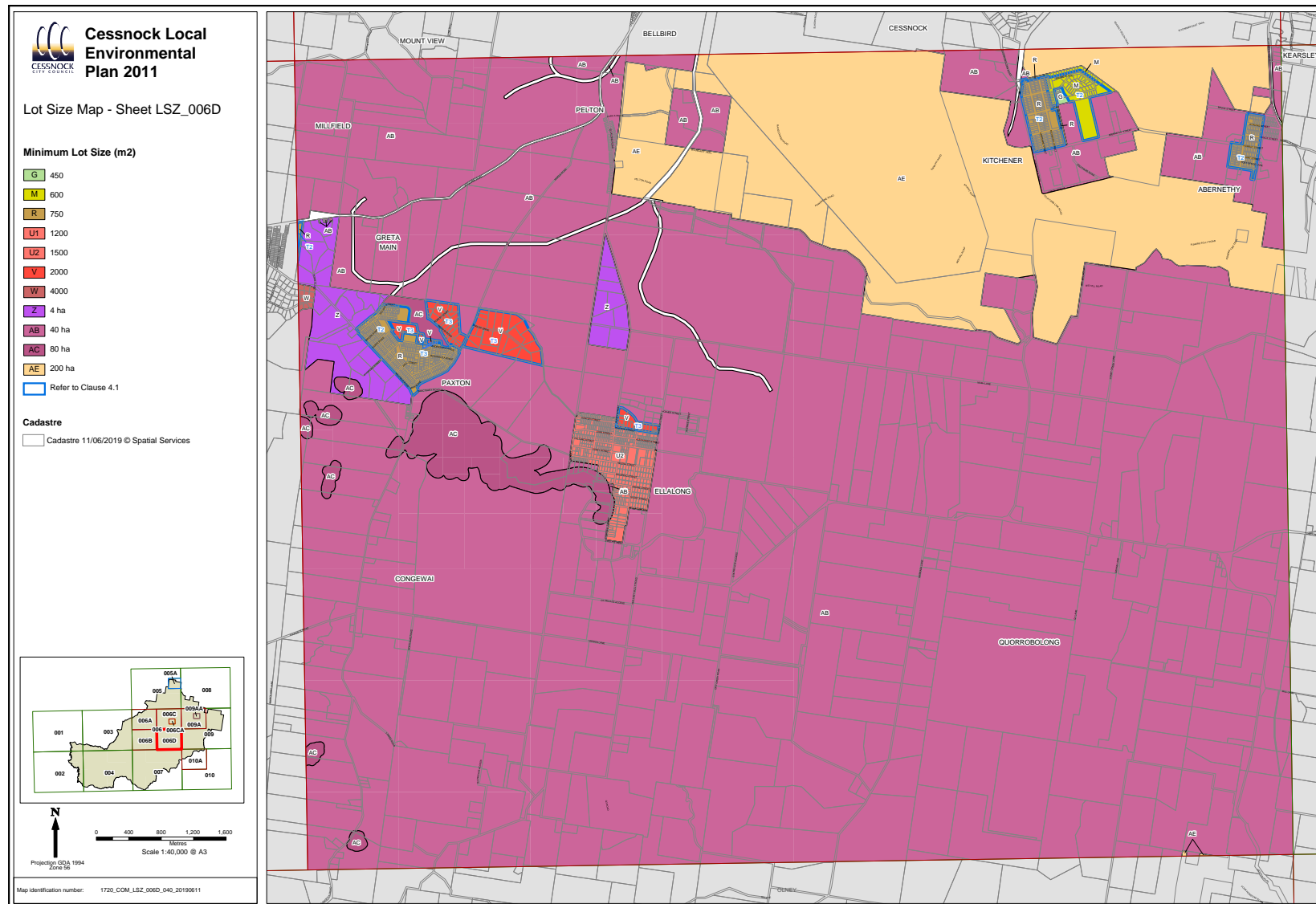


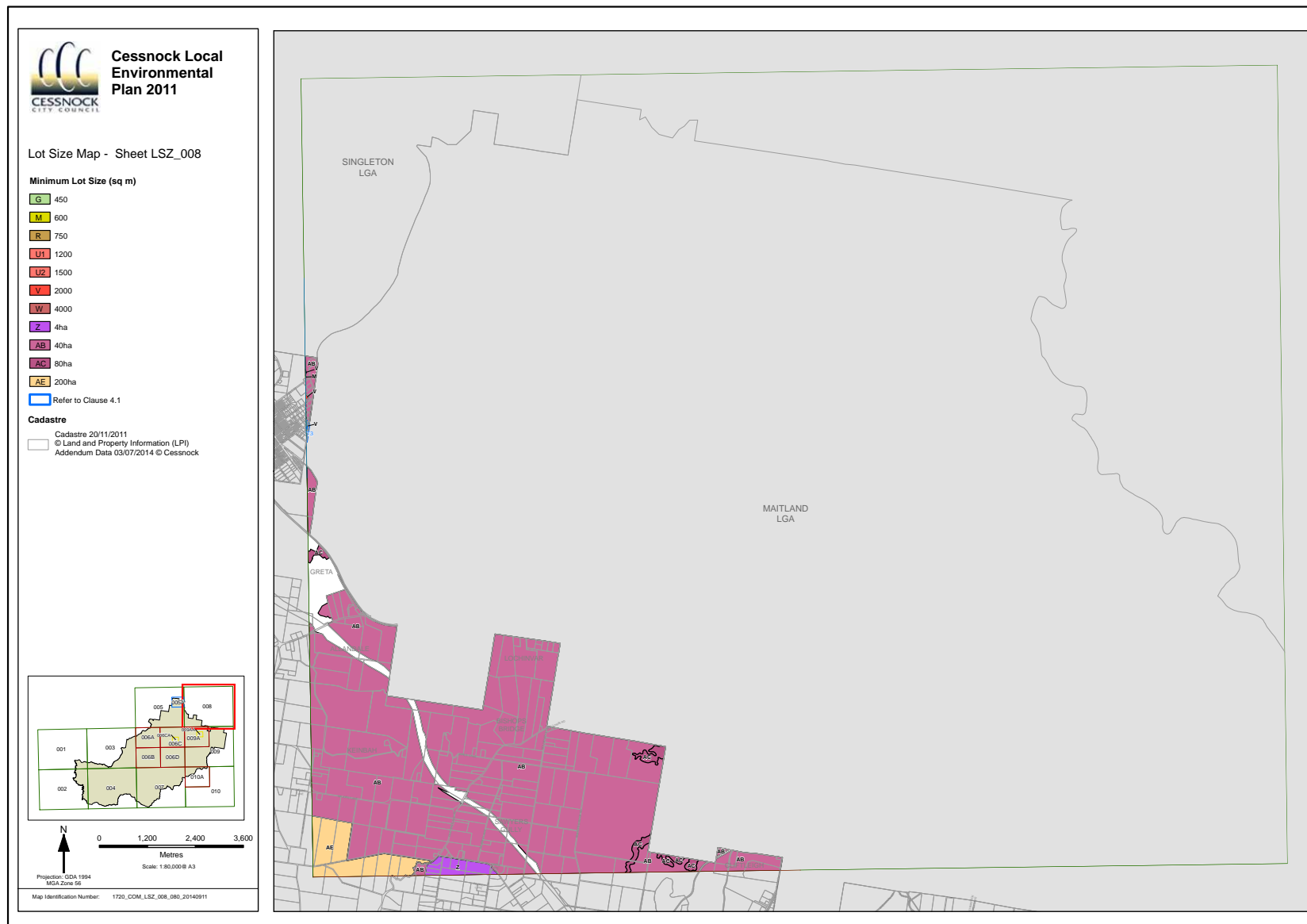


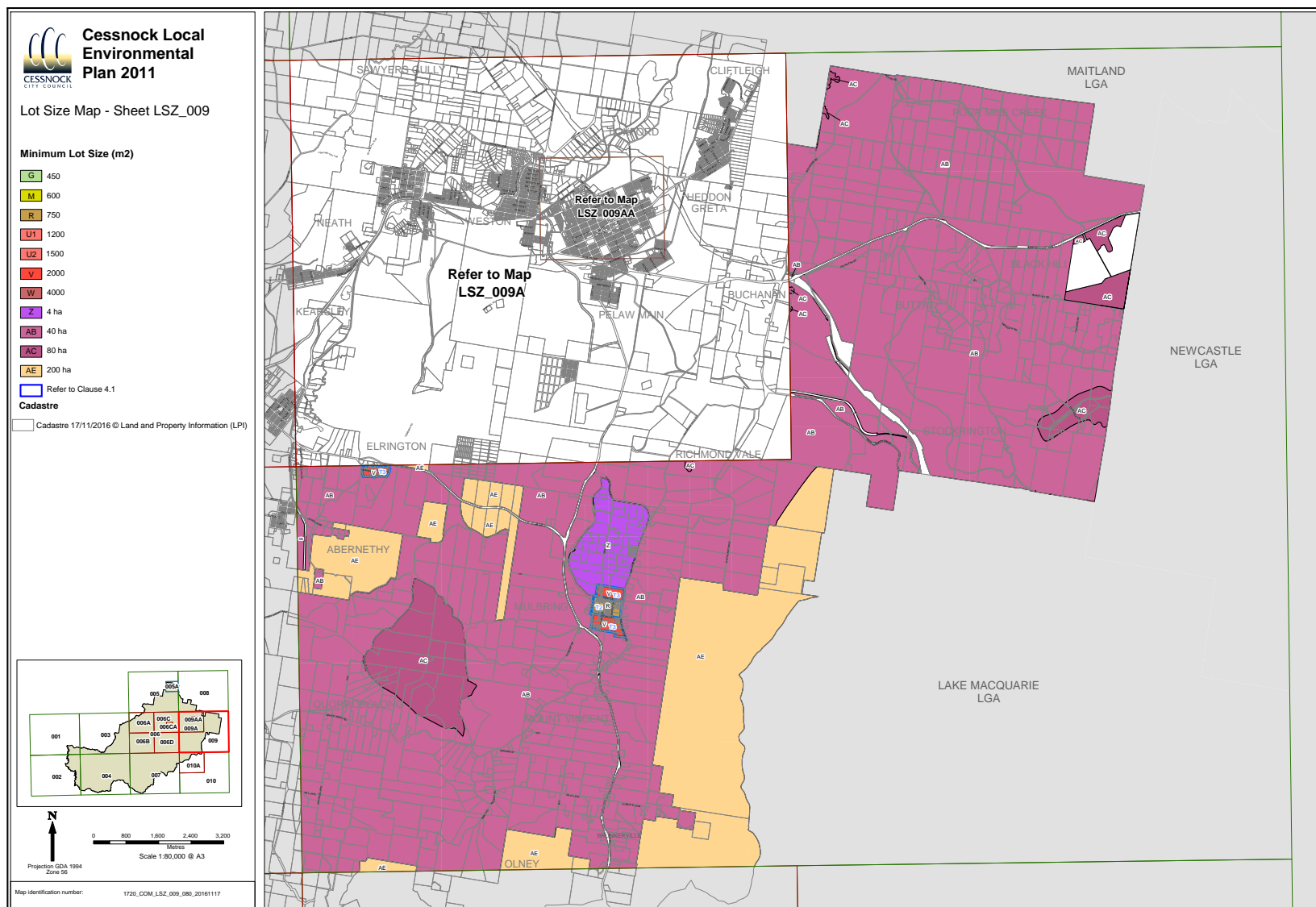


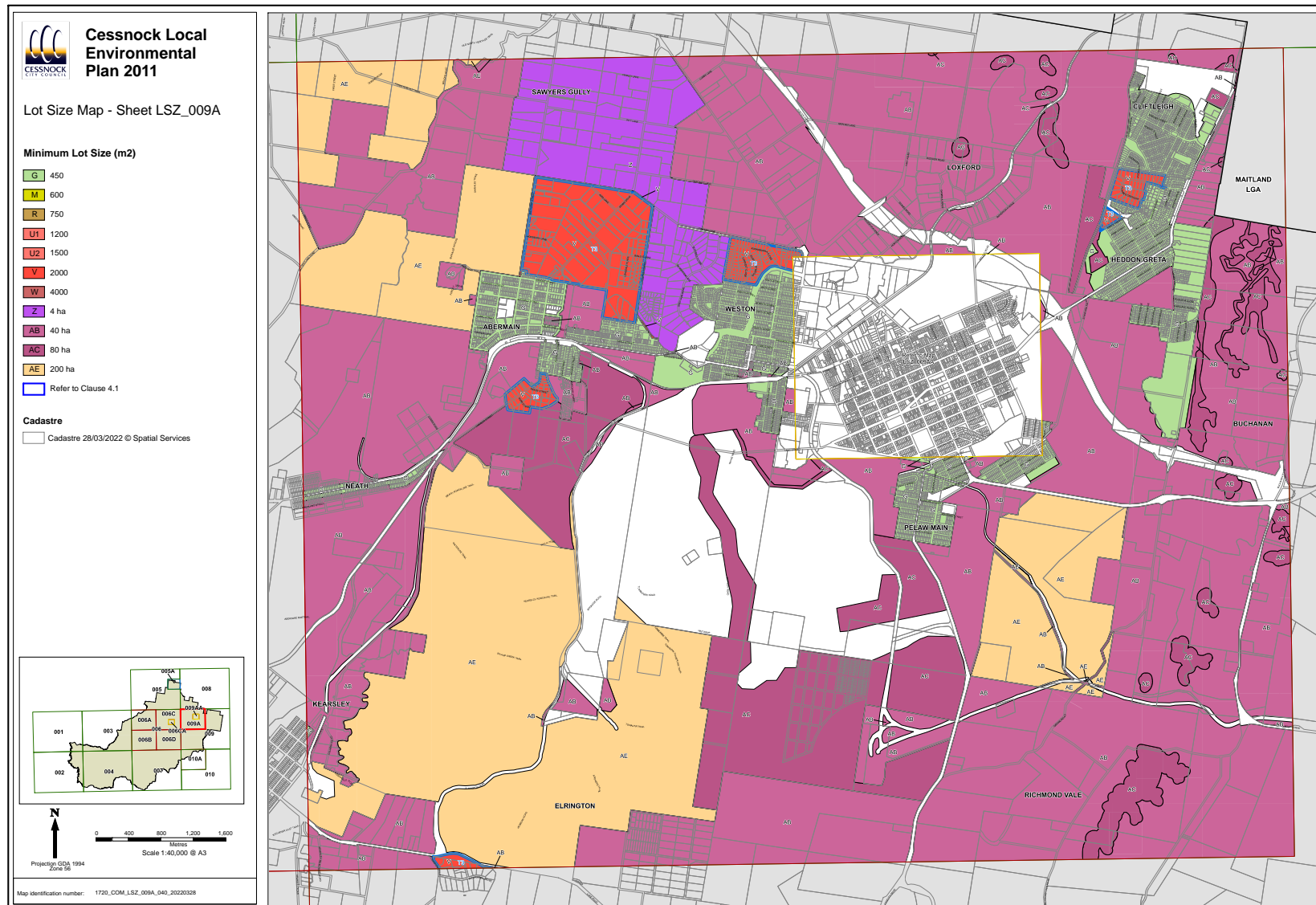












Summary of agency feedback and public submissions – draft Cessnock LEP amendments, rural (RU2 and RU5) zones - Public exhibition 2022

Submitter	Issue	Response	Outcome
Agency feedback – Mining, Exploration and Geoscience (MEG-GSNSW).	Noted that the proposal to prohibit open cut mining will be overridden by Resources and Energy State Environmental Planning Policy (SEPP) as agriculture is permitted in these zones.	Noted.	The proposal to prohibit open cut mining in RU2 and RU3 zones was removed prior to public exhibition, as a result of the SEPP requirements.
Agency feedback – Department of Primary Industries – Agriculture (DPI).	DPI supports the following aspects of the planning proposal: <ul style="list-style-type: none"> the intended adjustments to limit incompatible land uses in the RU2 Rural Landscape and RU4 Primary Production zone land use tables. The (proposed) closing of the RU2 land use table as it will assist Council in managing development pressures and send a clear signal to direct urban land uses away from rural areas to alternate zones. 	Noted.	No change recommended.
Public submission 1	Lot Size Map Sheet LSZ_005A is incorrect. Victoria Park located between Reginald and Water Streets, Greta is not shown on this map.	This type of map does not identify landmarks such as parks and is based on the registered lot layout. This is the format for all such maps in NSW.	No change recommended.
Public submission 2	Support for secondary dwellings to be permitted with consent in the RU2 zone	The LEP amendments propose to include <i>secondary dwellings</i> as permissible with consent in the RU2 zone as a compatible form of development, consistent with the issues raised in the submission.	No change recommended.
Public submission 3	Critical Infrastructure needs to be completed for a town that is gaining so much population.	This submission is considered to be unrelated to the scope of issues addressed in the current proposal.	No change recommended.
Public submission 4	The rural ambience will be ruined by unnecessary over development	A number of higher-intensity uses that could be considered to be over development in rural surroundings are proposed to be prohibited in the rural zones by this proposal. Reducing land use conflict from incompatible uses in rural zones is a key aim of this proposal.	No change recommended.
Public submission 5	The document on exhibition is confusing and not transparent.	Care has been taken to describe each of the proposed changes thoroughly however planning proposals are complex documents that contain legal definitions and terms that cannot be avoided. The contact details for the council officer responsible for this proposal were included in the exhibition	No change recommended.

Summary of agency feedback and public submissions – draft Cessnock LEP amendments, rural (RU2 and RU5) zones - Public exhibition 2022

		material to provide the opportunity to make contact via phone, email or the exhibition website if needed.	
As above	Support for function centres in RU2 zone and belief that the proposed changes will conflict with upcoming changes by NSW government to boost farm business.	This planning proposal will prohibit <i>function centres</i> in the RU2 zone as these are not compatible with the rural landscape and increase potential for land use conflict e.g. noise and traffic generation. The NSW government agritourism changes will introduce new land use terms that make a number of small-scale uses permissible on commercial farms in rural zones: <i>farm experience premises</i> ; <i>farm gate premises</i> and <i>primitive camping grounds</i> . These will not be affected by changes being currently considered by Council. The new land use terms will allow a number of farm events to take place, such as weddings and functions (as <i>farm experience premises</i> , not <i>function centres</i>) in certain instances on commercial farms. It is worth noting the NSW government agritourism changes will include requirements for separation from neighbouring properties that will exclude many small land holdings from eligibility and help to protect neighbour amenity.	No change recommended.
Public submission 6,7 and 9	In favour of the outlined changes to the rural zones. Supportive of the removal of areas T2 and T3 from minimum lot size maps and replacement with a minimum area of 4000m ² for unsewered lots.	Noted.	No change recommended.
Public submission 8	Appreciates the importance of conserving high environmental value and rural or agricultural significance. Concerns that land uses are proposed to be prohibited in the RU2 zone and request that these should not apply to the landholder's property which forms part of a larger strategic land holding.	A number of higher-intensity uses are proposed to be prohibited in the rural zones by this proposal. Reducing land use conflict from incompatible uses in rural zones is a key aim of this proposal, in accordance with state planning guidance. For land zoned RU2 or RU5 to be excluded from these changes, a site-specific planning proposal and detailed site investigations will be needed.	No change recommended.
Public submission 9	Statement that lot sizes smaller than 4000m ² are sufficient to accommodate on-site sewerage systems.	The minimum lot size of 4000m ² for unsewered lots proposed by Council is based on NSW EPA guidance. The EPA indicates that residential development involving on-site sewerage systems require a minimum of 4000 - 5000 m ² total area per household to reduce impacts in the medium to long term.	No change recommended.

Summary of agency feedback and public submissions – draft Cessnock LEP amendments, rural (RU2 and RU5) zones - Public exhibition 2022

Public submission 10 –	Questions when the project to identify important views, landscapes and agricultural land in the LGA will be completed.	The project to identify important views, landscapes and agricultural land is currently on the Strategic Planning Work program. This project is dependent on staff resources and a specialist consultant.	No change recommended.
As above	<p>Suggested that the following zone objectives were to generic and ‘motherhood statements’</p> <p><i>To ensure that the type and intensity of development is appropriate in relation to the rural capability and suitability of the land.</i></p> <p><i>To maintain and enhance the scenic character of the land</i></p>	<p>Zone objectives are written to cover a range of land uses and development scenarios that could be suitable in the zone.</p> <p>Zone objectives cannot require an additional layer of assessment take place. It is anticipated that assessment of a development against this objective will consider the rural capability and suitability of the land to ensure development is suited to the context.</p> <p>This objective highlights the need to consider the scenic character of the land to ensure that development has a positive benefit on this.</p>	No change recommended.
As above	<p><i>Supportive of the following zone objective:</i></p> <p><i>To ensure that development does not create unreasonable or uneconomic demands for the provision or extension of services or infrastructure by public authorities.</i></p>	Noted.	No change recommended.
As above	Agrees with the proposal to remove tourism as a zone objective but objects to retaining small-scale tourist uses in the zone.	Tourism is not the primary focus in the RU2 Rural Landscape zone. ‘Tourist cabins’, <i>bed and breakfast accommodation</i> and <i>farm stay accommodation</i> are proposed to remain permissible, as these can operate alongside other rural uses when appropriately managed.	No change recommended.
As above	<p>Comment on the following objectives:</p> <p><i>To ensure that the type and intensity of development is appropriate in relation to the rural capability and suitability of the land, the preservation of the agricultural, mineral and extractive production potential of the land</i></p> <p><i>To minimise disturbance to the landscape from development through vegetation clearing, earthworks, access roads and construction of buildings.</i></p>	The parts of this objective to be removed are duplicated in other objectives. Mention of the importance of the rural environment is given in the mandatory objective: <i>To maintain the rural landscape character of the land</i> . Scenic importance is identified in the objective: <i>To maintain and enhance the scenic character of the land</i> . It is also considered unnecessary to preserve the mineral and extractive production potential of land as this is provided for under other legislation - NSW Resources and Energy State Environmental Planning Policy (SEPP).	No change recommended.

Summary of agency feedback and public submissions – draft Cessnock LEP amendments, rural (RU2 and RU5) zones - Public exhibition 2022

	<i>These objectives do not adequately cover scenic rural landscape protection.</i>		
As above	<p>Disagree with proposal to delete the following objective as the issue is not specifically covered by any other objective.</p> <p><i>To minimise the visual impact of vegetation clearing in order to be consistent with the rural character of the locality.</i></p>	The objective described above: <i>To maintain and enhance the scenic character of the land</i> , identifies the need to maintain scenic amenity in this zone. This is not limited in its scope so will include vegetation clearing, and any other activity that may impact the scenic character of land.	No change recommended.
As above	<p><i>Comment on the following objective</i></p> <p><i>To ensure development does not intrude into the skyline when viewed from a road or other public place.</i></p> <p>There is the opportunity to incorporate this and the other matters relating to scenic resources into a more robust objective that will more effectively influence protection of our rural landscapes</p>	This objective was included in a previous LEP amendment, to introduce the specific aim of protecting views of the skyline from roads or public places. As described above, scenic considerations in the context of the rural landscape are addressed in other objectives.	No change recommended.
As above	<p>Concern over the following land uses remaining permissible in RU2 zone and questions their suitability with zone objectives:</p> <ul style="list-style-type: none"> • Airports • Airstrips • Crematoria • Educational establishments [assumes large campus facilities] • Electricity generating works • Extractive industries • Forestry • Helipads • Information and education facilities • Open cut mining • Recreation areas (major) • School-based child care • Sewerage systems • Tourist and visitor accommodation [assuming more intensive like resorts] 	<ul style="list-style-type: none"> • <i>Airports, Educational establishments, Electricity generating works, Extractive industries, Open cut mining, School-based childcare, Sewage systems and Waste and resource management facilities</i> are permitted in the RU2 zone by State Environmental Planning Policies (SEPPs). • <i>Airstrips</i> are a use that is more common in remote rural areas, where a commercial airport is not readily accessible. Cessnock LGA has access to a registered airport within the LGA, Newcastle airport and several smaller airports in surrounding LGAs. In this context, <i>airstrips</i> are considered inappropriate in Cessnock and the planning proposal has been amended to prohibit these in the RU2 zone. • <i>Crematoria</i> are often located on park-like sites isolated from surrounding uses. Cessnock LGA currently has crematorium operating in the RU2 zone. This use is considered low impact when managed appropriately through the DA process. 	Airstrips recommended to be prohibited in RU2 Rural landscape zone.

Summary of agency feedback and public submissions – draft Cessnock LEP amendments, rural (RU2 and RU5) zones - Public exhibition 2022

	<ul style="list-style-type: none"> Waste or resource management facilities 	<ul style="list-style-type: none"> <i>Forestry</i> is regulated by the <i>Forestry Act 2012</i> and <i>Local Land Services Act 2013</i>. Forestry operations the subject of an approval under another Act cannot be prohibited by an LEP. <i>Helipads</i> are not open to the public and are considered appropriate in rural areas, consistent with the approach taken by the surrounding LGAs of Maitland, Lake Macquarie, Port Stephens, Central Coast, Singleton and Hawkesbury Councils. <i>Information and education facilities</i> are considered a low impact use appropriate in rural areas, consistent with the approach taken by the surrounding LGAs of Maitland, Lake Macquarie, Port Stephens, Central Coast and Singleton Councils. Supporting recreation is an objective of the RU2 zone. <i>Recreation areas (major)</i> are a use that typically may require a large site close to major transport links such as highways, separated from urban development. 	
As above	<p>Some uses are proposed to be permitted and others that remain prohibited. Examples are:</p> <ul style="list-style-type: none"> Open cut mining proposed to be prohibited (p29 Rural Lands Issues Paper) but proposed to be permitted (p8 Planning Proposal) Freight transport facilities are prohibited but Airports and Heliports proposed to be permitted Hotels and motels prohibited but Tourist and visitor accommodation (eg Resorts) proposed to be permitted “smaller scale secondary tourist uses” is proposed as permissible but this is too loose and not defined, hence problematic. Car parks prohibited yet several developments that would require substantial car parks as part of the development are proposed to be permitted (eg. Airports, Crematoria, Educational establishments) Hospitals and Correctional centres (currently permissible) proposed to be prohibited, but Educational establishments and Information and education facilities proposed to be permitted 	<ul style="list-style-type: none"> Earlier proposed changes to <i>open cut mining</i> were removed prior to exhibition as this would conflict with the Infrastructure State Environmental Planning Policy. <i>Freight Transport facilities</i> are permissible in industrial / employment zones. <i>Tourist and visitor accommodation</i> is proposed to be permitted, with the exclusion of <i>backpacker’s accommodation, hotel or motel accommodation and services apartments</i>. ‘Tourist cabins’, <i>bed and breakfast accommodation</i> and <i>farm stay accommodation</i> would remain permissible. Resorts are included in <i>the hotel and motel</i> or <i>serviced apartment</i> land use term, which as a high intensity use are proposed to be prohibited. “Smaller scale secondary uses” is not a land use term but is used in the planning proposal to describe uses that are proposed to remain permissible – <i>bed and breakfast accommodation, tourist cabins and farm stay accommodation</i>. 	No change recommended.

Summary of agency feedback and public submissions – draft Cessnock LEP amendments, rural (RU2 and RU5) zones - Public exhibition 2022

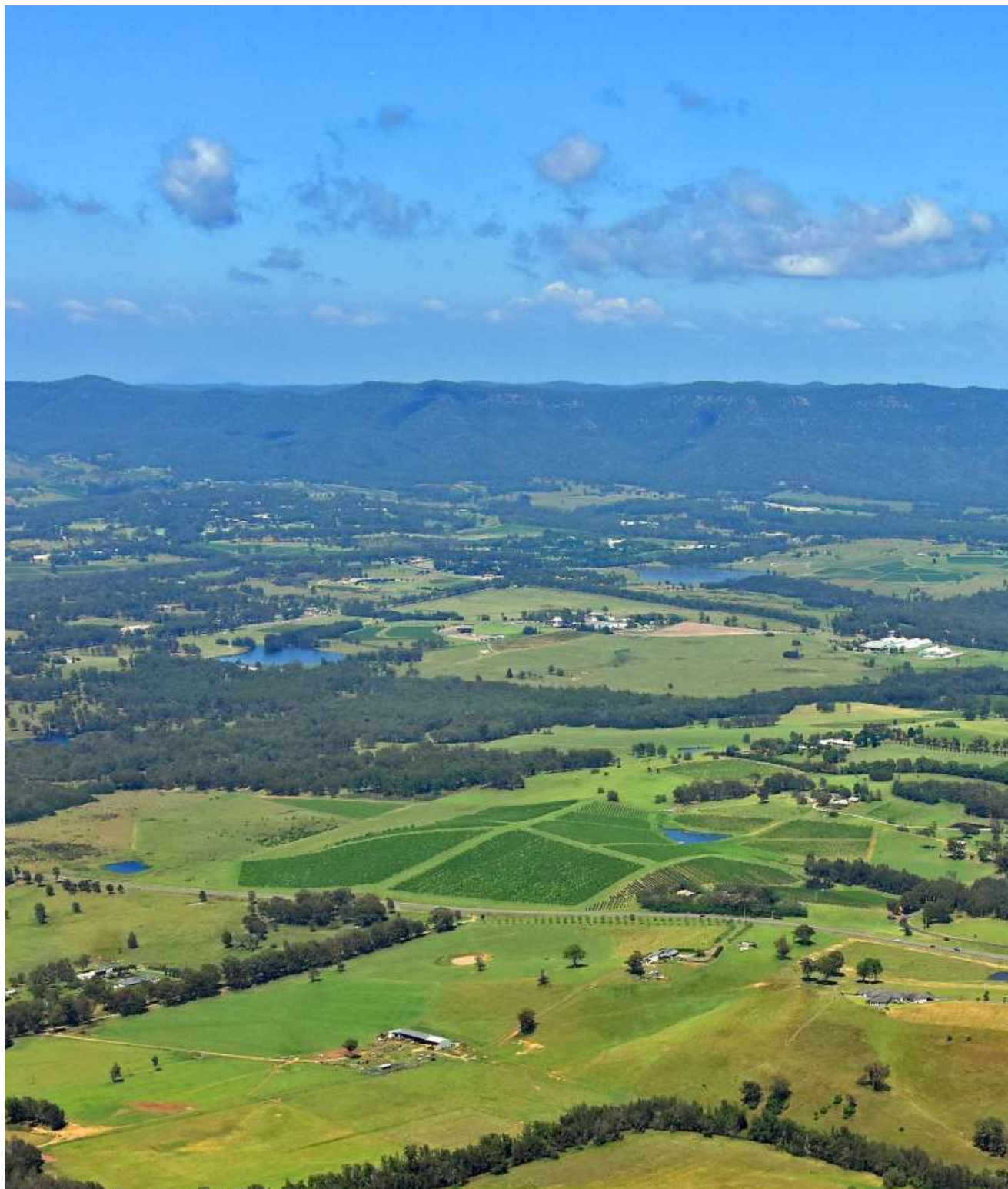
	<ul style="list-style-type: none"> Places of public worship (currently permissible) proposed to be prohibited, but Crematoria proposed to be permitted Transport depots and Truck depots prohibited yet several developments that would require that component as part of the development are proposed to be permitted (eg. Airports, Extractive industries, Forestry, Open cut mining, Waste or resource management facilities) large scale and intensive developments that fundamentally alter the landscape 'are inconsistent with the purpose of a Rural Landscape zone (eg. Airports, Open cut mining, Electricity generating works, Extractive industries) The proposal to include Secondary dwellings as a use which is Permitted with consent in the RU2 zone is questioned because we have not sighted any explanation or rationale for same. 	<ul style="list-style-type: none"> <i>Car parks</i> are defined as a stand-alone development, primarily used for car parking and are prohibited in the RU2 zone. When developed as a component of a land use that is permissible, for example a business that requires car parking spaces, these are assessed as a secondary component of that development but are not the primary use. The reasoning to permit or prohibit certain uses is provided in the Rural Issues Paper (attached to the Council report). There are a number of higher-intensity uses, such as <i>educational establishments</i> and <i>open cut mining</i>, that are made permissible by the NSW government in various zones across the state. <i>Secondary dwellings</i> are proposed as a lower intensity option to <i>dual occupancies</i>. The scale and location of secondary dwellings in rural zones is regulated by LEP clause 5.5, adopted by Council in 2021. 	
As above	Strong objection to dwelling entitlements in RU2 or other rural zones where such entitlement does not already exist.	The project related to dwelling entitlements is ongoing and any proposed changes will be publicly exhibited and considered by Council separately.	No change recommended.
As above	Cl.7.6 Tourist and visitor accommodation in certain rural and environmental zones - proposes review of the RU2 and RU4 land use tables to prohibit some forms of tourist and visitor accommodation.	As mentioned above, smaller scale tourist and visitor accommodation uses are proposed to remain permissible in the RU2 zone. LEP Clause 7.6 is not proposed to be amended by this proposal.	No change recommended.
Public submission 11	Dual occupancies should remain permissible in the RU2 zone. It is inconsistent with the objectives of the Zone to allow multiple tourist accommodation facilities in the RU2 Zone leading to the potential of a much higher density of development and yet prohibit dual occupancy	Dual Occupancy is considered to be a more urban land use suited to residential zones. The proposal being considered by Council includes making <i>secondary dwellings</i> permissible in the RU2 zone as an alternative to <i>dual occupancies</i> . Secondary dwellings are limited by LEP Clause 5.5 to either 60m ² in area (not including parking areas), or 50% of the total floor area of the principal dwelling, whichever is larger, and must be within 20 metres of the principle dwelling. The limitation on scale and requirement for proximity to the primary dwelling will reduce the potential for conflict with neighbouring uses.	No change recommended.
As above	Commercial premises should be retained in the list of Prohibited Uses in the RU2 Zone.	<i>Commercial premises</i> are prohibited as a non-listed use in a 'closed zone', to the same extent they would be if they were listed as prohibited. The effect of this is that <i>commercial</i>	No change recommended.

Summary of agency feedback and public submissions – draft Cessnock LEP amendments, rural (RU2 and RU5) zones - Public exhibition 2022

		<i>premises</i> currently cannot legally be approved in the RU2 zone and the current proposal will not change this.	
As above	Cedar St. Wollombi should be retained in the RU5 Zone and not be changed to RU2. To further reduce the already miniscule RU5 Zone in the Wollombi Village could complicate any possibility of further future development in this already limited and barely sustainable zone. The reason provided for LEP Amendment is itself inconsistent with the treatment of other sections of road (being Paynes Crossing Rd, Yango Creek Rd and the majority of Negro St) within the Village Zone where no zoning change is proposed.	The proposed administrative mapping changes do not change the development potential of the Wollombi Village and apply to publicly owned road reserves. Land on Paynes Crossing Road and Negro Street is proposed to be amended in the same way and for the same purpose. The change is described as administrative as the impact is negligible and is proposed in order to be consistent with NSW Department of Planning LEP Practice Note PN 10-001.	No change recommended.
Public submission 12 –	Both dual occupancy and secondary dwelling developments should be a permissible land use in RU2 Zones. Developers may require a second dwelling which is greater than the floor area allowed within Clause 5.5. Clause 5.5 stipulates “the distance between the secondary dwelling and the principal dwelling must not exceed 20 metres”. A 20-metre distance between two dwelling located upon a rural property is unreasonable as it removes the natural environment that is involved with living on a rural property. The construction of dwellings within a rural environment encourages better land management and an improvement on the landscape. It provides stronger community and increases Council’s revenue base which in turn provides better community facilities.	<i>Dual occupancy</i> is considered to be a more urban land use suited to residential zones. The current proposal is to permit <i>secondary dwellings</i> as a lower impact form of housing in RU2 zone. Secondary dwellings may be constructed within, attached to, or separate from another dwelling on the same site. LEP Clause 5.5 ensures that development on rural land is not fragmented across rural properties and will help to maintain the rural character of this land, any primary production potential the land may have and neighbour amenity. Excessive residential development in rural zones may have the effect of creating unreasonable or uneconomic demands for services and infrastructure.	No change recommended.
As above	Tourism is the backbone of Cessnock LGA’s economy. Making backpackers’ accommodation, hotel or motel accommodation, serviced apartments prohibited land use would be detrimental to Cessnock’s tourist industry.	A key aim of this proposal is to minimise the potential for land use conflict in rural areas. This proposal seeks to retain permissibility of tourist cabins in the RU2 zone, a low scale form of <i>tourist and visitor accommodation</i> . Larger scale uses of <i>backpackers’ accommodation, hotel or motel accommodation and serviced apartments</i> are proposed to be prohibited in the RU2 zone. This will reduce the risk that the rural character of this zone is damaged by incompatible development that may lessen the appeal, long-term viability and economic value of tourism in this area.	No change recommended.

Summary of agency feedback and public submissions – draft Cessnock LEP amendments, rural (RU2 and RU5) zones - Public exhibition 2022

As above	The RU2 zone should remain as an 'open zone' where any use not listed as prohibited, is permitted. The proposal for RU2 to be a 'closed zone' restricts the merit-based DA process and is detrimental to the future development of the Cessnock LGA.	Listing the RU2 zone as a 'closed zone' protects the integrity of a zone that is primarily to maintain rural character. This is the same approach taken in the six surrounding LGAs that use the RU2 zone – Maitland, Lake Macquarie, Port Stephens, Central Coast, Singleton and Hawkesbury Councils.	No change recommended.
As above	The Planning Priorities outlined in the LSPS are misleading and at the time of endorsement the changes that have been suggested within this LEP review where not made public. Had the public been advised that Council would now try and remove Dual Occupancy and specific Tourist and Visitor Accommodation from being permissible the LSPS may not have been endorsed. Both of these land uses are not detrimental to the rural areas of Cessnock and if anything, enhance them. They allow the rural areas to remain economically viable and grow rural communities. The growth of rural communities results in better/retention of community services and facilities such as schools, doctors, shops etc. It is not believed that the Priorities should not be used to discourage development in rural area but used to encourage a future for these areas.	The LSPS does not identify all individual actions that would result from its endorsement but identifies priorities to be achieved through future projects such as LEP amendments. LSPS Planning Priority 8 <i>Our rural land is protected from incompatible development</i> is a trigger to review uses that may be incompatible with rural land. <i>Backpackers' accommodation, hotel or motel accommodation and serviced apartments</i> are potentially high intensity uses that create significant demands for public infrastructure and are not compatible with the existing rural character of the RU2 zone. <i>Secondary dwellings</i> are proposed as a lower intensity option to <i>dual occupancies</i> . The scale and location of secondary dwellings in rural zones is regulated by LEP clause 5.5, adopted by Council in 2021.	No change recommended.
As above	Retain LEP Clause 7.13.	Clause 7.13 is proposed to be removed as this would be obsolete if dual occupancies were to be prohibited in the RU2 zone, as currently proposed.	No change recommended.



PLANNING PROPOSAL
AMENDMENT TO THE CESSNOCK LOCAL ENVIRONMENTAL PLAN 2011

Olivia Lewis-Curnoe

Local Government Area Cessnock Numerous Administrative Amendments

TABLE OF CONTENTS

PART 1: OBJECTIVES AND OUTCOMES.....	4
PART 2: EXPLANATION OF PROVISIONS.....	5
PART 3: JUSTIFICATION	33
Section A: Need for the Planning Proposal	33
Section B: Relationship to Strategic Planning Framework.....	34
Section C: Environmental, Social and Economic Impact	39
Section D: Infrastructure (Local, State and Commonwealth)	40
Section E: State and Commonwealth Interests	41
PART 4: MAPS	42
PART 5: COMMUNITY CONSULTATION.....	43
PART 6: PROJECT TIMELINE.....	44
Appendix 1: Council Report and Minutes (dates).....	45

Tables

Table 1: Relevant State Environmental Planning Policies	36
Table 2: Relevant Section 117 Ministerial Directions	36
Table 3: Indicative project timeline.	44

Figures

No table of figures entries found.

Appendices

Appendix 1: Council Report and Minutes	45
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Planning Proposal – Comprehensive LEP Review – Heritage Theme

Version 1.0

24 November 2022

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Revision History

Revision	Description	Date
1	Draft for Council Endorsement	Date

File No. 18/2022/4/1

Planning Proposal – Comprehensive LEP Review – Heritage Theme

PART 1: OBJECTIVES AND OUTCOMES

The objective of the Planning Proposal is to ensure Schedule 5 of the *Cessnock Local Environmental Plan 2011* (LEP) remains up to date and reflects the accurate heritage use of the land.

The Planning Proposal will achieve the following objectives:

- Alter heritage mapping to reflect boundaries of heritage sites
- Correct property descriptions and address of heritage items in schedule 5 of the LEP
- Update item name with accurate labelling

File No. 18/2022/4/1

PART 2: EXPLANATION of PROVISIONS

The Planning proposal has been prepared to enable the following amendments to be made to the Cessnock LEP 2011 instrument and maps

Amendment 1 Kurri Kurri Co-op Society Butcher's Shop

Address Lot 12, Section 32, DP 758004

Proposed change In Schedule 5 heritage Item I10 add "former" to end of name to update it to make item name Kurri Kurri Co-op Society Butcher's Shop (former).

Justification The site is no longer used as a Butcher's Shop and is now used as a retail store. Adding former to name will reflect the accurate former use of the site, to be clearly seen as a former butcher's shop.

Amendment 2 Kurri Kurri Co-op Society Ltd Store

Address Lot 13, Section 32, DP 758004

Proposed change Update item name in Schedule 5 item I11 to include "former" at end of title to make official name Kurri Kurri Co-op Society Ltd Store (former).

Justification The historical sign "Kurri Kurri Co-op Society Ltd Store" is still clearly written on the building, reflecting the previous use of the site. The building is no longer operated as Kurri Kurri Co-op Society and is now a retail premises. For item classification purposes, the item name should be updated to reflect its current use to ensure the former use of the site is clear.

Amendment 3 Abermain Hotel

Address Lot 1, DP 76277

Proposed Change In Schedule 5 Heritage Item I15 update address 25 Charles Street (corner William Street) Abermain, by adding street number 27. Making updated address 25 and 27 Charles Street (corner William Street) Abermain. Update Lot and DP from Lot 1, DP 76277 to Lot: 10 and 11 DP: 1236175.

Justification Due to an administrative error both street numbers are not included in Schedule 5 of the LEP. The correct address for the site covered by heritage mapping is both 25 and 27 Charles Street, therefore the address should have both of the numbers of address in LEP. Due to a subdivision of Lot 1, DP 76277 in October 2017 a new Lot and DP was created for the site. The lot and DP currently in LEP are not the most recent for the site, therefore it should be updated to allow the site to correctly be identified.

Amendment 4 Shops and Houses

Address Lot 24, DP 628173; Lot 231, DP 791248; Lot 4, DP 1047308; Lot 100, DP 1212575; Lot 1, DP 779515; Lot 1, DP 213879; Lot 3, DP 213879; Lot 6, DP 1106094; Lot 3, DP 1101838

Proposed Change In Schedule 5 Heritage Item I37 remove Lot 4, DP 1047308 and add Lot 40, DP 1265656 to LEP to replace it. Making property description Lot 24, DP 628173; Lot 231, DP 791248; Lot 40, DP 1265656; Lot 100, DP 1212575; Lot 1, DP 779515; Lot 1, DP 213879; Lot 3, DP 213879; Lot 6, DP 1106094; Lot 3, DP 1101838

Justification Due to a plan of delimitation in May 2020 of Lot 4 DP 1047308 a new lot and DP was created for the site. Therefore, the old property description, Lot 4 DP 1047308, is no longer current, therefore should be removed from LEP. It should be updated with the new Lot 40, DP 1265656 to allow for accurate identification of site.

Amendment 5 Branxton Railway Station

Address DP 755211

Proposed Change In Schedule 5 Heritage Item I40, remove DP 755211 and leave property description blank.

Justification DP 755211 is an isolated area that does not cover the railway station, as seen in figure 1. As the incorrect DP is listed for the site properties that are not the railway station are identified incorrectly, creating anomalies between the mapping and property address. There is no DP for the railway station site, therefore the property description should not include a specific lot and DP and should be left blank.



Figure 1. the site that is currently in the LEP as Branxton Railway Station

Amendment 6 St Brigid's Roman Catholic Presbytery

Address Lot 1, DP 805808

Proposed Change Current address in Schedule 5 Heritage Item I42 is 44 Station Street Branxton, additional street number 28 should be added. Making updated LEP address 28-44 Station Street Branxton.

Justification Due to an admin error only one of the property numbers for the site is included in LEP address. Adding the correct street number to LEP means the item can be accurately identified using the correct property address.

Amendment 7 Cessnock High School—Inter-war stripped classical style school building and stripped classical style classroom building

Address Lot 2, Section 50, DP 758002; Lot 570, DP 821031

Proposed Change The address for Heritage Item I48 in Schedule 5 is 49E and 49F Aberdare Road Cessnock. The proposed change is to remove street number 49E from LEP property address. Making the updated address 49F Aberdare Road Cessnock.

Justification Due to an admin error 49E Aberdare Road was written in LEP as part of the school property address. But as seen in Figure 2., 49E is a sports field next to the school which is not heritage listed or of heritage significance. Therefore, the property address should be updated to 49F Aberdare Road Cessnock.



Figure 2. Heritage Mapping of Cessnock High School

Amendment 8 Cessnock Swimming Pavilion

Address Lot 16, DP 48151

Proposed Change The current property address in Schedule 5 of LEP for item number I49 is 1A Allandale Road Cessnock which should be changed to 232 Wollombi Road Cessnock.

Justification Due to an admin error 1A Allandale Road Cessnock was included in LEP as the property address for the swimming pavilion. As seen in Figure 3 1A Allandale Road Cessnock covers a lot and DP that is part of the pool site but is not the lot that contains the Pavilion, which is the item of heritage significance. The address of the lot the swimming pavilion is located on is 232 Wollombi Road Cessnock therefore the LEP should be updated to reflect this.



Figure 3. 1A Allandale Road Cessnock outlined in red

Amendment 9 Obelisk to Greta Seam

Address Lot 2, DP 1013378

Proposed Change Current address in Schedule 5 for Heritage Item I50 is Charlton Street Cessnock. The proposed change is to add street number 4A, making the updated address 4A Charlton Street Cessnock.

Justification Due to an admin error no street number is included in the LEP address, although there is a street number for the site. Adding the street number to the address allows the site to be easily located and ensures accurate address is in LEP.

Amendment 10 Hunter District Water Board

Address Lots 901 and 902, DP 1145687

Proposed Change In Schedule 5 of LEP add '(former)' to the item name of Heritage Item I60. Making updated item name Hunter District Water Board (former).

Justification The site is no longer used as the Hunter District Water Board. The building was used as Cessnock Regional Art Gallery up until 2015 and now currently has no permanent use. Adding former to title will create more accurate labelling of site by recognising it's a former use.

Amendment 11 Kearsley Chambers

Address Lot 51, DP 755215

Proposed Change The address for Heritage Item I61 in Schedule 5 of LEP is 18 Vincent Street Cessnock. The proposed change is to add an additional street number, 20, to address. The updated street address will be 18-20 Vincent Street Cessnock.

Justification Due to an admin error in LEP only one street number, 18 Vincent Street, is included for Heritage Item I61. But the lot's actual street address is 18-20 Vincent Street Cessnock therefore Schedule 5 should be updated to have an accurate address.

Amendment 12 Cowman's Buildings

Address Lot 1, DP 727358; Lots 1 and 2, DP 586696

Proposed Change The proposed change is to remove Lot 1, DP 727358 from Heritage Item I63 in Schedule 5 and add Lot 1 and Lot 2, SP 100000. Making updated property description Lots 1 and 2, DP 586696 and Lot 1 and Lot 2, SP 100000.

Justification Due to a subdivision of Lot 10 DP 1255918 in December 2019 a new Strata Plan was created for 84–86 Vincent Street Cessnock. Lot 1, DP 727358 is no longer in use and therefore the new DP from the Strata Plan for the site, Lot 1 and Lot 2, SP 100000, should be added to LEP to ensure the property description is current.

Amendment 13 Northumberland Hotel (former)

Address Lot 1, DP 812229

Proposed Change Current address in Schedule 5 for Heritage Item I65 is 113 Vincent Street Cessnock. The proposed change is to add street number 115 to address making updated LEP address 113-115 Vincent Street Cessnock.

Justification Due to an admin error both street numbers were not added to the LEP address. The official street number for Lot 1, DP 812229 is 113-115 Vincent Street Cessnock therefore adding this to LEP will ensure the information is correct and create accurate labelling and identification of site.

Amendment 14 Commercial Bank Building

Address Lot 3, Section B, DP 4653

Proposed Change current address in Schedule 5 for Heritage Item I66 is 117 Vincent Street Cessnock. Street number 119 should be added to property address to make LEP address 117-119 Vincent Street Cessnock.

Justification Due to an admin error only one of the street numbers for the property is included in LEP. Both numbers for the heritage item should be added to update the LEP address 117-119 Vincent Street Cessnock.

Amendment 15 Two storey brick commercial building

Address Lot 1, DP 302823

Proposed Change Add additional street number 142 to Schedule 5 Heritage Item I68. To change current LEP address from 138 Vincent Street Cessnock to 138-142 Vincent Street Cessnock.

Justification Due to an admin error only one of the street numbers for the property is included in Schedule 5 for the heritage item. The additional street number should be added to ensure the accurate address is in LEP.

Amendment 16 Woodhouse Motor Garage

Address Lot 1, DP 653935

Proposed Change Amend Schedule 5 Heritage Item I70 by adding “(former)” to title making item name Woodhouse Motor Garage (former).

Justification Woodhouse Motor Garage is now used as a retail premises and is not used for its historical purpose of a motor garage. Adding former to the item name will ensure the property use is described as accurately as possible.

Amendment 17 Cinema (former)

Address Lot 1, DP 956157

Proposed Change Update Lot and DP in Schedule 5 for Heritage Item I75 from Lot 1, DP 956157 to Lot 2, DP 165744

Justification Due to an admin error the Lot and DP in LEP, Lot 1, DP 956157, is for a property that is not the cinema. Therefore, Lot 2, DP 165744 should replace it to will allow for accurate identification and labelling.



Figure 4. Current LEP Property Description outlined in red, site of Cinema (former) mapping in brown

Amendment 18 Black Opal Hotel

Address Lot 5, Section 1, DP 758002

Proposed Change Amend name in Schedule 5 of Heritage Item 176 from Black Opal Hotel to Railway Hotel (Black Opal Hotel)

Justification The original name of the hotel when it was first established in 1912 was the Railway Hotel as it was located across the road from the historic Cessnock Railway Station. Since its opening the name changed to the Black Opal Hotel for a period of time but has now been changed back to its previous historic name of the Railway Hotel. Changing its name in the LEP corrects it to its current name, and also re-establishes its historic ties to the city. By keeping Black Opal Hotel in brackets the changing history of the site is included in the name.

Amendment 19 Cessnock General Cemetery

Address Lot 2, DP 784394; Lot 1, DP 784394; Lots 7301 and 7302, DP 1140342

Proposed Change the current address in Schedule 5 for Heritage Item 179 is Wine Country Drive, the proposed change is to add (Cnr Kerlew Street) to the address

Justification Wine Country Drive is an extensive piece of road over 8km long. Therefore more accurate identifying information than the road name is needed in property description. Adding "(cnr Kerlew Street)", which is the other street the cemetery is located on, adds detail to the description and ensures site is easy to locate.

Amendment 20 Branxton General Cemetery

Address Lots 1, 9 and 10, Section 3, DP 758153; Lot 7005, DP 93471

Proposed Change The proposed change for item 185 in Schedule 5 is to amend the property description by removing Lot 9, Section 3 DP 758153 and adding; Lot 9, Section 2, DP 758153.

The final property description would be Lots 1 and 10, Section 3, DP 758153; Lot 9, Section 2, DP 758153; Lot 7005, DP 93471

Justification Due to an admin error, a Lot and DP was identified incorrectly in the property description. Therefore, updating property description will accurately identify the correct Lot and DP as it is important as the property description needs to match the mapped lot and DP.



Amendment 21 Ellalong Public School and Memorial Gates—functional style timber classroom building and WWI and WWII memorial gates and pillars

Address Lots 4 and 5, Section 9, DP 758382; Lot 258, DP 820562

Proposed Change Current street address for Heritage Item I87 in Schedule 5 is Helena Street Ellalong. The proposed change is to add street number 32 to address, making updated LEP address 32 Helena Street Ellalong.

Justification Due to an admin error no street number was included for the site. Adding the street number to site will ensure an accurate address in LEP and make it easier to locate.

Amendment 22 St Mary's Anglican Church

Address Lots 2 and 3, Section 7, DP 758474

Proposed Change The first proposed change for Heritage Item I89 is to add a street number to address updating it from Anvil Street Greta to 84 Anvil Street Greta.

The second change is to update the property description by removing the current Lots 2 and 3, Section 7, DP 758474 and replacing it with Lot: 12, DP: 1238243

Justification Due to an admin error no street number was included in LEP. Adding the street number makes site easier to locate. Due to a Plan of Consolidation of Lots 2 & 3, Section 7, DP 758474 in December 2017 a new DP was created for the site, therefore this should be updated in the LEP.

Amendment 23 Horse trough

Address Road reserve

Proposed Change The proposed change for Heritage Item I98 in Schedule 5 is to update address from High street Greta to High Street Greta (between Hunter and Nelson Streets).

Justification The current LEP address of High street gives a large area that the horse trough could be located. As the horse trough is located on the road reserve there is no lot and DP for the site, adding 'between Hunter and Nelson Streets' to address makes it much easier for site to be identified.

Amendment 24 Greta Masonic Hall (former)

Address Lot 1, DP 904277

Proposed Change The proposed change for Heritage item I91 in Schedule 5 is to add Lot: 1 DP: 970651 as part of the heritage site, making the updated property description Lot 1, DP 904277; Lot: 1 DP: 970651. Heritage map sheet HER 005A should be updated to have heritage mapping covering both Lot 1, DP 904277; Lot: 1 DP: 970651.

Justification The Masonic Hall is located on both Lot 1, DP 904277 and Lot: 1 DP: 970651 as seen in Figure 5. The address for the Masonic Hall is 67 High Street Greta, both lots for the site are covered by this property address. The Masonic Hall is partly located in Lot: 1 DP: 970651 therefore the lot should be included in the LEP so that the whole building that is heritage significant is listed correctly.

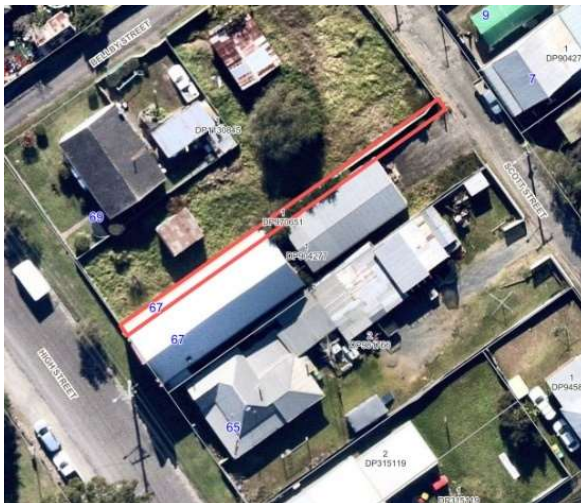


Figure 5. Area outlined in red is Lot: 1 DP: 970651

Amendment 25 Greta General Cemetery

Address Lots 1–11, Section 27, DP 758474; Lot 1, DP 1121234; Lot 2, DP 1053666; Lots 7300 and 7301, DP 1146320

Proposed Change The proposed change for Heritage Item I101 is to remove Lots 1-6, Section 27, DP 758474 to make new grouping for that DP, Lots 6-11, Section 27, DP 758474. Lot 1 DP 1121234 and LOT: 1 DP: 1122415 should also be added to LEP to make the new Lot and DP for the site Lots 7-11, Section 27, DP 758474; Lot 1, DP 1121234; Lot 2, DP 1053666; Lots 7300 and 7301, DP 1146320; Lot 1 DP 1121234, LOT: 1 DP: 1122415

Justification Due to an admin error the incorrect lot and DP was included in property description. Updating the property description ensures the heritage item mapping and Lot and DP accurately match.



Figure 6. area covered by heritage mapping is Greta General Cemetery

Amendment 26 Maitland Mine manager's house (former)

Address Lot 2, DP 877093

Proposed Change The proposed change for heritage item I105 in Schedule 5 is to remove Lot 2, DP 877093 and to add Lot 12 DP 1236211.

Justification Due to a plan of subdivision of Lots 1 & 2 DP 877093 in November 2017 a new DP was created, DP 1236211. The lot and DP currently in the LEP is not the most recent, therefore the LEP should be updated with the most current information to ensure accuracy.

Amendment 27 Kearsley Public School and School House (former)—functional style timber classroom and unidentified stone pillars and gates

Address Lots 1 and 2, DP 1063116

Proposed Change Current address in Schedule 5 for Heritage Item I106 is 10 Allandale Street and 128 Caledonia Street Kersley. The proposed change is to remove 10 Allandale Street and update it to 128 and 130 Caledonia Street Kersley.

Justification Due to an admin error 10 Allandale Street Kersley was included as the address in LEP, although it is not relevant to the school site. The new address 128 and 130 Caledonia Street Kersley is the accurate address for the site and updating address will allow for it to easily be identified.



Figure 7. Heritage Mapping of Kersley Public School and School House on 128 and 130 Caledonia Street Kersley

Amendment 28 Kearsley Hotel

Address Lots 9 and 10, Section 19, DP 758555

Proposed Change Proposed change is to update street address for heritage item I108 in Schedule 5 from 120 Caledonia Street Kersley to 120 Caledonia Street and 37 Congewai Street Kersley.

Justification Due to an admin error, only one address for the Kersley Hotel was included in LEP. Updating the property description to have both addresses of the site will ensure the most accurate address is in LEP.



Figure 8. The two lots covered by the brown heritage mapping is the Kearsley Hotel

Amendment 29 Company houses Elrington Colliery (former)

Address Lots 1–5, DP 263182

Proposed Change Proposed change to update address in Schedule 5 Heritage Item I109 from 2–17 Camellia Close Kersley by adding 25 Jacaranda Grove to make updated address 2–17 Camellia Close and 25 Jacaranda Grove Kersley. Remove Lot 4 DP 263182 and add Lot 41 and 42 DP 1158993 making final lot and DP Lots 1,2, 3, 5, DP 263182; Lot 41 and 42 DP 1158993

Justification Due to a Plan of subdivision of Lot 4, DP 263182 in November 2010 a new DP was created for this lot. Therefore, the LEP should be updated with the updated Lot and DP to ensure the property description is current.

Amendment 30 Kitchener Public School—weatherboard functional style classroom building

Address Lot 1, Section 17, DP 758576

Proposed Change Proposed change of address for Heritage Item I112 in Schedule 5 by adding street number 58. Changing address from 38 Richmond Street Kitchener to 38-58 Richmond Street Kitchener

Justification Due to an admin error only one street number was included for the site. The lot that covers the heritage listed area of the site has the street numbers 38-58, therefore these street numbers should be included in the LEP to accurately identify the site.

Amendment 31 Kurri Kurri Public School—weatherboard transitional style classroom building with red brick chimneys, functional style classroom building, infants school building, functional style classroom building and weatherboard functional style classroom building

Address Section 31, DP 758590

Proposed Change Add lot and DP to Schedule 5 Heritage Item I113 to make Property Description Lot 1 Section 31 DP 758590. Change LEP address from Alexandra, Rawson, Allworth and Lang Streets to 202 Lang Street Kurri Kurri.

Justification Currently there is no lot number in LEP property description so by adding the lot to property description there is more detail and accuracy to identify the site. Removing the four different streets and using the official property address makes the site easier to locate and allows it to be more accurately labelled in LEP with the official property address.



Figure 9. Kurri Kurri Public School heritage mapping

Amendment 32 Kurri Kurri Band Rotunda

Address Lot 190, DP 1108272

Proposed Change The current address for Schedule 5 Item number I127 is Lang Street Kurri Kurri. The proposed change is to add street number 190 to LEP address to make address 190 Lang Street Kurri Kurri

Justification Due to an admin error there is currently no street number for Kurri Kurri Band Rotunda in LEP so by adding the street number to LEP the site is easier to locate and more detail is provided.

Amendment 33 Rotary Park Miners Memorial

Address Lot 190, DP 1108272

Proposed Change The current address for Schedule 5 Item number I128 in LEP is Lang Street Kurri Kurri. The proposed change is to add street number 190 to LEP address to make address 190 Lang Street Kurri Kurri.

Justification Due to an admin error there is currently no street number for Rotary Park Miners Memorial in LEP so by adding the street number to LEP the site is easier to locate and more detail is provided.

Amendment 34 Kurri Kurri Co-op Store (former)

Address Lots 9 and 10, Section 19, DP 758590

Proposed Change In Schedule 5 heritage item I129 propose to change property address in LEP from 245 Lang Street Kurri Kurri to 251-253 Lang Street Kurri Kurri

Justification Due to an admin error 245 Lang street Kurri Kurri is recorded in LEP as current address but this address does not exist as an official address. The correct property number is 253 therefore this street number should be added so that the site can be located accurately.

Amendment 35 Richmond Main Colliery

Address Lot 31, DP 594396

Proposed Change Current address in Schedule 5 for Heritage Item I221 is South Maitland Coalfields. The proposed change is to add the property address for the site to the LEP address, 262 Leggetts Drive Richmond Vale, while keeping South Maitland Coalfields as part of address. Making new LEP address 262 Leggetts Drive Richmond Vale (South Maitland Coalfields).

Justification The current LEP address does not include the property address, making it difficult to locate the site without previous knowledge of South Maitland Coalfields. Adding the street address to the existing description means that the site can be travelled to without already knowing the location of South Maitland Coalfields.

Amendment 36 Crawfordville School (former)

Address Lots 43 and 44, DP 13687

Proposed Change Proposed change for Schedule 5 Heritage Item I140, is to change address from 27 and 29 Bennett Street to 25 and 29 Bennett Street.

Justification Due to an admin error a wrong street number was given to the site. The correct address that matches the lots is numbers 25 and 27 therefore address should be updated to match this.

Amendment 37 Millfield Public School and Memorial Gates—weatherboard classroom building, weatherboard school residence (former) and memorial pillars and gates

Address Lot 7, DP 1034925; Lot 2, DP 782776

Proposed Change Proposed change to address in Schedule 5 Heritage Item I144 from 105–129 Wollombi Road Millfield to 105–107 Wollombi Road Millfield

Justification Due to an admin error the incorrect street number was written in LEP for item I144. The address that covers the lots, Lot 7, DP 1034925; Lot 2, DP 782776, that are heritage listed for the site, is 105–107 Wollombi Road Millfield. Therefore, the LEP should be updated to the correct address to match the mapping.



Figure 10. Millfield Public School and Memorial Gates Heritage mapping

Amendment 38 Bow Wow Creek Gorge

Address Sandy Creek Road (6km south west of Mulbring)

Proposed Change To Amend Schedule 5 heritage item I146 add the lot and DPs, Part Lot: 122 DP: 1135927; Part LOT: 15 DP: 877663; part LOT: 2421 DP: 1145909; part LOT: 2 DP: 1078100; part LOT: 411 DP: 1226391; part LOT: 16 DP: 253632; LOT: 151 DP: 833886; LOT: 150 DP: 833886; LOT: 2 DP: 809342; LOT: 1 DP: 809342; LOT: 13 DP: 253632; part LOT: 121 DP: 1135927; LOT: 113 DP: 755244; LOT: 112 DP: 755244; LOT: 64 DP: 755244; LOT: 3 DP: 755244; LOT: 623 DP: 1155610; LOT: 2 DP: 1178614; LOT: 1 DP: 1178614; LOT: 1021 DP: 865758; LOT: 1022 DP: 865758, to LEP

Justification Currently there is no lot or DP in the LEP property description for Bow Wow Creek Gorge and the address does not have a specific house number, rather it is Sandy Creek Road (6km south west of Mulbring). Adding the lot and DPs to the LEP will allow for the site to more easily be located on maps and when finding the site in person. This item is heritage listed for its fossils and geological significance and does not have specific Aboriginal heritage significance. Therefore it is appropriate to list the lot and DPs for the site.

Amendment 39 Mulbring Road Fill Quarry

Address Cessnock Road

Proposed Change Proposed change to address for Schedule 5 Heritage Item I147 remove current LEP address Cessnock Road Mulbring and replace it with 865 Leggetts Drive Mulbring. Currently there is no Lot and DP in the property description, so it is proposed to add Part LOT: 2 DP: 1106702 to LEP.

Justification Due to an admin error the address for the site in LEP is Cessnock Road Mulbring. This address is incorrect and does not have an identifying street number. Therefore, the correct property address, 865 Leggetts Drive Mulbring, should be added. There is no lot and DP in the LEP despite there being one for the site, therefore Part LOT: 2 DP: 1106702 should be added to LEP to make the site identifiable.

Amendment 40 Mulbring Uniting Church and Cemetery

Address Lot 7301, DP 1154500 and Lot 1, DP 668245

Proposed Change Add Lot: 1 DP: 668244 to the heritage listed lots of heritage item I149 in Schedule 5. Amending Heritage Map Sheet HER_009 to add Lot: 1 DP: 668244 in heritage area with existing heritage lots Lot 7301, DP 1154500 and Lot 1, DP 668245.

Justification The in the title of heritage item I149 the Church and the Cemetery are both included, meaning both items are significant to the heritage site. But the two lots listed in LEP, Lot 7301, DP 1154500 and Lot 1, DP 66824, only cover the cemetery, not the church. Adding Lot: 1 DP: 668244 to the LEP would ensure the church is included in the heritage mapping and all items of significance for the site are correctly as heritage in LEP.



Figure 11. outlined in red is Lot 1 DP 668244 which contains Mulbring Uniting Church but is not currently not mapped as heritage

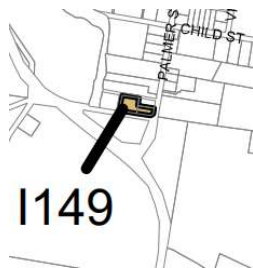


Figure 12. Heritage Map Sheet HER_009 identifying I149 Mulbring Uniting Church and Cemetery

Amendment 41 Potters Brewery

Address Lot 1, SP 86394

Proposed Change Amend property address in Schedule 5 Heritage Item I155 from 9 Fleming Street Nulkaba to 1/9 Fleming Street Nulkaba.

Justification The current address of 9 Fleming Street in LEP does not accurately identify which site on 9 Fleming Street is the heritage listed site. Adding the correct address of 1/9 means the correct lot is cited in the LEP to match the heritage mapping.



Figure 13. heritage mapping of Potter's Brewery

Amendment 42 Oakvale Winery and Vineyard

Address Lots 122 and 123, DP 1121335

Proposed Change Amend Schedule 5 Heritage Item I165 property description from Lots 122 and 123, DP 1121335, by removing Lot 123, DP 1121335 and adding Lot: 3 DP: 1215471. Making new property description Lots 122, DP 1121335; LOT: 3 DP: 1215471.

Another street number should be added to address to change it from 1596 Broke Road to 1594-1596 Broke Road.

Justification Due to the acquisition of land on Lot 123, DP 1121335, for a road widening in October 2015 a new Lot and DP was created for site. Due to this change in DP for the site, the property description only has one lot identified correctly with the old lot. By removing the incorrect lot and adding the correct lot and DP for the second lot, the site can be identified correctly to match the heritage mapping. Having both street numbers, 1594-1596, in address allows both lots to clearly be identified

and match the LEP mapping, as opposed to having the one street number that would only cover on of the lots.



Figure 14. Oakvale Winery and Vineyard

Amendment 43 Oakdale Winery and Vineyard

Address Lots 3 and 4, DP 790025

Proposed Change Amend address in Schedule 5 Heritage Item I168 from 750 De Beyers Road Pokolbin to 748-750 De Beyers Road Pokolbin

Justification Due to an admin error a street number for the site was not included in LEP. Adding the extra street number ensures that both sites that are listed as heritage in the LEP mapping are listed in the property address.

Amendment 44 Glen Elgin Winery, Vineyard and Homestead

Address Lots 1 and 3, DP 1139240

Proposed Change Amend address of Heritage Item I167 in Schedule 5, from 576 De Beyers Road, to McDonalds Road and 576 De Beyers Road.

Justification Current address is McDonalds Road, this address is only for one of the two lots and there is no street number for the site on this road, therefore makes it difficult to identify. Adding the address 576 De Beyers Road means both lots on the heritage site are correctly identified in Schedule 5 of the LEP and the main entry point of the site is identified for ease of access.

Amendment 45 Lindeman's Ben Ean Cellars, Winery and Distillery (disused)

Address Lot B, DP 947427

Proposed Change Add additional street number to Schedule 5 Heritage Item I171 address to change 119 McDonalds Road to 97, 101 and 119 McDonalds Road.

Change Lot and DP from Lot B, DP 947427 to Lot: 11 DP: 1249874; LOT: 12 & 13 DP: 1249874

Justification Due to a subdivision of Lot B, DP 947427 in 2018 a new DP was created for the site. Which is now to Lot: 11 DP: 1249874; LOT: 12 & 13 DP: 1249874 and this change should be reflected

in the Schedule 5 of the LEP. Currently only one of the lot addressees is included in the LEP so adding the numbers 97 and 101 will include the addresses for all lots in the LEP.

Amendment 46 Bellevue Vineyard and Winery

Address Lots 159 and 161, DP 755252

Proposed Change Current street address in Schedule 5 Heritage Item I174 is 555 Oaky Creek Road, the proposed amendment is to add an additional street number to LEP making address 529 and 555 Oaky Creek Road.

Lot 161 DP 755752 should be removed from LEP and Lot: 159 DP 755252 & Lot: 103 DP: 1285232 should be added. Map sheet HER_006C should be altered to remove the strip of heritage mapping that crosses the property boundary onto LOT: 104 DP: 1285232 (as seen in figure 15). The heritage mapping should be snapped to the property boundary of LOT: 159 DP: 755252 and corner of Lot: 103 DP: 1285232 to remove the heritage mapping covering Marrowbone Road (as seen in Figure 16).

Justification Due to an administrative error only one of the street numbers for the site is included in the LEP. The heritage mapping covers the two properties therefore the street numbers for both lots should be included. A subdivision of DP 755252 in July 2022 created a new lot and DP for the site. The new property boundaries should make the new outline of the heritage mapping. The mapping should not cover the road as should the property boundary should not either.



Figure 15. Bellevue Vineyard and Winery Heritage mapping that crosses into



Figure 16. Bellevue Vineyard and Winery Heritage mapping covering Marrowbone Road

Amendment 47 Old North Road remnant

Address Lots 1 and 2, DP 1012194

Proposed Change Amend Schedule 5 Heritage Item I177 by removing Lot 1, DP 1012194 and adding Part Lot 9 DP 1157488, Part LOT: 8 DP: 1157488 and Part Lot 1, DP 1012194 heritage listed. To make official LEP property description, Part Lot 2, DP 1012194; Part LOT: 9 DP: 1157488, Part LOT: 8 DP: 1157488.

Remove address 1294 Talga Road Rothbury from LEP and add 22 & 42 Blackburn Close Lovedale. The current suburb of property in LEP is Rothbury but this should be changed to Lovedale, making updated LEP address 22 & 42 Blackburn Close and 1274 Talga Road Lovedale.

Justification Due to an admin error the incorrect lots are listed for the site. The lots need to be updated to reflect the sites identified in the heritage mapping. The heritage site covers only parts of the three new lots identified therefore this should be reflected in the property description as Part Lot 2, DP 1012194; Part LOT: 9 DP: 1157488, Part LOT: 8 DP: 1157488. Due to an admin error the site suburb in LEP is listed as Rothbury but the official property address on Cessnock City Council Records is stated as located in Lovedale, therefore the suburb should be updated to reflect the correct information. The address should be updated to correctly identify the sites covered by the heritage mapping.



Figure 15. heritage mapped area is the Old North Road remnant

Amendment 48 Wilderness Cemetery

Address DP 70352

Proposed Change Amend property description for Schedule 5 Heritage Item I178 from DP 70352 to LOT: 7 DP: 239505

Justification Due to an admin the incorrect Lot and DP was listed in Property Description. The Property Description in the LEP should be updated to have accurate location details of the site.

Amendment 49 Weston Public School—Georgian style classroom building with gable roof and boxed eaves and double storey standard weatherboard and brick functional style building

Address Lots 1–3 and 5–22, Section 18, DP 979187

Proposed Change Update address in Schedule 5 Heritage Item I189 from Sixth Street to 20-36 Sixth Street and 18-22 Weston Street.

Justification Due to an admin error the full address for the item was not included in LEP. Changing the address to include the street number for Sixth Street and 18-22 Weston Street allow for the full address of the site to be included in the LEP and sufficient detail to locate the site.

Amendment 50 Undercliff

Address Lot 78, DP 755272

Proposed Change Proposal to amend Schedule 5 Heritage Item I210 add 'part' to lot and DP making it Part Lot 78, DP 755272

Justification As only half of the lot is heritage listed stating “part” in the address allows for more accurate detail of the site to be included making it easier to locate on the lot.

Amendment 51 Bellbird Mines Disaster Memorial

Address Lot 27, Section 7, DP 758082

Proposed Change Amend Schedule 5 Heritage Item I23 property description and mapping. Heritage list two additional properties as part of memorial, these lots being LOT: 26 SEC: 3 DP: 758082 and LOT: 28 SEC: 7 DP: 758082. Making updated property description LOT: 26 SEC: 3 DP: 758082, LOT: 27 SEC: 7 DP: 758082 and Lot 28, Section 7, DP 758082.

Update Heritage Map Sheet HER_006C to include existing mapping of Lot 27, Section 7, DP 758082 and add LOT: 20 SEC: 3 DP: 758082 and LOT: 26 SEC: 7 DP: 758082.

Justification The whole park covers three lots and only one lot is heritage listed. The memorial items in NSW Heritage’s description of site are the rose garden and memorial and these are located on LOT: 20 SEC: 3 DP: 758082 therefore this property should be heritage listed to protect the heritage items. The LOT: 26 SEC: 7 DP: 758082 should also be heritage listed to cover the whole park as heritage.



Figure 16. Bellbird Mines Disaster Memorial Heritage Mapping



Figure 17. The rose bushes and memorial stone that are the most heritage significant for the site.



Figure 18. The back of the park of Lot 28, Section 7, DP 758082, with rose bushes, memorial stone and grass.



Figure 19. Undercover picnic table located in centre of site.

Amendment 52 Bellbird Hotel

Address Lots 2–4, Section F, DP 6264

Proposed Change Amend Schedule 5 Heritage Item I21, remove Lot 2, Section 4, DP 6264 and add Lot 200, DP 1243053. Heritage Map Sheet HER_006C should also be corrected by aligning the heritage mapping with property boundary of Lot 200, DP 1243053.

Justification Due to a subdivision in 2018 of Lot 2, Section 4, DP 6264, DP was replaced by Lot 100, DP 1243053 and Lot 200, DP 1243053. The heritage mapping has not been updated to reflect these changes and the heritage mapping is still covering part of Lot 100, DP 1243053. Therefore, the heritage mapping should be updated to align with the property boundary of Lot 200, DP 1243053.



Figure 20. Heritage Mapping of Bellbird Hotel



Figure 21. The new medical practice located on right and Bellbird Hotel on left.

Amendment 53 United Services Hotel (former)

Address Lot 46, DP 1034268

Proposed Change Amend Heritage Item I71 in Schedule 5 by adding additional street number to address from 163 Vincent Street making address 163-167 Vincent Street Cessnock. Snap mapping to boundary of property in Heritage Map Sheet HER_006CA of Lot 46, DP 1034268 to match property boundary.

Justification Due to a road widening in 1999 the boundaries of Lot 100, DP 712730 were moved to create a new lot and DP, Lot 46, DP 1034268. The current heritage mapping covers the historic property boundary onto what is now a footpath. The heritage mapping should be snapped to the current property boundary to ensure only the items with heritage significance within the property boundary are mapped.



Figure 22. property boundary (red line) and LEP heritage mapping (brown) can be seen to lie outside of property boundary

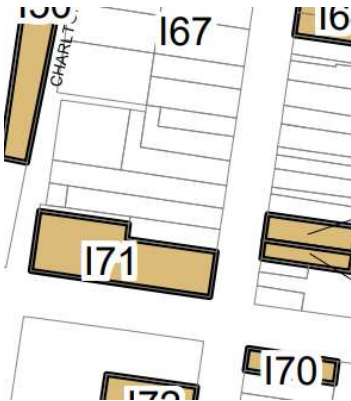


Figure 23. heritage item I71 located on Heritage Map Sheet HER_006CA

Amendment 54 Sandstone kerbs, gutters and roads

Address Road reserve

Proposed Change Amend heritage map Sheet HER_009AA Schedule 5 Heritage Item I114. Existing mapping between Maitland Street and Brunner Street should be removed. The street and road reserve on Allworth street to between Rawson and Barton Streets should be mapped as heritage.

Justification Due to an admin error the heritage mapping between Maitland Street and Brunner Street was incorrectly mapped as the location of the heritage sandstone gutters, therefore the mapping should be removed. New heritage mapping should be added between Barton Street and Rawson Street to cover the correct location of the sandstone gutters.



Figure 24. Section of road where new heritage mapping is to be located



Figure 25. Current incorrect location of heritage mapping on Heritage Map Sheet HER_009AA



Figure 26. Allworth street sandstone gutters located in front of Kurri Kurri BWS



Figure 27. Allworth Street Sandstone gutters located beside Kurri Kurri Public School

Amendment 55 Olympia Picture Theatre

Address Lot 1, DP 818939

Proposed Change Amend Schedule 5 Heritage Item I190 by adding street number 30 to address to make LEP address 28-30 Station Street Weston.

Justification Due to an admin error only one of the street numbers for the property was listed in the LEP. The correct street address of the property is 28-30 Station Street Weston, therefore this address should be stated in the LEP address.

Amendment 56 Pelaw Main Public School—memorial pillars

Address Lot 75, DP 755259

Proposed Change Amend Schedule 5 Heritage Item I164 by adding street number 16 to property address to make LEP address 10-16 Abermain Street Pelaw Main.

Justification Due to an admin error in the LEP the full street address is not included in the LEP. The correct and full address should be listed in the LEP to ensure the site is accurately identified.

Amendment 57 Cote d'Or Vineyard and Winery

Address Lot 1, DP 981943

Proposed Change Amend Schedule 5 Heritage Item I169 address DeBeyers Road by adding street number to address to make LEP address 749 DeBeyers Road Pokolbin.

Justification Due to an admin error the street number for the item was not included in LEP. Adding the full property address ensures the site can be correctly and easily identified.

Amendment 58 Chelmsford Hotel

Address Lot 6, Section 20, DP 758590

Proposed Change Amend Schedule 5 Heritage Item I124 by adding street number 126 to address to make LEP address 122-126 Lang Street Kurri Kurri.

Justification Due to an admin error both street numbers for the site were not included in LEP. To correct this and ensure the LEP has accurate details of the site the street number should be added.

Amendment 59 Australia Hotel

Address Lot 1, DP 306863

Proposed Change Update property description Schedule 5 Heritage Item I82 Lot and DP from Lot 1, DP 306863 to Lot: 12, DP: 1243972

Justification Due to consolidation of Lot 1 DP 306863 and Lot 2 DP 308571 in June 2018 a new Lot and DP was given to the site. This new Lot and DP, Lot: 12, DP: 1243972, are now in use and therefore the old inaccurate Lot and DP should be removed from LEP.

Amendment 60 F Goldsmith and McCullough's Building

Address Lots A and B, DP 314038; Lot 31, DP 588605

Proposed Change Update address for Heritage Item I64 in Schedule 5 from 100–110 Vincent Street Cessnock to 104-110 Vincent Street Cessnock and amend heritage map Sheet HER_006CA to remove the mapping from 100-102 Vincent Street Cessnock. Remove Lot 31, DP 588605, leaving Lots A and B, DP 314038

Justification 100-102 Vincent Street is included in the mapping and address but is not part of the heritage F Goldsmith and McCullough's Building. 100-102 Vincent Street is a non-significant 20th century building which does not contribute to the significance of the adjoining heritage items nor does it have significance in and of itself. Therefore the heritage mapping should be removed from the property and address and Lot and DP should be updated to match the mapping change.



Figure 28. 100-102 Vincent Street Cessnock is Sportspower and the two buildings adjacent are the F Goldsmith (104-108 Vincent Street Cessnock) and McCullough's Building (110 Vincent Street Cessnock)

Amendment 61 Richmond Vale Railway

Address The extent of the item as shown on the Heritage Map

Proposed Change Amend map sheet HER_009A in Schedule 5 Heritage Item I214 by removing heritage mapping from LOT: 1 DP: 1061633.

Justification The heritage mapping covers an insignificant corner of land on LOT: 1 DP: 1061633. The land covering this mapping is bushland, not part of Richmond Vale Railway and does not contribute to the heritage value of the item.



Figure 29. the corner of Lot 1 DP 1061633

Amendment 62 South Maitland Railway System, Collieries of the South Maitland Coalfields/Greta Coal Measures Group

Address Between Pelton Colliery Triangle and LGA Boundary CLIFTON NSW 2321

Proposed Change Amend map sheet HER_006C in Schedule 5 for Heritage Items I212 and I215, by removing heritage mapping from the area of the site that is part of the R2 Zone.

Amendment 63 St Patrick's Roman Catholic Church



PART 3: JUSTIFICATION

In accordance with the Department of Planning and Environment's "Guide to Preparing Planning Proposals", this section provides a response to the following issues:

- Section A: Need for Proposal;
- Section B: Relationship to Strategic Planning Framework;
- Section C: Environmental, Social and Economic Impact; and
- Section D: State and Commonwealth Interests

Section A: Need for the Planning Proposal

1 Is the planning proposal a result of an endorsed LSPS, strategic study or report?

The proposed amendments are a result of a comprehensive review of Cessnock LEP. The review of Schedule 5 found errors in mapping, changes to lot and DP and inconsistencies in item names.

2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, to alter Cessnock Local Environmental Plan 2011 a planning proposal must be submitted to make the intended changes. It is proposed to expedite the planning proposal under section 3.22 of the EP&A Act as it meets the criteria:

- (a) correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error,
- (b) address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature,
- (c) deal with matters that the Minister considers do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land.

Section B: Relationship to Strategic Planning Framework

3 Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Hunter Regional Plan 2036

The Hunter Regional Plan (HRP) provides the overarching strategic framework to guide development, investment and planning within the Hunter region to 2036. The HRP sets the following regionally focused goals:

- The leading regional economy in Australia
- A biodiversity-rich natural environment
- Thriving communities
- Greater housing choice and jobs

The Planning Proposal is consistent with the following directions and/or actions of the HRP:

- “Identify and protect the region’s heritage” - updating Schedule 5 will provide accurate details of the heritage items, which will ensure the heritage items are identified correctly and can therefore be better protected.
- “Priorities for strategic centres: Cessnock- Investigate opportunities to leverage the heritage character of the centre, and growth in wine tourism in Pokolbin” - updating the heritage mapping to more accurately map the vineyards ensures the heritage character is preserved, as there are increases in tourism and development in the area.

Draft Hunter Regional Plan 2041

The draft Hunter Regional Plan was on public exhibition until 4 March 2022 and the planning proposal is required to consider the document.

“OBJECTIVE 7: Plan for businesses and services at the heart of healthy, prosperous and innovative communities” – protecting the heritage items of Cessnock adds cultural value that is a draw card to tourists.

“District Planning Priorities... Rural communities need to maintain their rich heritage and historic charm, while developing their accommodation and service capacities.” – updating the heritage information assists with the accurate assessment of developments and their potential impact on heritage items.

Greater Newcastle Metropolitan Plan

The Greater Newcastle Metropolitan Plan (GNMP) sets out strategies and actions that will drive sustainable growth across Cessnock City, Lake Macquarie City, Maitland City, Newcastle City and Port Stephens, which together make up Greater Newcastle. The plan also helps to achieve the vision set in the Hunter Regional Plan 2036 for the Hunter to be the leading regional economy in Australia with a vibrant new metropolitan city at its heart.

The Planning Proposal is consistent with the following strategies and/or actions of the Greater Newcastle Metropolitan Plan:

- “Transitioning to a service, creative and knowledge city: growing historic towns and culture and mining and industrial heritage” - reviewing Schedule 5 of LEP ensures the heritage items are accurately identified to maintain the heritage and culture of Cessnock.
- “Promote tourism, major events and sporting teams on the national and international stage” - maintaining Cessnock’s heritage enhances the tourist appeal of the region.

- “Create better buildings and great places” - maintaining Cessnock’s heritage enhances the capacity of its cultural economy.
- “Identify, protect and celebrate Aboriginal cultural heritage, historic heritage and maritime heritage” - reviewing Schedule 5 of LEP ensures the heritage items are accurately identified to maintain the heritage and culture of Cessnock.
- “Includes the lifestyle centres of Cessnock, Kurri Kurri, Branxton and Greta, where identity, rural setting and heritage values must be protected”- reviewing Schedule 5 of LEP ensures the heritage items are accurately identified to maintain the heritage and culture of Cessnock.

4 Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Cessnock Local Strategic Planning Statement 2036 (LSPS)

The Cessnock Local Strategic Planning Statement 2036 (LSPS) establishes a 20-year vision for land use planning in the Cessnock LGA. The LSPS sets out the important character and values, which are to be preserved and establishes planning principles to manage land use planning in the future.

The following planning priorities and principles are relevant to the proposal.

- Our wine tourism industry is supported and enhanced
- Heritage-based tourism is facilitated and promoted
- Our villages retain their unique qualities that reflect their histories

Community Strategic Plan - Our People, Our Place, Our Future

The Cessnock Community Strategic Plan 2027 (CSP) was prepared in 2013 and identifies the community’s main priorities and expectations for the future and ways to achieve these goals. The vision of the CSP is:

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 needs.

A range of strategic directions are provided which relate to the social, environmental and economic health, sustainability and prosperity of the Cessnock LGA. The Planning Proposal is consistent with the following themes of the CSP:

- 1.4.1 We have thriving cultural precincts throughout the Local Government Area that celebrate our heritage and culture.
- 1.4.2 We have a diverse program of cultural and heritage activities
- 3.1 Protecting and enhancing the natural environment and rural character of the area
- 3.1.2 Our area’s rural character and heritage is protected- The area’s heritage is well conserved

5 Is the planning proposal consistent with any other applicable State and regional studies or strategies?

A 20-year Economic Vision for Regional NSW

The Economic Vision for Regional NSW seeks to drive sustainable, long term economic growth in regional NSW

The planning proposal is consistent with the principles of this strategy, notably:

- “PRINCIPLE 6: Recognising each region’s strengths and underlying endowments- options to activate tourism potential based on regional endowments and cultural heritage” – protecting Cessnock’s heritage items enhances the regions unique heritage appeal.

State Emergency Management Plan (EMPLAN)

The State Emergency Management Plan (EMPLAN) provides a coordinated and comprehensive approach to emergency management in NSW. The Plan identifies the importance of land use planning in prevention of impacts of hazards on the community. The amendments in this planning proposal will not impact on the objectives of this Plan.

6 Is the planning proposal consistent with applicable SEPPs?

An assessment of relevant SEPPs against the planning proposal is provided in the table below.

Table 1: Relevant State Environmental Planning Policies

SEPP	Consistency and Implications
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Nothing in this Planning Proposal impacts on the operation of this SEPP.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Nothing in this Planning Proposal impacts on the operation of this SEPP.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	5.10 there are no heritage items being added, therefore no implications for exempt and complying development
State Environmental Planning Policy (Housing) 2021	Nothing in this Planning Proposal impacts on the operation of this SEPP.
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	Nothing in this Planning Proposal impacts on the operation of this SEPP.
State Environmental Planning Policy (Planning Systems) 2021	Nothing in this Planning Proposal impacts on the operation of this SEPP.
State Environmental Planning Policy (Primary Production) 2021	Nothing in this Planning Proposal impacts on the operation of this SEPP.
State Environmental Planning Policy (Resilience and Hazards) 2021	Nothing in this Planning Proposal impacts on the operation of this SEPP.
State Environmental Planning Policy (Resources and Energy) 2021	Nothing in this Planning Proposal impacts on the operation of this SEPP.
State Environmental Planning Policy (Transport and Infrastructure) 2021	Nothing in this Planning Proposal impacts on the operation of this SEPP.

7 Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

An assessment of relevant Section 9.1 Directions against the planning proposal is provided in the table below.

Table 2: Relevant Section 9.1 Ministerial Directions

Ministerial Direction	Consistency and Implications
Planning Systems	
1.1 Implementation of Regional Plans	Consistent. The Hunter Regional Plan 2036 is applicable to the Cessnock LGA. The Hunter Regional Plan provides the overarching framework

		to guide the NSW Government's land use planning priorities and decisions to 2036.
1.3	Approval and Referral Requirements	Consistent.
1.4	Site Specific Provisions	The amendments do not propose to change any requirements relating to this direction.
Planning Systems – Place-based		
Design and Place		
Biodiversity and Conservation		
3.1	Conservation Zones	The amendments do not propose to change any requirements relating to this direction.
3.2	Heritage Conservation	Consistent. This planning proposal contains provisions that facilitate the conservation of heritage items.
3.5	Recreation Vehicle Areas	The amendments do not propose to change any requirements relating to this direction.
Resilience and Hazards		
4.1	Flooding	The amendments do not propose to change any requirements relating to this direction
4.2	Coastal Management	Not applicable
4.3	Planning for Bushfire Protection	The amendments do not propose to change any requirements relating to this direction.
4.4	Remediation of Contaminated Land	The amendments do not propose to change any requirements relating to this direction.
4.5	Acid Sulfate Soils	The amendments do not propose to change any requirements relating to this direction.
4.6	Mine Subsidence and Unstable Land	Not applicable
Transport and Infrastructure		
5.1	Integrating Land Use and Transport	The amendments do not propose to change any requirements relating to this direction.
5.2	Reserving Land for Public Purposes	The amendments do not propose to change any requirements relating to this direction.
5.3	Development Near Regulated Airports and Defence Airfields	The amendments do not propose to change any requirements relating to this direction.
5.4	Shooting Ranges	The amendments do not propose to change any requirements relating to this direction.
Housing		
6.1	Residential Zones	The amendments do not propose to change any requirements relating to this direction.
6.2	Caravan Parks and Manufactured Home Estates	The amendments do not propose to change any requirements relating to this direction.
Industry and Employment		
7.1	Business and Industrial Zones	The amendments do not propose to change any requirements relating to this direction.
Resources and Energy		
8.1	Mining, Petroleum Production and Extractive Industries	Not applicable
Primary Production		
9.1	Rural Zones	The amendments do not propose to change any requirements relating to this direction
9.2	Rural Lands	Consistent. The planning proposal identifies and protects environmental values, including cultural heritage.
9.3	Oyster Aquaculture	Not applicable

Section C: Environmental, Social and Economic Impact

8 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

There are no impacts to critical habitat or threatened species, populations or ecological communities or their habitats, as there are no physical changes being made to the heritage items.

9 Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

There will be no environmental impacts as a result of the planning proposal.

10 Has the planning proposal adequately addressed any social and economic effects?

The amendments do not add or remove heritage items, therefore there will be no negative social or economic affects.

Section D: Infrastructure (Local, State and Commonwealth)

11 Is there adequate public infrastructure for the planning proposal?

The proposed amendments do not warrant changes to the provision of public infrastructure.

Section E: State and Commonwealth Interests

12 What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Agency consultation has not been undertaken at this stage.

PART 4: MAPS

GIS Mapping datasets will be provided to DPE for finalisation.

PART 5: COMMUNITY CONSULTATION

As the proposal is a 3.22 Planning Proposal Community consultation is not required.

PART 6: PROJECT TIMELINE

Table 3: Indicative project timeline.

Stage	Timeframe and/or date
Consideration by council	December
Council decision	December
Gateway determination	March
Pre-exhibition	Exhibition not required for 3.22 Planning Proposal
Commencement and completion of public exhibition period	Exhibition not required for 3.22 Planning Proposal
Consideration of submissions	Exhibition not required for 3.22 Planning Proposal
Post-exhibition review and additional studies	Exhibition not required for 3.22 Planning Proposal
Submission to the Department for finalisation (where applicable)	April
Gazettal of LEP amendment	May

Appendix 1: Council Report and Minutes (dates)

Report to Ordinary Meeting of Council – 14 December 2022

Minutes of Ordinary Meeting of Council – 14 December 2022

All Council reports and minutes are accessible from Council's website:
<http://www.cessnock.nsw.gov.au/council/meetings>.



Cessnock City Council Privacy Management Plan

Date Adopted ~~17/06/2020~~ Revision: **2**

PART A – INTRODUCTION	23
1. OBJECTIVES	23
2. SCOPE	23
3. STATEMENT	23
4. WHAT IS PERSONAL AND HEALTH INFORMATION	23
5. INFORMATION PRIVACY PRINCIPLES AND HEALTH PRIVACY PRINCIPLES	34
PART B – HOW TO ACCESS AND REVISE YOUR INFORMATION	67
6. AMENDING OR ACCESSING YOUR PERSONAL INFORMATION	67
PART C – YOUR RIGHTS AND OFFENCES	9
7. REQUEST AN INTERNAL REVIEW	9
8. REQUESTING AN EXTERNAL REVIEW	10
9. OFFENCES	10
PART D – HOW COUNCIL COLLECTS PERSONAL AND HEALTH INFORMATION	12
10. PERSONAL INFORMATION PROVIDED TO COUNCIL	12
11. HOW COUNCIL COLLECTS INFORMATION	13
12. LINKED LEGISLATION	22
13. CONTACTING COUNCIL	2322
PART E – HOW INFORMATION IS MANAGED BY COUNCIL	24
14. ACCESS AND ACCURACY OF PERSONAL INFORMATION	24
15. USE OF PERSONAL INFORMATION	24
16. DISCLOSURE OF PERSONAL INFORMATION	27
17. STORAGE AND SECURITY OF INFORMATION	3234
18. PUBLIC REGISTERS	34
19. SOCIAL MEDIA	37
20. CLOSED CIRCUIT TELEVISION (CCTV)	3837
21. TRANSBORDER DATA FLOW TO STATE OR COMMONWEALTH AGENCIES	38
22. DATA BREACHES	3938
23. CYCOS	4039
24. RANGERS	40
25. EXECUTIVE ASSISTANTS	41
26. ARRANGEMENTS WITH OTHER AGENCIES	4244
PART F – ABOUT COUNCIL	4443
27. COUNCIL'S RESPONSIBILITIES	4443
28. PROMOTING THIS PLAN	4544
PART G – ADMINISTRATION	4746
29. ROLES AND RESPONSIBILITIES	4746
30. POLICY DEFINITIONS	4847
31. POLICY ADMINISTRATION	4948
32. POLICY AUTHORISATIONS	4948
33. POLICY HISTORY	5049
34. APPENDICES	5049



PART A – INTRODUCTION

1. OBJECTIVES

1.1. To inform the community:

- 1.1.1. about how your Personal Information will be used, stored and accessed after it is collected by Council; and
- 1.1.2. who you should contact with questions about the information collected and retained by Council, how to access and amend your stored information and what to do if you believe Council has breached the [Privacy and Personal Information Protection Act 1998 \(NSW\) \(PIIP Act\)](#) or the [Health Records and Information Privacy Act 2002 \(NSW\) \(HRIP Act\)](#).

1.2. To inform Council Officials of their obligations in relation to handling Personal Information and when they can and cannot disclose, use or collect it, in accordance with the PPIP Act, HRIP Act, the *Government Information (Public Access) Act 2009* (NSW) (**GIPA Act**), and the Privacy Code of Practice for Local Government (December 2019).

2. SCOPE

- 2.1. This plan applies to all Council Officials, including committee members, when collecting, receiving, using, storing, accessing, disclosing, archiving and/or destroying Personal Information.
- 2.2. This plan covers requirements outlined in section 33(2) of the PPIP Act including:
 - 2.2.1. Information about how Council develops policies and practices in line with the State's information and privacy Acts;
 - 2.2.2. How Council disseminates these policies, protocols and practices within the organisation and educates Council Officials in their use;
 - 2.2.3. Council's internal review procedures; and
 - 2.2.4. Any other matter Council considers relevant to the plan in relation to privacy and the Personal Information it holds.
- 2.3. In this plan, a reference to Personal Information is also a reference to Health Information.

3. STATEMENT

- 3.1. As a government agency, Council is required to have a Privacy Management Plan in accordance with section 33 of the PPIP Act. Council is committed to supporting the broad object of the GIPA Act to advance a system of responsible and representative government that is open, accountable, fair and effective. Council is committed to ensuring that the community can access information Council holds easily and at the lowest reasonable cost.

4. WHAT IS PERSONAL AND HEALTH INFORMATION

About Personal Information



- 4.1. Personal Information is defined in section 4 of the PPIP Act as any information or opinions about a person where that person's identity is apparent or can reasonably be ascertained.

About Health Information

- 4.2. Health Information is a more specific type of Personal Information and is defined in section 6 of the HRIP Act. Health Information can include information about a person's physical or mental Health such as a psychological report, blood test or an x-ray, results from drug and alcohol tests, and information about a person's medical appointments. It can also include some Personal Information that is collected to provide a Health service, such as a name and telephone number.

General exclusions

- 4.3. The following are general categories of information that are excluded from the scope of both the PPIP Act and HRIP Act:
- 4.3.1. Information about someone who has been deceased for more than 30 years;
 - 4.3.2. Information about someone that is contained in a publicly available publication such as information which is published in newspapers, books or on the Internet (including social media platforms), broadcast on radio or television or made known at a public event such as a community presentation;
 - 4.3.3. Information or an opinion about a person's suitability for employment as a public sector official.

5. INFORMATION PRIVACY PRINCIPLES AND HEALTH PRIVACY PRINCIPLES

Privacy Principles

- 5.1. The Information Privacy Principles (IPPs) are 12 legal obligations contained in the PPIP Act that Council must comply with in handling Personal Information.;
- 5.2. The Health Privacy Principles (HPPs) are 15 legal obligations contained in the HRIP Act and only relate to Health Information.;
- 5.3. Privacy complaints or requests for reviews must relate to a breach of one or more of the IPPs or HPPs;
- 5.4. The IPPs and HPPs have exemptions and you should make yourself aware of these prior to making a privacy complaint to Council or requesting a review.

Collection

- 4.4.5.5. When collecting Personal Information Council must ensure that the information is collected for a lawful purpose (IPP 1, HPP 1), that it is collected directly from the individual (IPP 2, HPP 3), that the individual is informed that their information is being collected and why (IPP 3, HPP 4), and that the information collected is relevant and accurate (IPP 4, HPP 2).

Note: See Part D below for Council's practice when collecting Personal Information.

Storage

- 5.6. When storing Personal Information Council must ensure that it is secure (IPP 5, HPP 5).



Access and Accuracy

5.7. Council must advise an individual of their rights to access their Personal Information, what information they are storing and why (IPP 6, HPP 6).

5.8. Council must also provide an individual with access to their Personal Information, however Council can charge reasonable fees for this (IPP 7, HPP 7).

5.9. Council must also allow an individual to correct or amend incorrect Personal Information (IPP 8, HPP 8).

Note: To see Council's specific processes for ensuring accuracy and permitting access see Part B below.

Use

5.10. Council should ensure your information is accurate before using it (IPP 9, HPP 9).:

4.5.5.11. Council should only use Personal Information for the purpose they advised under IPP 3 (IPP 10, HPP 10), unless:

5.11.1. the individual consents;

5.11.2. the purpose is directly related to the advised purpose and a reasonable person would expect their Personal Information to be used in such a manner; or

5.11.3. to prevent or lessen a serious or imminent threat to any person's health or safety.

5.12. HPP 10 has further exemptions for the use of Health Information that are unlikely to be relevant to Council activities, however you should review these before making a **privacy** complaint or requesting a review.

Note: To see how Council uses Personal Information see Part E below.

Disclosure

5.13. Council should only disclose Personal Information with the consent of the individual (IPP 11, HPP 11) unless:

5.13.1. the individual was notified under IPP 3 when the information was collected that it would be so disclosed; **or**

5.13.2. the purpose is directly related to the advised purpose and there is no reason to believe the individual would object to the disclosure; **or**

5.13.3. the individual was notified under IPP 3 when the information was collected that information of that kind is usually disclosed; **or**

5.13.4. to prevent or lessen a serious or imminent threat to any person's health or safety.

5.14. HPP 11 has further exemptions for the disclosure of Health Information such as compassionate grounds or to find a missing person, you should review these before making a **privacy** complaint or requesting a review.

5.15. Council cannot disclose information about an individual's ethnic origin, race, sexual activities, trade union membership, political opinions, and religious or philosophical beliefs unless the individual consents or to deal with an imminent and serious threat to any person's health or safety (IPP 12).

Note: Council's procedures relating to disclosure, and the types of entities Council normally discloses to can be found in Part E below.



Anonymity

5.16. When providing health services, unique identifiers should only be used if it is reasonably necessary to carry out functions efficiently (HPP 12).

5.17. Individuals should be given the option of receiving services anonymously where it is lawful and practicable to do so (HPP 13).

Sharing and Linking Health Data and Information

5.18. Council **staff must** not share Health Information with agencies and organisations outside of the jurisdiction of New South Wales (HPP 14) unless **the Governance Team** has confirmed in writing:

5.18.1. Such an organisation is subject to a law upholding principles substantially similar to the HPPs; or

5.18.2. The individual has consented; or

5.18.3. The transfer is necessary to implement pre-contractual measures in response to an individual's request; or

5.18.4. The transfer is necessary to perform a contract with the individual; or

5.18.5. The transfer is reasonably necessary to lessen or prevent a serious and imminent threat to the life, health or safety of a person, or a serious threat to public health or safety; or

5.18.6. The transfer is permitted or required by an Act of New South Wales or the Australian Commonwealth or any other law.

5.19. Council is not bound by any direct requirements regarding the linkage of health records (HPP 15).



PART B – HOW TO ACCESS AND REVISE YOUR INFORMATION

5.6. AMENDING OR ACCESSING YOUR PERSONAL INFORMATION

5.1.6.1. Everyone has the right to access their Personal and/or Health Information Council holds about them. They also have the right to amend their own Personal and/or Health Information Council holds, for example, updating their contact details. There are two ways in which you can amend your Personal Information:

5.1.1.6.1.1. By completing the relevant form on Council's [website](#) to amend your customer details such as your preferred name, email address or phone number; or

5.1.2.6.1.2. By completing the relevant form on Council's website to amend more specific Personal or Health Information, such as medical history or specialty reports.

5.2.6.2. Council is required to provide you with access to the Personal and/or Health Information it holds and allow you to amend this information without excessive delay or expense.

5.3.6.3. There is no fee to amend your Personal and/or Health Information however Council can charge a fee for you to access your Personal and/or Health Information in accordance with Council's Fees and Charges.

5.4.6.4. Council will provide individuals with access to records containing their Personal Information [in accordance with clauses 12.413.4-12.643.6](#) and provided the individual can confirm their identity by producing one or more of the following pieces of identification:

5.4.1.6.4.1. Valid driver's license;

5.4.2.6.4.2. Birth certificate or birth extract;

5.4.3.6.4.3. Valid pension card or healthcare card issued by [Centrelinkthe Australian Government](#);

5.4.4.6.4.4. Valid Medicare card;

6.4.5. Valid student photo identification card (issued by an Australian tertiary education institution);

5.4.5.6.4.6. [Current and valid passport.](#)

5.4.6. [Recent bank statement;](#)

5.4.7. [Recent rates notice;](#)

Amending your customer details

5.5.6.5. To amend your name, your address and contact details, ownership details, gender details, regardless of whether you are acting in a personal or business capacity, complete the relevant form on Council's website, which can also be emailed to council@cessnock.nsw.gov.au or posted to 62-78 Vincent Street, Cessnock, NSW, 2325.



5-6-6.6. Council treats such requests with priority and will have them actioned **within 24 hours 3 business days** of having received them.

Amending specific Personal or Health Information

5-7-6.7. To amend specific Personal and/or Health Information such as your employment details, records displaying your religious practices, etc, please complete the relevant [form](#) on Council's website which can also be emailed to council@cessnock.nsw.gov.au or posted to 62-78 Vincent Street, Cessnock, NSW, 2325.

5-8-6.8. Council treats such requests with priority and will have them actioned within **5 working days** of having received them.

Accessing your Personal Information

5-9-6.9. To access any records Council holds containing your Personal or Health Information, please complete the "Access my Personal Information" form on our website. This form can also be emailed to council@cessnock.nsw.gov.au or posted to 62-78 Vincent Street, Cessnock, NSW, 2325.

5-10-6.10. In order for your application to be valid, the application should:

5-10-1-6.10.1. include your name and contact details, including your postal address, telephone number and your email address;

i. ~~indicate whether you are making the application under the PPIP Act (Personal Information) or HRIP Act (Health information);~~

5-10-2-6.10.2. explain what Personal or Health Information you want to access or amend; and

5-10-3-6.10.3. explain how you want to access your information or amend it.

5-11-6.11. Council will acknowledge your application and advise you if it is valid or not **within 5 working days** of receiving your application. Where applications are invalid, we will provide assistance in how these can become valid.

5-12-6.12. Council typically responds in writing to applications for accessing Personal Information **within 20 working days**. Council will contact you if your request is likely to take longer than expected.

5-13-6.13. If you believe Council is taking an unreasonable amount of time to respond to your application for Personal Information, you are encouraged to contact Council to ask for an update or progress of your application.

5-14-6.14. If Council decides not to provide access to or amend your Personal or Health Information, the reason will be clearly explained to you in writing or over the telephone, in accordance with Council's established practices or legislative requirements.

5-15-6.15. You also have the right to make a formal application to access information under the GIPA Act. For more information, please refer to Council's [website](#).

Accessing or amending other people's information

5-16-6.16. The PPIP Act and the HRIP Act gives people the right to access their own information; the Acts generally do not give people the right to access someone else's information.



5.17-6.17. However, section 26 of the PPIP Act allows a person to give consent to Council to disclose his or her Personal Information to someone else that would not normally have access to it.

5.18-6.18. Likewise, under section 7 and section 8 of the HRIP Act, an 'authorised person' can act on behalf of someone else. The HPPs also contain information regarding other reasons Council may be authorised to disclose Health Information, such as in the event of a serious and imminent threat to the life, Health and safety of the individual, in order to help find a missing person, or for compassionate reasons.

5.19-6.19. If none of the above scenarios are relevant, a third party can consider making an application for access to government information under the GIPA Act.

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PART C – YOUR RIGHTS AND OFFENCES

6.7. REQUEST AN INTERNAL REVIEW

6.4.7.1. You have the right to seek an internal review under the PPIP Act if you believe Council has not processed your application or privacy complaint under the PPIP or HRIP Act properly, or you believe Council has breached the PPIP Act or HRIP Act relating to your Personal and/or Health Information. Council ~~however~~ welcomes the opportunity to discuss any privacy issues you may have. You are encouraged to try to resolve privacy issues with Council informally before lodging an internal review. You can raise your concerns by contacting the Privacy Contact Officer, making a privacy complaint directly to the Privacy Commissioner or using Council's complaint handling process.

6.2.7.2. You cannot seek an internal review for a breach of someone else's privacy, unless you are the authorised representative of the other person.

6.3.7.3. ~~Correspondence Complaints that merely touches on one's~~ refer to an individual's privacy and contains allegations that are not normally dealt with under this plan in addition to other matters will be dealt with as a privacy complaint to the degree an individual's privacy is alleged to be affected. The other matters will be concurrently dealt with in accordance with Council's Complaints Handling Policy ~~Council's Complaints Handling Policy~~, or any other policy of the same effect, and may require the use of personal information contained in the complaint and held by Council.

6.4.7.4. You can request an internal review by filling out the Internal Review form (see Appendix 1) available on Council's website which can be emailed to council@cessnock.nsw.gov.au or posted to 62-78 Vincent Street, Cessnock, NSW, 2325 including any relevant information.

6.5.7.5. **Applications for an internal review** must be made **within six months** from when you first became aware of the breach. However, depending on circumstances, Council may also consider a late application for an internal review.

6.6.7.6. Council will **acknowledge receipt of an internal review request within 5 working days** and **complete an internal review within 60 calendar days**. The Privacy Contact Officer will inform the applicant of the progress of the review and will respond in writing **within 14 calendar days** of determining the internal review.

6.7.7.7. The Privacy Contact Officer reserves the discretion to conduct the internal review or delegate this function to someone else, ~~unless~~ If the ~~internal~~ privacy complaint or review is about the conduct of the Privacy Contact Officer. ~~In this case,~~ the General Manager will appoint someone else within Council to conduct the internal review or refer the matter as discussed in clause 7.97-98-9.

6.8.7.8. Council must notify the Privacy Commissioner when an internal review is being conducted and also inform the Privacy Commissioner of the findings of the review and of the action proposed to be taken by Council in relation to the matter. The Privacy Commissioner is entitled to make submissions to Council with his or her view on the matter.

7.9. Council may refer an internal review to the Privacy Commissioner under section 54(3) PIPP Act to be undertaken by the Privacy Commissioner. This may occur due to a lack of resources, the privacy complaint being concurrent with another type of



complaint as discussed in [clause 7.38-3](#), or if the complaint relates to actions of senior Council Officials or the Privacy Contact Officer.

6.9.7.10. If you disagree with the outcome of the internal review or you are not notified of an outcome as outlined in clause [7.68-6](#), you have the right to seek an external review.

7.8. REQUESTING AN EXTERNAL REVIEW

7.1.8.1. You have **28 calendar days** from the date of the internal review decision to seek an external review by NSW Civil and Administrative Tribunal (**NCAT**), pursuant section 53 of the *Administrative Decisions Review Act 1997* (NSW).

7.2.8.2. To request an external review, you must apply directly to the NCAT, which has the power to make binding decisions on an external review. You can contact NCAT:

Website: <http://www.ncat.nsw.gov.au>
 Phone: (02) 9377 5711
 Visit/post: Level 9, John Maddison Tower,
 86-90 Goulburn Street, Sydney NSW 2000

8.9. OFFENCES

8.1.9.1. The following table summarises offences for certain conduct:

Offence	Maximum penalty	Legislative provision
It is a criminal offence for a public sector official to corruptly disclose and use Personal or Health Information	Fine of up to 100 penalty units (\$11,000), or Imprisonment for two years, or both	Section 62 of the PPIP Act; section 68 of the HRIP Act
It is a criminal offence for a person to offer to supply Personal or Health Information that has been disclosed unlawfully	Fine of up to 100 penalty units (\$11,000), or Imprisonment for two years, or both	Section 63 of the PPIP Act; section 69 of the HRIP Act
It is a criminal offence for a person – by threat, intimidation or misrepresentation – to persuade or attempt to persuade an individual: <ul style="list-style-type: none"> to refrain from making or pursuing a request to access Health Information, a complaint to the Privacy Commissioner or NCAT, or an application for an internal review; or to withdraw such a request, complaint or application. 	Fine of up to 100 penalty units (\$11,000)	Section 70(1) of the HRIP Act
A person must not – by threat, intimidation or misrepresentation – require another person to give consent under HRIP Act, or require a person to do, without consent, an act for which consent is required.	Fine of up to 100 penalty units (\$11,000)	Section 70(2) of the HRIP Act
It is a criminal offence for a person to: <ul style="list-style-type: none"> wilfully obstruct, hinder or resist the Privacy 	Fine of up to 10 penalty units (\$1,100)	Section 68(1) of the PPIP Act



Integrity, Respect, Teamwork, Accountability and Excellence

<ul style="list-style-type: none"> ▪ Commissioner or a member of the staff of the Privacy Commissioner ▪ refuse or wilfully fail to comply with any lawful requirement of the Privacy Commissioner or a member of the staff of the Privacy Commissioner, or ▪ wilfully make any false statement to or mislead, or attempt to mislead, the Privacy Commissioner or a member of the staff of the Privacy Commissioner ▪ in the exercise of their functions under PPIPA or any other Act 		
It is a criminal offence to access or modify restricted data held in a computer where authorisation has not been provided	2 years imprisonment	Section 308H of the Crimes Act



PART D – HOW COUNCIL COLLECTS PERSONAL AND HEALTH INFORMATION

9.10. PERSONAL INFORMATION PROVIDED TO COUNCIL

9.1.10.1. Individuals may provide Council with Personal and Health Information when they make an application for employment, make enquiries and when Council delivers services to them. This can include but is not limited to names, contact details, opinions, Health conditions, family relationships, housing or tenancy information, work and education details. Individuals may also provide Council with Personal Information about other people.

9.2.10.2. If ~~someone~~ an individual writes to Council, a full copy of whatever is sent is generally kept by Council in its electronic document management system or in a hard copy file. However, if someone calls over the phone and gives a lot of background information, Council may decide not to record all the Personal Information if it is irrelevant to the enquiry.

For example: a Council staff member might make a general note, such as 'concerned about employer disclosing details of an illness' without recording details about the illness itself.

10.3. The provision of any Personal Information to Council is generally voluntary ~~and though it can be required by law in that respectsome circumstances. Council can also collect unsolicited Personal Information may be in situations where it has been voluntarily provided that is unsolicited. Council recognises that some people may wish to remain anonymous and by the individual, or from another source where Council will provide such opportunitiesis lawfully authorised or required to do so, or where it is permitted under an Act or any other law.~~

9.3.10.4. Council is not required to deal with individuals who wish to remain anonymous ~~beyond the provision of health services and then only in a manner that is lawful and practicable to do so (HPP 13). However, Council recognises that some people may wish to remain anonymous and will endeavour to enable this where practicable. Council will provide clear information regardingon the consequences of remaining anonymous. If a person wishes to stay anonymous, Council is most and will likely to record the gender of the person who made contactgive the individual a letter designation (such as "X") in place of a name or identifying information.~~

For example: Council may be limited in considering Personal factors under the GIPA Act or may not be able to properly investigate or review a complaint if there is no sufficient Personal Information about the matter. In such cases, it is up to the person who contacted Council to decide if they want to continue with the enquiry.

9.4.10.5. Council's telephones to the contact centre will display the number of the person who called, except for private/silent numbers. Telephone numbers that display are stored and can be extracted from Council's phone system for reporting purposes. Telephone conversations conducted on Council's main contact number (4993 4100) are documented and saved in Council's document management system. ~~In-From~~ 2020/21, telephone conversations will beare electronically recorded for quality and assurance purposes, however customers have the option to opt out of call recording. Calls transferred from Council's contact centre to other Council extension numbers or facilities cease to be electronically recorded the moment they are transferred.



9.5.10.6. Council's web-chat records the name of the person and an email contact, which will be stored in Council's phone system for quality and assurance purposes, conversation details can be extracted and referenced.

9.6.10.7. If someone has an enquiry that cannot be answered straight away, a Council staff member may offer to take the person's name and telephone number ~~so someone in the office that Council~~ can ~~respond~~ provide a response.

9.7.10.8. Contractors acting on behalf of Council may also collect Personal and/or Health Information. Council includes clauses in its contracts that require contractors to comply with relevant privacy obligations.

10.11. HOW COUNCIL COLLECTS INFORMATION

10.1.11.1. Council must collect Personal Information in accordance with the PPI Act, HRIP Act, and the Privacy Code of Practice for Local Government. Below is a summary of such requirements:

	PPI Act	Privacy Code	HRIP Act
IPP1 and HPP1	Lawful (section 8) Personal Information must be collected for a lawful purpose which is directly related to Council's functions or activities and necessary for that purpose.	N/A	Lawful (section 1 of Schedule 1) Health Information must be collected for a lawful purpose which is directly related to Council's functions or activities and is necessary for that purpose.
IPP2 and HPP2	Direct (section 9) Personal Information must be collected directly from the individual concerned unless the individual has authorised collection of the information from someone else, or from a parent or guardian if that person is under the age of 16 years.	Council can collect Personal Information indirectly if collecting it is reasonably necessary when an award, prize, benefit or similar form of Personal recognition is intended to be, or may be, conferred upon the person to whom the information relates.	Relevant (section 2 of Schedule 1) Health Information collected must be relevant, accurate, up to date, complete and not excessive. The collection should not unreasonably intrude into the individual's Personal affairs.
IPP3 and HPP3	Open (section 10) An individual must be informed as to why their Personal Information is being collected, what Council will do with it, who may have access to it, whether supply is required by law or is voluntary, and if there are any rights of access to the information. If someone else is collecting the Personal Information on behalf of Council, the individual needs to be informed the name and address	Council can collect Personal Information indirectly if collecting it is reasonably necessary when an award, prize, benefit or similar form of Personal recognition is intended to be, or may be, conferred upon the person to	Direct (section 3 of Schedule 1) Health Information must be collected directly from the individual concerned unless it is unreasonable or impracticable to do so and in accordance with guideline issued by the Privacy Commissioner issued for the purposes of the Privacy Principle.



	of the agency collecting and holding the information.	whom the information relates.	
IPP4 and HPP4	Relevant (section 11) Personal Information collected must be relevant, accurate, up to date, complete and not excessive. The collection should not unreasonably intrude into the individual's Personal affairs.	N/A	Awareness (section 4 of Schedule 1) An individual must be informed as to why their Health Information is being collected, what Council will do with it, and who may have access to it. If Health Information is collected about an individual from someone else, reasonable steps must be taken to ensure that the individual has been notified of the above, unless making the individual aware would impose a serious threat to their Health or life, or the collection of their Health Information was in accordance with guidelines issued by the Privacy Commissioner.
Exemptions	Council does not have to comply with the Privacy Principles about collection as outlined in: <ul style="list-style-type: none"> ▪ section 23(2); ▪ section 23(6A); ▪ section 26(1); ▪ section 27A; ▪ section 27B; 	N/A	Council does not have to comply with the Privacy Principles about collection as outlined in section 4(4) of Schedule 1 .

~~10.2. The Privacy Principles relating to collection do not apply to unsolicited information.~~

~~11.2. Unsolicited information does not meet the definition of Personal Information and does not need to be handled in accordance with the IPPs or HPPs. However, if unsolicited information is used by Council or recorded for an administrative purpose, it will be deemed as being 'collected' and be treated as Personal Information from that point.~~

~~10.3.11.3. Council has performs a range of functions and some of those functions assist the carrying out of certain services (see Chapters 5-8, 11-13, 15-17 of the LG Act). The LG Act also outlines functions that may be imposed pieces of legislation or directives. Functions requiring or involving the collection of Personal and Health Information, including but are not limited to:~~

~~10.3.1.11.3.1. Levying and collecting rates;~~

~~10.3.2.11.3.2. Providing services, for example libraries and waste collection;~~

~~10.3.3.11.3.3. Consultation with the community, visitors, businesses, committees (both Council and external) and other stakeholders;~~

~~10.3.4.11.3.4. Assessing development and major project applications;~~

~~10.3.5.11.3.5. Recording, investigating, and managing complaints and allegations, including but not limited to unreasonable customer conduct;~~



~~10.3.6.11.3.6.~~ Site inspections and audits (both internal and external);

~~10.3.7.11.3.7.~~ Incident management;

~~10.3.8.11.3.8.~~ Enforcing regulations and legislation;

~~10.3.9.11.3.9.~~ Issuing approvals, consents, licences and permits;

~~10.3.10.11.3.10.~~ Providing funding grants;

~~10.3.11.11.3.11.~~ Maintaining the non-residential register of electoral information;

~~10.3.12.11.3.12.~~ Employment; and

~~11.3.13.~~ Fitness for work.

11.4. When collecting Personal and Health Information, Council Officials should consider Council's functions. Information can only be collected if the purpose of collection is directly related to Council's functions/services and the collection is necessary for those purposes.

For example: Collecting details of an individual's trade associations membership is unlikely to be necessary for the levying and collection of rates. Collecting information about their pensioner or veteran status may however be necessary, if this information impact's the individual's entitlements/concessions.

~~10.4.11.5.~~ Council may collect Personal and Health Information in any of the following ways:

~~10.4.1.11.5.1.~~ Incident reports and statements (including witness statements);

~~10.4.2.11.5.2.~~ Photographs;

~~10.4.3.11.5.3.~~ Written correspondence, including emails;

~~10.4.4.11.5.4.~~ File notes;

~~10.4.5.11.5.5.~~ Medical assessment reports;

~~10.4.6.11.5.6.~~ Submissions;

~~10.4.7.11.5.7.~~ Application forms;

~~10.4.8.11.5.8.~~ CCTV footage and call recordings;

~~10.4.9.11.5.9.~~ Public registers;

~~10.4.10.11.5.10.~~ Survey
Booking platforms such as MailChimp, SurveyMonkey, etc;

~~10.4.11.11.5.11.~~ Financial transaction records;

~~10.4.12.11.5.12.~~ Contracts, legal agreements, deeds, undertakings and other documents alike;

~~10.4.13.11.5.13.~~ Over the phone and online chat enquiries;

~~10.4.14.11.5.14.~~ Counter enquiries; and

~~10.4.15.11.5.15.~~ Council
Online services.



11.6. Information cannot be collected by “unlawful means”.

For example: Information cannot be collected through recording a conversation without a person’s consent, as this would breach laws relating to listening devices in NSW.

11.7. Council functions/services and the Council Officials performing/offering them should be sensitive to, and take all reasonable steps to minimise, intrusion on the people from which they collect Personal and Health Information. Particular care should be taken when it is clear the information may be personal, distressing or embarrassing to the individual concerned.

For example: information about a customer’s family member that has passed away is requested while standing in the open reception area of Council’s Administration Centre so that the staff member can assist with the customer’s enquiry and reason for visit. Other customers waiting to be served can hear the discussion clearly and the individual is uncomfortable. Council staff should seek to collect the information in an environment where the potential for other people to overhear details is minimised or in an environment where the collections would not be perceived as intrusive or excessive, for example, using another room if available or taking them aside to discuss privately.

For example: a customer comes into the open reception area of Council’s Administration Centre to report a dog attack on them and their dog while walking past a nearby property. Given the urgency of the situation, it may be appropriate for staff to obtain Personal Information, regardless of the fact that other people may overhear.

11.8. When it is unreasonable or impracticable for Personal or Health Information to be collected directly from an individual, Council Officials can collect the information from someone other than the individual. The following are examples of when such collection would be appropriate:

11.8.1. Collecting ‘next-of-kin’ information during a recruitment process for emergency purposes;

11.8.2. Cessnock Youth Centre Outreach Service (CYCOS) staff collecting an individual or family medical history for customers, where CYCOS staff require information about family illness or family domestic violence to assist with providing appropriate services/care for the individual;

11.8.3. When a customer lacks capacity and that lack of capacity impairs their ability to give necessary information, Council Officials may collect it from an authorised representative;

11.8.4. Where the information is provided by another agency as part of an inter-agency request.

11.9. When Council collects Personal Information from an individual such as their name, address, telephone number or email address, Council must make them aware of:

11.9.1. the purposes for which the information is being collected,

11.9.2. the intended recipients of the information,

11.9.3. whether the supply of the information is required by law or is voluntary,

11.9.4. any consequences for the individual if the information (or any part of it) is not provided,

11.9.5. ways the individual can access and correct the information, and



~~10.5.6.11.9.6.~~ the name and address of the Council business unit that is collecting the information and the Council business unit that is to hold the information.

~~10.6.11.10.~~ To ensure Council complies with the PPIP Act, a Privacy ~~Protection~~-Notice will be included on all forms, letters and documents that collect Personal information from individuals, informing them of information outlined in clause ~~11.6+2.6+2.5.~~

~~10.7.11.11.~~ Where it is lawful and practicable, people can obtain general information about Council, without identifying themselves.

Council staff and recruitment

~~10.8.11.12.~~ Council collects Personal and/or Health Information from its staff members (including volunteers, work experience personnel and work placement students) as part of the recruitment process. Council will never ask for more Personal Information than is required for that purpose.

~~10.9.11.13.~~ During the recruitment process and throughout employment, information (including Personal and/or Health Information) is collected from staff members for various reasons, such as leave management, workplace Health and safety and to help Council operate with transparency and integrity.

~~10.10.11.14.~~ In the exercise of its functions, Council collects and manages Personal Information about its staff including but not limited to:

~~10.10.1.11.14.1.~~ Medical conditions and illnesses;

~~10.10.2.11.14.2.~~ Next of kin and contact details;

~~10.10.3.11.14.3.~~ Education;

~~10.10.4.11.14.4.~~ Performance and development information;

~~10.10.5.11.14.5.~~ Family and care arrangements;

~~10.10.6.11.14.6.~~ Secondary employment;

~~10.10.7.11.14.7.~~ Conflicts of interest;

~~10.10.8.11.14.8.~~ Financial information for payroll purposes

~~10.10.9.11.14.9.~~ Employment history;

~~10.10.10.11.14.10.~~ Information collected by Council is retained, to the extent necessary and managed securely.

~~10.11.11.15.~~ Candidates applying for jobs at Council send Personal Information, including their name, contact details, qualifications and work history. Council gives this information to the convenor of the interview panel for that position (as stated in the job advertisement) in electronic or hard copy files.

~~10.12.11.16.~~ The convenor of the panel does not use this Personal Information except for the purposes of the recruitment process. This can include sharing the information within Council's HR team, relevant direct reports and members of the interview panel. Interview panels may include persons not employed by Council. Convenors store this information securely.

~~10.13.11.17.~~ After recruitment is finalised, convenors give all Personal Information back to the HR team and they retain information relating to successful applicants and eligibility lists in accordance with Local Government retention requirements and the *State Records Act 1998* (NSW).



10.14.11.18. Successful candidates are invited to fill out various forms in order to commence employment / engagement with Council. These forms require further Personal and Health Information, such as the candidate's bank account details, tax file number, superannuation, emergency contacts and any disabilities that may impact their work.

10.15.11.19. These forms also encourage people to provide sensitive Personal Information, such as racial and cultural information in order to collect data about the wider NSW public sector. Disclosing this information is voluntary.

11.20. These forms are sent to the HR team to be used for employment/engagement purposes, such as payroll and setting up personnel files, and keeping copies of this information in secure storage areas.

Committees, groups, panels and other consultative and/or decision-making bodies

11.21. Council is committed to promoting community participation in decision-making as it forms an important part of our local democracy. To this end, Council has established committees, groups and/or panels of which community members, Council staff, Councillors or representatives of stakeholder organisations may be members of. Council collects Personal Information in the process of recruiting, selecting and managing membership of these bodies.

10.16.11.22. Council staff and Councillors are also nominated and sit as representatives on externally constituted committees. Whilst externally constituted committees are subject to their own individual governance arrangements, Council collects Personal Information required for the selection and management of such membership.

Visitors and members of the public

10.17.11.23. When members of the public visit Council's Administration Building, they sign in their attendance using the visitor sign-in kiosk which records the names, company, phone number and email of people who enter the office beyond the public area. Visitors are printed an identification label which must be worn while on the premises. Council collects this information for workplace health and safety purposes.

10.18.11.24. When members of the public visit other Council facilities (i.e. Council's Depot), a visitors' book may be used to record the names of people who enter beyond the public area. This book may be displayed at the entry of each facility and is stored in accordance with Council procedures.

Enquiries to Council

10.19.11.25. Council handles enquiries from customers and stakeholders about the functions it performs. These enquiries are made by people and organisations:

10.19.1.11.25.1. Over the phone (Call Centre, direct call and voicemail services);

10.19.2.11.25.2. In writing (e-mail, letter, fax, online form, e-services, web-chat);

10.19.3.11.25.3. In person (at Council's Administration Building, other Council facilities, and at events including community engagement).

10.20.11.26. Council decides what level of information is appropriate to be collected for each enquiry on a case-by-case basis, with the understanding that the details collected must contain enough information to be an accurate record of the issue and



assistance given, but should not contain unnecessary Personal and/or Health Information.

Feedback, determinations, assessments, policies and reports

10.21-11.27. When people give Council feedback on the functions it performs and certain legislation/directives it administers, ~~although not requested,~~ they may ~~decide to~~ disclose their Personal Information, such as contact details, personal opinions, stories, experiences and backgrounds. They may also disclose Personal Information about other people. Council may ask for further Personal Information but only to clarify the issue being raised.

10.22-11.28. Council stores this information on its computer network, in an electronic document management system and/or hard copy files. ~~Generally, Council does not disclose Personal Information obtained through feedback, except by consent or as outlined by law.~~

11.29. Council does not disclose Personal Information obtained through feedback, except by consent or as permitted or required by law.

10.23-11.30. Council also publishes policies and documents to seek feedback on ~~particular aspects concerning~~ the functions it performs, in particular planning and environment matters, corporate and community issues, and works and infrastructure matters. ~~We do not ask for more information than what is helpful to us.~~ Council may promote its consultation through various organisations, non-for-profit organisations, other agencies, the media, Council's website and social media channels, ~~however participation is voluntary.~~ Participation is voluntary and Council only collects information that is reasonably necessary or related to the functions it performs.

10.24-11.31. When new policies, procedures and guidelines are devised, ~~we~~ are Council is required to ~~make reference~~ refer to this plan, to ensure compliance with the PPIP and the HRIP Acts. Staff can contact the Governance Team and/or the Privacy Contact Officer for assistance and advice.

10.25-11.32. Council also provides guidance and advice to the public, other agencies and organisations ~~in the form of sending back or publishing documents to achieve such outcomes.~~ Council seeks consent from ~~people~~ individuals if any of their Personal Information is contained in ~~such~~ guidance or advice documents prior to ~~sending or publication.~~ If people do not consent to their Personal Information being published, publishing. Council may publish ~~the~~ these documents with ~~their~~ Personal Information de-identified if individuals do not consent.

10.26-11.33. ~~When writing~~ Council is obliged to produce reports and ~~making~~ make findings or submissions publicly available, ~~in particular via Council minutes and the agenda.~~ Council ~~does~~ takes all practicable steps to not identify ~~people~~ individuals in such reports, findings or submissions unless it relates to the purpose for which ~~the~~ their information was collected; or the individual has ~~already sought the consent of the relevant people or notified them in advance on how Council would disclose the information provided~~ consented.

For example: forms and applications, petitions, submissions to policies and development applications are instances when Council informs individuals how their Personal Information will be handled by containing privacy ~~disclosures~~ notices.

10.27-11.34. ~~Council relies on people to give accurate information and contact Council to amend it if necessary.~~ We take all reasonable precautions to ensure that



the personal information we collect or receive, use and disclose is accurate, complete and up-to-date. However, the accuracy of that information depends to a large extent on the information you provide. That is why we recommend you keep us up-to-date with changes to your personal information.

Reviews, assessments, complaints and investigations

10.28.11.35. Council performs a number of activities concerning governance, compliance and enforcement management that may involve the collection of Personal Information including:

- 10.28.1.11.35.1. Processing requests from people seeking a review or making a complaint to Council regarding the functions it performs. Such requests or complaints may be made pursuant to Council's Complaint Handling Policy, Code of Conduct, Unreasonable Customer Conduct policy, Internal Reporting – Public Access Disclosures Policy, clause 365 of the Local Government State Award 2020~~47~~ in relation to grievances, and in accordance with compliance and enforcement legislation, practices and procedures;
- 10.28.2.11.35.2. notification of reviews, complaints or investigations from other public agencies conducting them;
- 10.28.3.11.35.3. people sending their review applications or requests to pass along to other public agencies, organisations or individuals;
- 10.28.4.11.35.4. people giving Council Personal and/or Health Information about other people;
- 10.28.5.11.35.5. responding to Council requests for people to send further Personal and/or Health Information relating to a review, complaint or an investigation;
- 10.28.6.11.35.6. making file notes containing Personal and/or Health Information;
- 10.28.7.11.35.7. accessing information under the GIPA Act from public sector agencies and other organisations as it relates to Council's functions;
- 10.28.8.11.35.8. Council entering the premises of public sector agencies, other organisations and individuals and accessing their information;
- 10.28.9.11.35.9. handling Information received and collected by Council for legal matters and proceedings, either at the proceedings or from submissions received from the parties.

Subscriber, mailing and contact lists

10.29.11.36. Council facilitates subscriber, mailing and contact lists that contain Personal Information from people who have asked to be included on these lists. Depending on the nature of this communications and stakeholder engagement, Council may use a third party organisation (service provider) to collect, store, and handle information collected. In such instances, people are notified of this and are lead to the service provider's privacy policy and practices for their consideration. Council however does not accept responsibility for the privacy policies or practices of third parties/service providers linked to/from Council's website.

11.37. The information generally collected includes names, email addresses and in some cases, agency type. Council relies on people to provide accurate Personal Information and where our staff enters such information manually, they are careful to enter the information correctly. other relevant contact information.



~~10.30-11.38.~~ Council must take reasonable steps to ensure the information collected is correct before it is used. Reasonable steps in the circumstances of mailing or contact lists can be as simple as requiring two-step confirmation of details when subscribing, double opt-in communications, or notifications to contact Council if the communication has been received by a person other than the individual named.

~~10.31-11.39.~~ The main lists that collect and hold Personal Information are the:

~~10.31.1-11.39.1.~~ newsletter subscriber list - to email Council's newsletter to those who have requested a subscription;

~~10.31.2-11.39.2.~~ community stakeholders list - to contact non-government organisations and other members of the community about Council's operations and services, such as economic development, community engagement, booking or cancelling events, refunding tickets, library memberships and activities, etc.

~~10.32-11.40.~~ All lists are kept separate from each other and each is used solely for the purpose intended. Council does not disclose individual email addresses when sending out bulk emails (i.e. the same email sent to a number of recipients).

~~10.33-11.41.~~ Anyone can subscribe or unsubscribe themselves from the newsletter list or contact the Council to change their details. Council does not destroy these lists; they are kept as long as they remain current. Individual entries are deleted upon request or if an error message is received in response to a Council communication.

Community outreach

~~10.34-11.42.~~ Council occasionally holds community events or participates in events held by other agencies or organisations. During these events, Council may collect general information such as the number of visitors to a stall, questions visitors asked, what resources were provided and general demographic information such as gender.

~~10.35-11.43.~~ Depending on the event, Council may ~~intentionally or unintentionally~~ collect Health Information or sensitive Personal Information about ~~someone~~ an individual which may be used for purposes directly related to these events and/or a separate collection purpose.

~~11.43.1.~~ If a separate collection purpose exists, Council will notify the individual of that purpose before, or as soon as practicable after, collecting their personal information.

For example: if ~~the~~ Council participates in a session designed for people with disabilities or people from a particular cultural or racial background, it could be deduced that someone has or is likely to have a disability or has a particular cultural or racial background.

~~10.36-11.44.~~ Sometimes, Council seeks voluntary completion of surveys to help us identify current issues. These surveys may collect different kinds of demographic data. Council Officials must ensure any proposed survey or other kind of collection complies with the PPIP Act and HRIP Act.

~~10.37-11.45.~~ Council may also seek feedback from customers accessing Council's operations and services on their experience.

Website publishing, photography, filming and media

~~10.38-11.46.~~ In addition to the main Council administration website, Council owns and maintains the following websites:



Name of Council agency	Functions it performs	Type Personal and Health Information kept
Hunter Valley Visitor Centre	Provides information when booking accommodation, tours and experiences, attractions, tickets, services, dining, wineries and cellar doors in the Cessnock Local Government Area (LGA). The gift shop in the centre has an excellent range of local produce such as lavender and honey, handmade goods, artisan products and Hunter Valley souvenirs.	Name, address, phone number, email address, bank account details, credit card details, date of birth, gender, education details, disability and health information, personal opinions
Cessnock City Libraries	Provides library services including home delivery; facilitates free computer and wi-fi usage; provides printing, photocopying, faxing and scanning services; facilitates book groups and adult events; hosts touring exhibitions and displays; and provides children and youth services such as reading programs and learning opportunities.	Name, address, phone number, email address, bank account details, credit card details, date of birth, gender, education details, personal opinions
Cessnock Performing Arts Centre Cessnock	Facilitates live entertainment experiences such as concerts and plays, and leases its facilities for hire such as its meeting rooms.	
Cessnock City Council Building Certifiers	Facilitates fast processing of development approvals & building inspections, construction certificates (CC), complying development certificates (CDC), BCA compliance and alternative solution reports.	Name, address, phone number, email address, details, gender, bank account details, credit card details, date of birth.
Advance Cessnock City	Provides support for local businesses to invest, establish, expand, grow and prosper.	

[10.39-11.47.](#) These websites are used to promote Council's operations and services, the functions it performs and publish resources to help our customers and stakeholders understand the same. All of these websites facilitate access to this plan and they do not publish Personal or Health Information without permission.

[10.40-11.48.](#) Website data is stored on secure servers.

[10.41-11.49.](#) Council may take photos of, or film, events that it holds or participates in and use the images for promotional purposes. Council will seek permission from people before taking photos or filming events and advise them how Council will manage the images and what they will be used for. Those who agree will be asked to sign a consent form. Council will respect the wishes of those who do not wish to be photographed or filmed. Council stores photos and footage electronically on its secure computer network.

[11.12.](#) LINKED LEGISLATION

Commonwealth Privacy Act 1988 (Cth)

[11.1.12.1.](#) Council is not required to comply with the Australian Privacy Principles (APPs) in the *Privacy Act 1988* (Cth) (**Privacy Act**) as it is not an 'organisation' within the meaning of that Act. However, Council is a 'file number recipient' for the purposes of the Privacy Act because it holds records of employees and other individuals which contain tax file number information. As such, Council must comply with any rules relating to tax file number information issued under Division 4 of the Privacy Act.

GIPA Act

[11.2.12.2.](#) The operation of the GIPA Act is not affected by the operation of the PPIP and HRIP Acts. Having noted this, the GIPA Act provides access to various government



information Council holds to any person subject to the operation of various exemptions under that Act.

44.3.12.3. Under the PPIP and HRIP Acts, access to information is provided only to the person to whom the information relates.

Healthcare Identifiers Act 2010 (Cth)

12.4. Council's default position is not to collect Individual Healthcare Identifiers.

12.5. Individuals should be encouraged to not provide Medicare cards, Centrelink healthcare cards, or Department of Veteran's Affairs healthcare cards to Council for any purpose, including to verify their identity.

12.6. If an individual has no option but to provide identification that includes an Individual Healthcare Identifier, no record or copy is to be made of that identification beyond a notation that it was sighted by a named Council staff member who affixes their signature to this notation.

12.13. CONTACTING COUNCIL

12.1.13.1. Council's Privacy Contact Officer is the **Director Corporate and Community Services** or their delegate. You may contact the Privacy Contact Officer for information regarding:

12.1.1.13.1.1. How Council manages Personal and Health Information;

12.1.2.13.1.2. Requests for access to and amendment of Personal or Health Information;

12.1.3.13.1.3. Guidance on broad privacy issues and compliance.

12.2.13.2. Contact the Privacy Contact Officer of Council at:

Email: publicofficer@cessnock.nsw.gov.au

Phone: 4993 4100

Mail: PO Box 152, Cessnock NSW 2325

Visit: 62-78 Vincent Street, Cessnock NSW 2325



PART E - HOW INFORMATION IS MANAGED BY COUNCIL

13.14. ACCESS AND ACCURACY OF PERSONAL INFORMATION

13.14.1. Council must provide access to, and ensure the accuracy of, Personal Information in accordance with the PPIP Act, HRIP Act, and the Privacy Code of Practice for Local Government. Below is a summary of such requirements:

	PPIP Act	Privacy Code	HRIP Act
IPP6 and HPP6	Transparent (section 13) Enough detail must be given about what Personal Information is stored, what purposes it is used for, and what rights an individual has to access it.	N/A	Transparent (section 6 of Schedule 1) Council must advise individuals what Health Information is stored, what purposes it is used for, and what rights an individual has to access it.
IPP7 and HPP7	Accessible (section 14) At the request of the individual to who the information relates, Council must allow an individual access to their Personal Information without unreasonable delay or expense.	N/A	Accessible (section 7 of Schedule 1) At the request of the individual to who the information relates, Council must provide an individual with access to their Health Information without excessive delay or expense.
IPP8 and HPP8	Correct (section 15) At the request of the individual to who the information relates, Council must make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the Personal Information is accurate, relevant, up to date and not misleading.	N/A	Correct (section 8 of Schedule 1) At the request of the individual to who the information relates, Council must make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the Health Information is accurate, relevant, up to date and not misleading.
IPP9 and HPP9	Accurate (section 16) Council must take reasonable steps to ensure that the Personal Information is relevant, accurate, up to date and complete before using.	N/A	Accurate (section 9 of Schedule 1) Council must ensure that the Health Information held is relevant, accurate, up to date, complete and not misleading before using.
Exemptions	Council does not have to comply with the Privacy Principles about access and accuracy of Personal Information as outlined in: <ul style="list-style-type: none"> ▪ Section 23; ▪ Section 24; ▪ Section 25; ▪ Section 26; 	N/A	Council does not have to comply with the Privacy Principles about access and accuracy of Health Information as outlined in: <ul style="list-style-type: none"> ▪ section 6(2) of Schedule 1; ▪ section 7(2) of Schedule 1; ▪ section 8(4) of Schedule 1.

14.15. USE OF PERSONAL INFORMATION

14.15.1. Council must collect Personal Information in accordance with the PPIP Act, HRIP Act, and the Privacy Code of Practice for Local Government. Below is a summary of such requirements:



	PIIP Act	Privacy Code	HRIP Act
IPP10 and HPP10	<p>Limited (section 17)</p> <p>Council may only use Personal Information for the purpose for which it was collected or for a directly related purpose, or if the individual has consented to use the information for another purpose.</p> <p>Council may use Personal Information for another purpose for which it was collected in order to prevent or lessen a serious and imminent threat to that person's life, Health or safety.</p>	<p>Council may use Personal Information for a purpose other than the purpose for which it was collected in the following circumstances:</p> <p>a) Where the use is for the purpose of undertaking Council's lawful and proper function(s) and Council is satisfied that the Personal Information is reasonably necessary for the exercise of such function(s); or</p> <p>b) Where Personal Information is to be used for the purpose of conferring upon a particular person, an award, prize, benefit or similar form of Personal recognition.</p>	<p>Limited (section 10 of Schedule 1)</p> <p>Council may only use Health Information for the purpose for which it was collected (primary purpose) unless the individual in question has consented to the Health Information being used for another purpose (secondary purpose) i.e: the secondary purpose is directly related to the primary purpose and that the individual in question would expect for Council to use the information for that secondary purpose; or the secondary purpose of the information Council can use it for is:</p> <ul style="list-style-type: none"> to lessen or prevent a serious (and imminent) threat to life, Health or safety of the individual or another person, or to lessen or prevent a serious threat to public Health or public safety (whether the Health Information is genetic or otherwise); or for the funding, management, planning or evaluation of Health services; or for the training of Council staff; or research, or the compilation or analysis of statistics, in the public interest; or for Council to ascertain the whereabouts of an individual who has been reported as a missing person; or for Council to provide the information to an immediate family member of the individual for compassionate reasons; or for Council to conduct its investigation into suspected unlawful activity, unsatisfactory professional conduct or breach of discipline; or for Council to use it in the exercise of complaint handling functions or investigative functions by investigative agencies; or for other prescribed circumstances. <p>In addition to the limitations above, which are detailed in the respective subsections of the HRIP Act, there are further exemptions where Council can use Health Information for a secondary</p>



			purpose. Otherwise Council must seek consent from the individual to use their Health Information for a secondary purpose.
Exemptions	<p>Council does not have to comply with the Privacy Principles about use of Personal Information as outlined in:</p> <ul style="list-style-type: none"> ▪ section 23(4); ▪ section 23(6A); ▪ section 24(2); ▪ section 25; ▪ section 27A; ▪ section 27B; ▪ section 28(3); 	N/A	<p>Council does not have to comply with the Privacy Principles about use of Health Information as outlined in section 10(2) of Schedule 1.</p>

15.2. The meaning of what constitutes 'use' should be read with the ordinary English meaning as it is not defined in the relevant legislation.

14.2.15.3. Council uses the information it collects to:

14.2.1.15.3.1. Perform its functions, conduct its operations and provide services to the community;

15.3.2. Determine the nature of complaints, feedback, submissions, enquiries and other communications, and refer them to relevant Council Officials or other authorities;

15.3.3. Resolve complaints or respond to other forms of communication;

15.3.4. Communicate with individuals;

14.2.2.15.3.5. Conduct or undertake reviews, assessments, investigations or process complaints and refer these to the relevant authority if required;

14.2.3.15.3.6. Request advice, where needed, from oversight bodies, third party service providers including Council's legal representatives;

14.2.4.15.3.7. Advise Council Officials and stakeholders of recurring trends and issues;

14.2.5.15.3.8. Educate our stakeholders and the community about particular issues through published documents and reports.

14.3.15.4. Council Officials must make sure Personal Information is accurate before using it and thus make every reasonable efforts to do so.

For example: As part of their training, Council Officials are advised to do the following to ensure Council records are accurate and complete:

- Information is to be recorded at the time of interaction with customers and individuals, as soon it becomes available, or as soon as it is practicable to do so;



- Council records should generally be made by those collecting the information or are present when the information was collected;
- Information about individuals needs to be recorded against their Name and Address Record (NAR) or if the information is about Council Officials, their personnel file.
- Alterations or amendment to an individual's NAR is to be undertaken by authorised Council staff only;
- ~~would~~ ~~Check~~ contact details directly with a person to make sure the information is correct and ~~will~~ ask people to spell their names where necessary. This is to make sure information and correspondence is sent to the right person.

14.4.15.5. Personal Information of Council staff is used by management, or via relevant reporting lines, specific to the staff member. The information may also be forwarded and disclosed to the HR team or to other people management service providers supporting Council. Unless otherwise stated, the Personal Information collected by Council about its staff is used only for workforce management.

15.6. Any other likely uses provided to an individual at the time, or shortly after, Council collects that individual's personal information, are also uses in addition to the above.

15.16. DISCLOSURE OF PERSONAL INFORMATION

15.1.16.1. Council must ~~use~~ ~~disclose~~ Personal Information in accordance with the PPIP Act, HRIP Act, and the Privacy Code of Practice for Local Government. Below is a summary of such requirements:

	PIIP Act	Privacy Code	HRIP Act
IPP11 and HPP11	Restricted (section 18) Council may only disclose Personal Information to another body or person: <ul style="list-style-type: none"> ▪ With the individual's consent; or ▪ If the individual is likely to have been aware, or has been made aware during collection, that information of that kind is usually disclosed to that other individual; or ▪ If the use is for a directly related purpose and Council considers that the individual 	Council may disclose Personal Information to Public sector agencies or utility providers on the condition that: <ol style="list-style-type: none"> a) The agency or utility provider has approached Council in writing; b) Council is satisfied that the information is to be used by that agency or utility provider; and c) Council is satisfied that the Personal Information is reasonably necessary for the exercise of that agency or utility provider's function(s). 	Limited (section 11 of Schedule 1) Council may only disclosure Health Information for the purpose for which it was collected (primary purpose) unless the individual in question has consented to the Health Information being used for another purpose (secondary purpose) i.e: the secondary purpose is directly related to the primary purpose and that the individual in question would expect for Council to use the information for that secondary purpose; or the secondary purpose of the information Council can use it for is: <ul style="list-style-type: none"> ▪ to lessen or prevent a serious (and imminent) threat to life, Health or safety of the individual or another person, or to lessen or prevent a serious threat to public Health or public safety (whether the Health Information is genetic or otherwise); or



	<p>would not object; or</p> <ul style="list-style-type: none"> Disclosure is necessary to prevent or lessen a serious and imminent threat to the life or Health of a person. 	<p>Council may disclose Personal Information:</p> <ul style="list-style-type: none"> For <u>the</u> purpose of conferring upon a person an award, prize, benefit or similar form of Personal recognition; Where a prospective employer seeks to verify that a current or former staff works or has worked for Council, the duration of their work, and the position they occupied during that time. 	<ul style="list-style-type: none"> for the funding, management, planning or evaluation of Health services; or for the training of Council staff; or research, or the compilation or analysis of statistics, in the public interest; or for Council to ascertain the whereabouts of an individual who has been reported as a missing person; or for Council to provide the information to an immediate family member of the individual for compassionate reasons; or for Council to conduct its investigation into suspected unlawful activity, unsatisfactory professional conduct or breach of discipline; or for Council to use it in the exercise of complaint handling functions or investigative functions by investigative agencies; or for other prescribed circumstances. <p>In addition to the limitations above, which are detailed in the respective subsections of the HRIP Act, there are further exemptions where Council can use Health Information for a secondary purpose. Otherwise Council must seek consent from the individual to use their Health Information for a secondary purpose.</p>
IPP12 and HPP12	<p>Safeguarded (section 19)</p> <p>Council cannot disclose an individual's sensitive Personal Information (ethnicity or racial origin, political opinions, religious or philosophical beliefs, Health matters or sexual orientation, or trade union</p>	<p>Where Council is requested by a potential employer outside of NSW, Council can verify that:</p> <ul style="list-style-type: none"> A current or former employee works or has worked for Council; The duration of their employment; and 	<p>Identifiers (section 12 of Schedule 1)</p> <p>Council should only identify individuals by using identifiers if it is reasonably necessary to carry out Council functions efficiently.</p>



	<p>membership) without their consent, unless:</p> <ul style="list-style-type: none"> ▪ Council believes the recipient would receive and handle the information in accordance to principles for fair handling principles similar to the Privacy Principles; or ▪ Council has consent to do so; or ▪ To effect contractual rights and as per request by the individual; or ▪ The disclosure is for the benefit of the individual if they were to consent to it; or ▪ Council believes the disclosure would lessen or prevent a serious and imminent threat to life, Health or safety ; or ▪ Council has ensured the information will not be handled by the recipient inconsistently with the Privacy Principles; or ▪ The disclosure is permitted or required by any legislation. 	<ul style="list-style-type: none"> ▪ The position occupied during their employment. 	
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Exemptions	<p>Council does not have to comply with the Privacy Principles about disclosure as outlined in:</p> <ul style="list-style-type: none"> ▪ section 23(5) and (6); ▪ Section 23A(2); ▪ Section 24(1), (3), (4) and (5); ▪ section 25; ▪ section 26(2); ▪ section 27A; ▪ section 27B; ▪ section 28(3); 	Council cannot disclose an opinion as to a person's suitability to a particular position with any potential employer unless Council is satisfied that the person has provided their consent to provide a reference, which may include an opinion as to that person's suitability for the position they have applied.	N/A
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General Identifiers

16.2. Council collects general Identifiers that are not Health Identifiers (clause 12.443-4) from Council Officials, such as Unique Student Identification (USI) numbers.

Enquiries

15.2-16.3. Personal Information is used by Council only when dealing with enquiries related to that person. If Council receives more enquiries, a complaint, or review request from that person, it may look at past enquiries to get background information.

15.3-16.4. Council does not disclose information about a particular enquiry to anyone outside of its office without the consent of the enquirer.

Reviews, complaints, assessments and investigations

15.4-16.5. Council may discuss Personal Information with the relevant agency, organisation or individuals when conducting a review, an assessment or investigation, or processing a complaint. To undertake its functions Council may disclose the name of review applicants but only to an agency legally involved in such affairs and for which Council is allowed to do under the PPIP Act and HRIP Act.

15.5-16.6. Council includes relevant Personal Information in the reports it writes as a result of conducting a review, an assessment or investigation, or processing a complaint. If we decide to share such reports, Council will generally send these reports to the parties associated with the matter or oversight bodies, provided there are no overriding presumptions against such disclosure.

15.6-16.7. When Council is involved in proceedings, it may disclose Personal Information relevant to that particular case. It may also refer issues to other oversight bodies.

15.7-16.8. Apart from the above, Council does not disclose Personal Information to anyone not directly involved in a complaint, investigation, assessment or review case unless authorised or required to do so by law.

15.8-16.9. Council is particularly careful when dealing with sensitive Personal Information, namely information relating such as to an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership or sexual activities, or- Health Information, sexuality.



Referrals to other oversight bodies

15.9.16.10. In accordance with a number of Acts, Regulations and other directives, Council can disclose information to:

- 15.9.1.16.10.1. Agency Heads;
- 15.9.2.16.10.2. Government Ministers;
- 15.9.3.16.10.3. NSW Planning Panels;
- 15.9.4.16.10.4. The NSW Environment Protection Authority (EPA);
- 15.9.5.16.10.5. OLG;
- 15.9.6.16.10.6. IPC;
- 15.9.7.16.10.7. NSW Ombudsman;
- 15.9.8.16.10.8. ICAC;
- 15.9.9.16.10.9. NSW Parliament and NSW Parliamentary Committees; and
- 15.9.10.16.10.10. Other NSW Government agencies.

16.11. Council will ensure compliance with the IPPs and HPPs in all such disclosures and only make such disclosures when permitted or required by the relevant Acts, Regulations and other directives.

Requests for Personal Information from other agencies *(inter-agency requests)*

15.10.16.12. When Council receives requests from other agencies such as NSW Police, the EPA and others, we ask that the request is made in writing with enough information to identify the agency, the legislation they rely on for the provision of the sought information and the purpose for which they intend to use this information.

15.11.16.13. Most of such requests are forwarded to Council's Governance Team for checking their validity and auctioning them. Any staff involved in the release of Personal Information in response to requests from other agencies have the relevant delegations and satisfactory training to do so.

GIPA Act

15.12.16.14. The GIPA Act restricts Council from disclosing any information to an individual or an organisation with respect to Council's operations and services, undertaking reviews, assessments or investigations, or processing complaints where Council has decided there is an overriding public interest against disclosure. This often includes Personal Information.

Legal Counsel

16.15. Council reserves the right to seek legal counsel and may disclose Personal Information of individuals to such legal counsel.

16.16. Personal Information disclosed in this manner, and any act of such disclosure, is subject to legal professional privilege and nothing in this Privacy Management Plan constitutes a waiver of this privilege.



16.17. STORAGE AND SECURITY OF INFORMATION

16.1.17.1. Council must store Personal Information in accordance with the PPIP Act, HRIP Act, and the Privacy Code of Practice for Local Government. Below is a summary of such requirements:

	PPIP Act	Privacy Code	HRIP Act
IPP5 and HPP5	Secure (section 12) Personal Information must be stored securely, not kept any longer than as required by the General Retention and Disposal Authority for Local Government Records issued by the State Records Authority of NSW, and be disposed of appropriately. Council must take reasonable steps to protect the information from unauthorised access, use, modification or disclosure.	N/A	Secure (section 5 of Schedule 1) Health Information must be stored securely, not kept any longer than as required by the General Retention and Disposal Authority for Local Government Records issued by the State Records Authority of NSW, and be disposed of appropriately. Council must take reasonable steps to protect the information from unauthorised access, use, modification or disclosure.
Exemptions	N/A	N/A	Council does not have to comply with the Privacy Principles about storage of Health Information as outlined in section 5(2) of Schedule 1 .

16.2.17.2. Council stores Personal Information electronically and in hard copy files. Council mostly practices a 'clean desk' approach where possible, which means hard copy case files are secured at the end of the day or when not in use where practicable.

16.3.17.3. Sometimes, Council staff members take files off-site in order to tend to their duties, such as when conducting inspections. Council staff members do not leave sensitive files unattended and do not let anyone else access them. Encrypted USB devices are used where possible.

16.4.17.4. Council records details of each enquiry on electronic enquiry registers and stores electronic and hard copies of written enquiries. No one other than Council staff can access these registers.

Systems, databases and information management

16.5.17.5. Council has a service agreement with the following service providers for the provision of records or information management services:

16.5.1.17.5.1. Civica Group;

16.5.2.17.5.2. Grace Records Management;

16.5.3.17.5.3. Local Government Software Solutions (LGSS);

16.5.4.17.5.4. Scout for Recruitment;

17.5.5. Vault (volunteers, incident and workers' compensation management system);

17.5.6. Pulse (onboarding, compliance and reporting, and delegations management system);

17.5.7. Vendor Panel (procurement management system).



What about Vault which manages workers comp and incident management and volunteers???

16.6-17.6. All of Council's electronic information is stored securely on Council managed servers in the Council Administration Building or the above service providers.

16.7-17.7. Council implements the following measures to ensure the credibility and security of the information it holds:

16.7.1-17.7.1. Council servers are backed up daily;

16.7.2-17.7.2. Council networks are secure and require individual logins;

16.7.3-17.7.3. Council staff do not give out passwords to anyone or let anyone else use their computer login;

16.7.4-17.7.4. We classify information in accordance with the General Authority 39 – Local Government Records set by NSW State Archives and Records;

16.7.5-17.7.5. We follow the directions provided by the State Record legislation and directives.

16.8-17.8. Council considers and applies privacy compliance advice when considering and implementing new information management systems and software to ensure any new system complies with the PPIP Act and HRIP Act and will take reasonable steps to address any issues identified.

16.9-17.9. Information collected during the performance of Council's function is held on Council's information management systems; Authority, Pulse Software and Microfocus Content Manager. These databases are held on secure servers.

16.10-17.10. Council also contributes Personal information to a number of online databases/tools or organisations for compliance and reporting purposes, including but not limited to:

16.10.1-17.10.1. The GIPA Tool managed by the IPC;

16.10.2-17.10.2. Public Interest Disclosures online reporting managed by the NSW Ombudsman;

16.10.3-17.10.3. Companion Animals Register managed by the OLG;

16.10.4-17.10.4. Revenue NSW in relation to issuing of fines.

Physical security

16.11-17.11. Hard copy files are predominantly located in Council's Administration Centre at 62-78 Vincent Street, Cessnock, NSW, 2325. Council staff have key card access to the office. Visitors cannot enter without permission. Council's Administration Centre is locked outside of business hours.

16.12-17.12. When not being used, hard copy files and sensitive information are securely stored. Secure printing is used by Council by each staff member having to use individual swipe cards.

16.13-17.13. Council staff members have unique user accounts and passwords to access our computer systems. In accordance with Council's *Staff Internet and E-mail Use Protocol*, our staff do not give out passwords to anyone or let anyone else use their computer login.

16.14-17.14. Older hard copy files are archived in a secure storage facility in compliance with the *State Records Act 1998* (NSW). For sensitive documents that need to be destroyed, Council uses locked bins from which the documents are securely destroyed.



Private sector companies, government agencies and contractors

16.15.17.15. Council may use private sector companies, contractors, or other government agencies for services. If these organisations or individuals have or are likely to have access to Personal Information, Council ensures that Personal and Health Information is managed in line with the PPIP Act, HRIP Act and information security policies. Council might do this by:

16.15.1.17.15.1. asking for evidence of their information handling processes, and/or

16.15.2.17.15.2. inserting a privacy clause into our contracts.

16.16.17.16. Council will also consider how a private sector company, agency or contractor will manage Personal or Health Information they may have access to before engaging with them.

16.17.17.17. An external entity that may manage or collect Personal Information on behalf of the Council includes:

16.17.1.17.17.1. The service providers noted in clause 17.5 in providing information technology and systems and support,

16.17.2.17.17.2. a secure shredding company in order to carry out the destruction of sensitive documents,

16.17.3.17.17.3. a marketing company that manages Council's mailing lists and newsletters,

16.17.4.17.17.4. temporary staff procured from providers under government contracts,

16.17.5.17.17.5. event management companies in order to host events and manage registrations,

16.17.6.17.17.6. independent contractors, and

16.17.7.17.17.7. IT contractors.

17.18. PUBLIC REGISTERS

17.1.18.1. The PPIP Act governs how Council should manage Personal Information contained in Public Registers. Before disclosing Personal Information contained in a Public Register, except for the Written Returns Register, Council must be satisfied that the individual requesting access to the Personal Information intends to use the information for a purpose directly related to the purpose of the Public Register or the Act under which the Register is kept.

17.2.18.2. An individual may request access to Personal Information contained in a Public Register, except for the Written Returns Register, by completing a statutory declaration stating that the intended use of the information is consistent with the purpose for which Council holds that particular register. An example statutory declaration is provided in Appendix 2.

17.3.18.3. Council can determine whether to provide a copy of the whole or part of a Public Register depending on whether such disclosure fits with the purpose for which it was collected.

17.4.18.4. If access to Personal Information which is not contained in a Public Register is requested, then Council will generally process such requests on an informal basis



provided it is appropriate to do so. If not, individuals will be encouraged and assisted where possible to complete a formal access application which will be processed in accordance the GIPA Act.

47-5-18.5. Council's Public Registers include:

Act / Regulation / Directive	Section / Clause of Act / Reg / Directive	Name of Register	Purpose	Access and contact
Local Government Act 1993 (NSW) (LG Act)	Section 53	Land Register	Identify land vested in or under Council's control	Register can be accessed on Council's website Contact Customer Service
	Section 113	Record of Approvals	Identify approvals granted under the LG Act	Register can be accessed on Council's website Contact Customer Service OR Development Services
	Section 328A	Political donations disclosures	Identify donations to Councillors	Register can be accessed on Council's website Contact Customer Service OR Access to Information and Governance Officer
	Sections 377 and 378	Register of Delegations	Identify functions delegated by the General Manager to Council officers	Register can be accessed by informal request under the GIPA Act.
	Section 602	Rates Records	In relation to a parcel of land, identify the value and rate liability, and its owner or lessee	Register can be accessed by informal request under the GIPA Act.
Code of Conduct	Clauses 4.1 – 5.14	Disclosures in written returns	Identify pecuniary and non-pecuniary interests of the General Manager, Senior Staff, designated persons and Councillors	Contact Customer Service OR Access to Information and Governance Officer
	Part 6	Gifts and Benefits Register	List gifts and benefits Council Officials get offered, receive, decline or are unable to decline	Contact Customer Service OR Access to Information and Governance Officer



Environmental Planning and Assessment Act 1979 (NSW) (EP&A Act)	Section 4.58	Register of Consents and Approvals Certificates	Identify approvals, consents and related appeals under the EP&A Act	Register can be accessed on Council's website Contact Customer Service OR Development Services
	Section 6.26	Record of Building Certificates	Identify building certificates	Contact Customer Service OR Building Services Team
<u>Environmental Planning and Assessment Regulation 2021 (NSW) (EP&A Regulation)</u>	<u>Section 206</u>	<u>Planning Agreements Register</u>	<u>Identify planning agreements Council has entered into regarding developments in the LGA</u>	<u>Register can be accessed on Council's website</u>
	<u>Section 217</u>	<u>Contributions Register</u>	<u>Identify contributions planned and made regarding developments in the LGA</u>	<u>Contact Customer Service OR Strategic Planning</u>
	Regulation 121	Register of Modification of Development Consents	Identify modifications to development consents under the EP&A Act	Register can be accessed on Council's website Contact Customer Service OR Development Services
Protection of the Environment Operations Act 1997 (NSW) (POEO Act)	Section 308	Public Register of Licences	Identify licences granted under the POEO Act	Contact Customer Service OR Health Environmental Services
Impounding Act 1993 (NSW)	Sections 30 and 31	Records of Impounding	Identify impounding actions taken by Council	Contact Customer Service OR Rangers
Government Information (Public Access) Act 2009 (NSW) (GIPA Act)	Section 6(5)	Records of Open Access Information	Identify government information Council holds that has been determined as 'open access information'	Such records can be accessed on Council's website Contact Customer Service OR Access to Information and Governance Officer
	Section 25	Disclosure Log of Access Applications	Identify access applications where there is a public interest in favour of disclosure and	Register can be accessed on Council's website



			Council has determined to provide access to the information	Contact Customer Service OR Access to Information and Governance Officer
	Section 27	Register of Government Contracts	Identify Council contracts that have (or are likely to have) a value of \$150,000 or more	Register can be accessed on Council's website Contact Customer Service OR Access to Information and Governance Officer

17.6-18.6. Any person whose Personal information is recorded in a Public Register has the right to request that their Personal details be suppressed. Council will comply with the request if it is satisfied the person's safety or wellbeing would be affected by not suppressing the information. Applications to suppress Personal Information from a Public Register must be made in writing and addressed to the General Manager pursuant to section 739 of the LG Act using the template provided in Appendix 3.

19. SOCIAL MEDIA

19.1. Individuals interact with Council via several social media channels in the full range of methods permitted by each of those channels and in doing so provide Council with Personal Information which is collected.

19.2. Where social media platforms permit, interactions will be moderated to ensure personal information is not disclosed or used. This includes actions such as delaying the publishing of interactions such as comments to avoid information that may identify other individuals from being published on a Council page.

19.3. All social media pages, accounts, channels or equivalent account publishing platforms are required to include a privacy notice which links to this Plan and Council's Privacy Statement.

19.3.1. Such privacy notices should also include a statement to the effect that interactions that could reasonably identify an individual without their consent will be deleted.

19.3.2. Simplified privacy notices can be used where the platform imposes character limitations that prevent a full privacy notice being included.

19.3.3. "When you comment, mention, post or direct message with this social media account, Cessnock City Council collects your personal information for the purpose of communicating with you and receiving your feedback on this platform. You can read Council's Privacy Management Plan and Privacy Statement on our website." is an example of a simplified privacy notice.

19.3.4. Where a platform does not permit hyperlinks the full website URLs should be included.

19.4. Council does not accept complaints, requests for works or information, or submissions through any social media channel and any individual attempting to communicate such should be reminded of the correct way to do this.



19.5. Any direct messages should initially be responded to with a message that includes a reminder to review the account's simplified privacy notice.

18.20. CLOSED CIRCUIT TELEVISION (CCTV)

18.1.20.1. Council installs and maintains CCTV cameras on Council premises and facilities for a number of purposes, including but not limited to:

18.1.1.20.1.1. To ensure the safety and security of staff, students and visitors whilst on Council premises or facilities;

18.1.2.20.1.2. To protect assets and property of Council and others;

18.1.3.20.1.3. To assist in crime prevention and aid in the investigation of criminal activity or other suspected misconduct or wrongdoing; and

18.1.4.20.1.4. To assist Council to manage its premises and facilities, such as its car parks, playgrounds, libraries, parks, etc.

18.2.20.2. Prominent signage notifies all Council staff, contractors, volunteers and members of the public of the use of CCTV and that they may be under surveillance and the cameras are clearly visible.

18.3.20.3. The installation, use and monitoring of CCTV including the storage, retention, use and disclosure of footage, is governed by appropriate Council policies developed and amended from time to time which take into account the guidelines provided by the [NSW Government policy statement and guidelines for the establishment and implementation of CCTV in public spaces](#).

19.21. TRANSBORDER DATA FLOW TO STATE OR COMMONWEALTH AGENCIES

19.1.21.1. Council will only provide your Personal and Health Information to another person or body who is in a jurisdiction outside New South Wales or to a Commonwealth agency, where:

19.1.1.21.1.1. It is a legal requirement and upholds the Privacy Principles; or

19.1.2.21.1.2. you consent to the transfer, or

19.1.3.21.1.3. the transfer is necessary to do something you have requested, or

19.1.4.21.1.4. the transfer is reasonably necessary to lessen or prevent serious and imminent threat to the life, Health or safety of a person, or

19.1.5.21.1.5. we have taken reasonable steps to ensure the Privacy Principles will be complied with; or

19.1.6.21.1.6. the transfer is permitted or required by legislation or law or

19.1.7.21.1.7. all of the following apply:



- i. The transfer is for your benefit, and
- ii. It is impracticable to obtain consent from you, and
- iii. If it were practicable to obtain consent, you would be likely to give it.

20.22. DATA BREACHES

20.1.22.1. A data breach occurs when there is a failure that has caused or has the potential to cause unauthorised access to Council's data. Examples include malware, hacking and data theft, accidental loss of a paper record, laptop, or USB stick, and emails sent to the wrong recipients if they contained classified material or Personal Information.

20.2.22.2. The Council determines whether Personal Information has been accessed, in conjunction with ~~its~~ **the Information and Security Breach Protocol**, to determine what response should be taken. Council's default position is to voluntarily report data breaches to the Privacy Commissioner as guided by the [IPC's Voluntary Data Breach Notification suite of resources](#). If there are good reasons not to do so these will be recorded in Council's internal report of the breach of Personal Information.

20.3.22.3. Council will determine the seriousness of a breach of Personal Information by:

20.3.1.22.3.1. considering the type of data held

20.3.2.22.3.2. whether Personal or Health Information was disclosed

20.3.3.22.3.3. the number of individuals affected, and

20.3.4.22.3.4. the risk of harm that could be caused to both individuals and the Council by the breach.

20.4.22.4. After the seriousness of a breach of Personal Information has been determined, Council will take the following steps to manage a data breach:

20.4.1.22.4.1. Contain – steps will be taken to contain the breach and minimise any resulting damage;

20.4.2.22.4.2. Evaluate – the type of data involved in the breach will be assessed, and the risks associated with the breach, to determine next steps. This will include an assessment of who is affected by the breach, what was the cause of the breach, and any foreseeable harm to the affected individuals/organisations;

20.4.3.22.4.3. Notify – individuals/organisations affected by the breach will be notified as soon as possible to enable them to take any steps required to protect themselves, and to advise them of their rights to lodge a complaint with the Privacy Commissioner. Council's default position is to voluntarily report data breaches of Personal information to the Privacy Commissioner;

20.4.4.22.4.4. Act – any additional action identified to mitigate risks will be implemented;

20.4.5.22.4.5. Prevent – preventive efforts will be put into action based on the type and seriousness of the breach.



23. CYCOS

23.1. CYCOS handles the Personal and Health Information of minors, often in vulnerable positions, and in addition to other provisions in this Plan is guided by the specific provisions in this clause 23.

23.2. In providing social services, counselling, and related support services CYCOS is a health service provider and the Council Officials or contractors who work within this service are required to review the sStatutory gGuidelines for the HRIP Act published by the IPC during any induction training and on a yearly basis, and in the event new guidelines are published.

23.2.1. In particular, the 'Collection of health information from a third party', the 'Use or disclosure of health information for the management of health services', and the 'Use or disclosure of health information for training purposes' Gguidelines should be reviewed.

23.3. Personal Information provided to CYCOS about an individual who receives services from CYCOS, or subsequent to that provision of information receives services from CYCOS, must be carefully assessed to distinguish if it is Health Information.

23.3.1. For clarity, any information about an individual's behaviour, concerns expressed regarding mental health, or requests for intervention or support that are intended to lead to a better mental health outcome in addition to any social outcome, is presumed to be Health Information unless a clear contraindication exists.

23.4. Personal Information can be collected from third parties by both solicited and unsolicited means. When this information has been provided and is recorded or used by CYCOS it is considered to have been collected as if it were solicited from the individual and the privacy notice requirements of IPP 3 and HPP 4 are triggered.

23.5. There are exceptions to these notice requirements and CYCOS must consider these carefully, in particular:

23.5.1. Whether the individual has expressly consented to not receiving notices (HPP 4(4)(a));

23.5.2. Whether there is a law requiring (HPP 4(4)(b)) or permitting (HPP 4(4)(c)) notices to not be provided;

23.5.3. Whether notifying the individual of the collection would, in the circumstances, prejudice the interests of the individual (HPP 4(4)(d)).

24. RANGERS

24.1. Personal Information collected by Council Rangers (Rangers) in connection with law enforcement activities is largely excluded from the application of the IPPs under section 23 PPIP Act.

24.2. In all situations where Rangers collect Personal Information, regardless of the application of section 23 PPIP Act, privacy notices will be given by Rangers with a verbal referral to this Plan or Council's Privacy Statement on Council's website, if it is practicable to do so.

24.3. Where Personal Information is collected in situations where section 23 PPIP Act does not apply, Council acknowledges the obligation to handle that information in accordance with the IPPs and/or HPPs and complies with these requirements.



24.4. Rangers are issued with Body Worn Cameras. These devices may not be used in breach of the *Surveillance Devices Act 2007* (NSW). Accordingly, Rangers are only to use Body Worn Cameras in accordance with Council's Body Worn Camera Procedure. Private conversations, private property, and Council employees performing their function as Council employees in the workplace, shall not be recorded by these devices unless expressly permitted by legislation and only to the extent such legislation permits.

24.5. In the interest of transparency in government information handling and regardless of the operation of section 23 PPIP Act, Council commits to the following regarding Ranger collected Personal Information:

24.5.1. Personal Information will only be collected by Rangers in relation to a lawful purpose;

24.5.2. Personal Information may at times be collected indirectly, such as in the form of witness statements and interviews, however this indirect collection will be limited to that which is relevant to the functions Rangers carry out;

24.5.3. Individuals that Rangers collect Personal Information from will be notified by Rangers of this collection occurring and, where it is practicable to do so, refer the individual to this Plan and Council's Privacy Statement on Council's website;

24.5.4. Where practicable, the collection of Personal Information will not unreasonably intrude into the personal affairs of an individual;

24.5.5. Information collected will be stored securely and de-identified or destroyed when it is no longer necessary or required by law, regulation, or subordinate legislative instruments to be held, regardless of the medium that the information is held on;

24.5.6. The rights to access Personal Information, in particular Body Worn Camera footage, will be regulated by legislation or any relevant Privacy Code. Any request for access will be dealt with as a request under the *GIPA Act*.

25. EXECUTIVE ASSISTANTS

25.1. Executive assistants (EAs) handle large volumes of personal information and must ensure they are aware of the IPPs and HPPs.

25.2. When receiving confidential correspondence as described in Council's Privacy Statement, EAs must not perform any task involving such correspondence that would reasonably lead to the EA being made aware of Personal Information.

25.3. EAs are only permitted to perform a task involving confidential correspondence that would reasonably lead to the EA being made aware of Personal Information, if that EA's supervising executive official directs them to do so in writing citing personal resourcing issues that are substantively worse than usually occur.

25.4. EAs are not to be held personally responsible or subject to any disciplinary measures if such written direction as discussed in 25.3 is received and competently acted upon.



26. ARRANGEMENTS WITH OTHER AGENCIES

26.1. From time to time, Council enters in Memorandums of Understanding (MOUs) or other referral arrangements with other agencies about handling Personal or Health Information with respect to specific projects. Each individual arrangement details the impact of the arrangement, and the roles all parties had in the process.

ARRANGEMENT	DESCRIPTION
Data Sharing Protocol with NSW Resilience	<p>Agreement to share information, including Personal Information, in response to the bushfires that occurred in 2019/2020. NSW Resilience requires the data to maintain a list of properties damaged and destroyed within the Cessnock Local Government Area and to assist with facilitating a coordinated outreach and recovery strategy.</p> <p>Agreement outlines the categories of Personal Information that may be shared between the parties, its uses and further disclosure, and security measures that the parties are required to implement to ensure the shared Personal Information is securely handled.</p>
DRIVES Agreement with Transport for NSW	<p>Ongoing agreement allowing Council access to information, including Personal Information, held in their Driver and Vehicle Information System (DRIVES) containing information relating to NSW motor vehicle registrations and driver licensing. The permitted purposes for which Council can access the DRIVES are to ascertain the name and address of a person appeared to have committed an offence under the:</p> <ul style="list-style-type: none"> ▪ <u>Road Rules 2014 (NSW) with respect to restrictions on stopping and parking, traffic control devices and traffic related terms;</u> ▪ <u>POEO Act with respect to environmental investigations, notices and offences;</u> ▪ <u>LG Act with respect to offences regarding failure to vote, free parking areas, and liability of vehicle owners;</u> ▪ <u>Impounding Act 1993 (NSW) with respect to offences concerning impounded items;</u> ▪ <u>Companion Animals Act 1998 (NSW) with respect offences against this Act or its regulation;</u> ▪ <u>Biosecurity Act 2015 (NSW) with respect to offences prescribed by the Act or its regulation;</u> ▪ <u>Food Act 2003 (NSW) with respect to offences prescribed by the Act or its regulation;</u> ▪ <u>Public Health Act 2010 (NSW) with respect to offences prescribed by the Act or its regulation;</u> ▪ <u>EP&A Act with respect to offences prescribed by the Act or its regulation.</u> <p>In addition to the permitted purposes, the DRIVES Agreement outlines the terms and conditions of this arrangement, including responsibilities of authorised users, and their local and remote access; Council's security standards and confidentiality practices, liability and indemnity, maintenance of privacy, etc; Council's mandatory requirement to</p>



Integrity, Respect, Teamwork, Accountability and Excellence

	<u>demonstrate compliance to Transport for NSW making the continuation of the DRIVES Agreement provisional on Council's successful compliance; immediate suspension of Council's access to the DRIVES for unauthorised use of the information or for any other breach of the DRIVES Agreement</u>
<u>DA Consultation Protocol with the Hunter Valley Police District of the NSW Police Force</u>	<p><u>An agreement to facilitate effective consultation on certain types of development applications, which includes the disclosure of Personal Information within. The Protocol outlines the procedure for consultation.</u></p> <p><u>In accordance with section 4.15 of the EP&A Act, Council is required to consider and implement Crime Prevention Through Environmental Design (CPTED) principles when assessing development applications and consultation on crime prevention with the District meets this requirement.</u></p>



PART F – ABOUT COUNCIL

21.27. COUNCIL'S RESPONSIBILITIES

21.1.27.1. Established in 1860, Council is constituted as a body politic of the State under section 220 of the LG Act and comprises of two parts – the elected Representatives (**Councillors**) and the administration (**staff**).

21.2.27.2. Council has responsibilities under the LG Act and other Commonwealth and NSW legislation, including but not limited to the EP&A Act, *the Public Health Act 2010* (NSW), the *Companion Animals Act 1998* (NSW), the *Roads Act 1993* (NSW), the PPIP Act, the *State Records Act 1998* (NSW) and the GIPA Act.

21.3.27.3. Under the LG Act, Council's functions can be grouped into the following categories:

21.3.1.27.3.1. To provide for development in the local area;

21.3.2.27.3.2. To provide for local services and facilities that benefit ratepayers, residents and visitors;

21.3.3.27.3.3. To provide for the welfare and wellbeing of the local community;

21.3.4.27.3.4. To establish and support organisations and programs targeting the local community and economy;

21.3.5.27.3.5. To represent and promote the interests of ratepayers and residents;

21.3.6.27.3.6. To protect the environment and improve local amenity;

21.3.7.27.3.7. To attract and provide infrastructure for commerce, tourism and industry;

21.3.8.27.3.8. To engage in long-term strategic planning on behalf of the local community.

21.4.27.4. In order to exercise the above functions, Council may collect Personal and Health Information from its customers, ratepayers, residents and other third parties contained in the following records:

21.4.1.27.4.1. Rates records and records of property ownership;

21.4.2.27.4.2. Development Applications and associated Certificates, Complying Development Certificates and submissions;

21.4.3.27.4.3. Section 68 applications, Building Line Variations, Building Information Certificates, Swimming Certificates of Compliance and driveway applications;

21.4.4.27.4.4. Planning Proposals;

21.4.5.27.4.5. Road closure applications;

21.4.6.27.4.6. Rezoning applications;

21.4.7.27.4.7. Customer requests and Complaints made to Council;

21.4.8.27.4.8. Membership applications for the Cessnock Performing Arts Centre, Hunter Valley Visitor's Information Centre, Libraries and other Council facilities and events;

21.4.9.27.4.9. Right of burial transfer applications;

21.4.10.27.4.10. Petitions;



[21.4.11-27.4.11.](#) Booking systems for community halls, parks and other recreational facilities, tourist operators; and

[21.4.12-27.4.12.](#) Insurance claims made with Council (various types of Health Information).

[21.5-27.5.](#) Council also holds information concerning:

[21.5.1-27.5.1.](#) **Councillors**, such as:

- i. Personal contact information;
- ii. Complaints and disciplinary matters;
- iii. Pecuniary interest returns;
- iv. Entitlements to fees, expenses and facilities;

[21.5.2-27.5.2.](#) **Staff**, such as:

- i. Recruitment material;
- ii. Leave and payroll data;
- iii. Personal contact information;
- iv. Performance management plans;
- v. Disciplinary matters;
- vi. Pecuniary interest returns;
- vii. Secondary employment;
- viii. Wage and salary entitlements; and
- ix. Health Information (medical certificates and workers compensation claims).

[22-28.](#) **PROMOTING THIS PLAN**

[22.1-28.1.](#) Council promotes the principles of this plan through its executive leadership team, staff and public awareness.

The Executive Leadership Team (ELT)

[22.2-28.2.](#) ELT is committed to accountability and transparency in relation to Council's compliance with the PPIP Act and HRIP Act.

[22.3-28.3.](#) ELT reinforces transparency and compliance with these Acts by:

[22.3.1-28.3.1.](#) Endorsing this plan and making it publicly available on Council's website;

[22.3.2-28.3.2.](#) Identifying privacy issues when implementing new systems;

[22.3.3-28.3.3.](#) Ensuring all staff are aware of sound privacy management practices.

Council staff

[22.4-28.4.](#) Council ensures its staff is aware of and understands this plan, particularly how it applies to its functions and operations. To this end, Council has developed this plan in a practical way so that staff members understand what their privacy obligations are, how to manage Personal and Health Information in their work and what to do if they are unsure.

[22.5-28.5.](#) Council makes its staff, including volunteers and contractors, aware of their privacy obligations by:

[22.5.1-28.5.1.](#) Publishing this plan in a prominent place of Council's Intranet and website;



22.5.2-28.5.2. Including this plan as part of induction and providing training as required;

22.5.3-28.5.3. Providing refresher, specialised and on-the-job privacy training;

22.5.4-28.5.4. Highlighting and promoting this plan at least once a year (e.g. during Privacy Awareness Week).

22.6-28.6. When staff have questions about how to manage Personal and Health Information under this plan, they may consult their manager, the Governance Team or Council's Privacy Contact Officer (see Part D above). Councillors need to contact the General Manager or Privacy Contact Officer for assistance.

Public Awareness

22.7-28.7. This plan is a guarantee of service to stakeholders on how Council manages Personal and Health Information. Because it is integral to Council's operations, this plan is easy to access on Council's website and easy to understand. In addition, Council is required to make this plan publicly available as open access information under the GIPA Act.

22.8-28.8. Council promotes public awareness of this plan by:

22.8.1-28.8.1. Writing the plan in plain English;

22.8.2-28.8.2. Publishing it on Council's website;

22.8.3-28.8.3. Providing hard copies of the plan free of charge on request;

22.8.4-28.8.4. Referring to the plan in other policies and protocols

22.8.5-28.8.5. Telling people about the plan when answering questions about how Council manages Personal and Health Information.



PART G – ADMINISTRATION

23-29. ROLES AND RESPONSIBILITIES

General Manager or their delegate

- 23-1-29.1. Ensure this plan is accurate and up to date.
- 23-2-29.2. Ensure Council meets its obligations under the PPIP Act, HRIP Act and this plan.
- 23-3-29.3. Appoint a Privacy Contact Officer.
- 23-4-29.4. Determine requests for the suppression of Personal Information.
- 23-5-29.5. Conduct internal reviews about Council's Privacy Contact Officer or their delegate, or the Mayor in accordance with this plan.
- 23-6-29.6. Conduct internal reviews in accordance with this plan where Council's Privacy Contact Officer or their delegate, the Mayor or Councillors were initially involved.

Privacy Contact Officer or their delegate

- 23-7-29.7. Assist the General Manager to meet their responsibilities pursuant to the PPIP Act, HRIP Act and this plan.
- 23-8-29.8. Create awareness about this plan.
- 23-9-29.9. Coordinate steps to ensure Council complies with the PPIP Act, HRIP Act and this plan.
- 23-10-29.10. Coordinate requests for the suppression of Personal Information.
- 23-11-29.11. Assess and determine applications to access or amend Personal Information.
- 23-12-29.12. Conduct internal reviews in accordance with this plan.
- 23-13-29.13. Is responsible for reporting data breaches to the Privacy Commissioner.
- 23-14-29.14. Provide advice on matters relating to privacy and Personal Information.

Governance Team

- 23-15-29.15. Provide assistance to the Privacy Contact Officer and the General Manager or their delegates as required.
- 23-16-29.16. Provide advice on matters relating to privacy and Personal Information.

All Council Officials

- 23-17-29.17. Collect, store, access and disclose Personal Information in accordance with this plan and clauses relating to Personal Information contained in Council's Code of Conduct.
- 23-18-29.18. Report breaches of Personal Information to the Privacy Contact Officer and Governance.
- 23-19-29.19. Always include privacy disclaimers/disclosures when collecting Personal Information.

Compliance, monitoring and review

- 23-20-29.20. The Privacy Contact Officer is responsible for the compliance, monitoring and review of this plan.

**Reporting**

23.21-29.21. Council reports the number of privacy complaints received in its annual report.

Records management

23.22-29.22. Staff must maintain all records relevant to administering this policy in accordance with Council's Records Management Policy.

24.30. POLICY DEFINITIONS

Collection of Personal Information	means the way in which Council acquires Personal or Health Information, which can include a written or online form, a verbal conversation, a voice recording, or a photograph.
Council	means Cessnock City Council.
Council Official	means Councillors and their delegates, Council staff, volunteers, consultants and contractors.
Disclosure of Personal Information	occurs when Council makes known to an individual or entity Personal or Health Information not previously known to them.
Health Information	means information or an opinion about a person's physical or mental Health or disability, or a person's express wishes about the future provision of his or her Health services or a Health service provided or to be provided to a person; see the definition in section 6 of the HRIP Act.
Personal Information	means – information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion, including such things as an individual's fingerprints, retina prints, body samples, or genetic characteristics. Exclusions to the definition of Personal Information are contained in section 4(3) of the PPIP Act and includes Health Information; (see the definition at section 4 PPIP Act and section 4(3) PIPP Act and section 5 of the HRIP Act).
Privacy Principles (IPPs)	The IPPs set out in Division 1 of Part 2 of the PPIP Act and the Health Principles set out in Schedule 1 of the HRIP Act. The Privacy Principles set out the minimum standards for all NSW public sector agencies when handling Personal and Health Information. Within these principles lawful exemptions are provided.
Public Register	means a register of Personal Information that is required by law to be made, or is made, publicly available or open to public inspection (section 3 of the PPIP Act).

**25.31. POLICY ADMINISTRATION**

Business Group	Corporate and Community Services
Responsible Officer	Director Corporate Community Services
Associated Procedure (if any)	NIL
Policy Review Date	Three years from date of adoption unless legislated otherwise
Document Number	DOC2014/005148
Relevant Legislation (reference specific sections)	<ul style="list-style-type: none"> Privacy and Personal information Protection Act 1998 (NSW) Health Records Information Protection Act 2002 (NSW) Government Information (Public Access) Act 2009 (NSW) State Records Act 1998 (NSW) Privacy Code of Practice for Local Government 2019 (NSW) Workers Compensation Act 1987 (NSW)
Relevant desired outcome or objectives	Civic Leadership and Effective Governance Objective 5.3 Making Council more responsive to the community.
Related Policies / Protocols / Procedures / Documents	<ul style="list-style-type: none"> Records Management Policy (DOC2019/038769) Information Security Breach Protocol (DOC2020/055613 DOC2017/054587) Council Fees and Charges Staff Internet and E-mail Use Protocol (DOC2020/055610); Body Worn Camera Procedure (DOC2022/098979); 'Collection of health information from a third party' (IPC); 'Use or disclosure of health information for the management of health services' (IPC); 'Use or disclosure of health information for training purposes' (IPC); NSW Government policy statement and guidelines for the establishment and implementation of CCTV in public spaces IPC's Voluntary Data Breach Notification suite of resources

26.32. POLICY AUTHORISATIONS

No.	Authorised Function	Authorised Business Unit / Role(s)
	Amend customer details Council holds such as name, address, contact number, email address in accordance with this plan and relevant legislation	General Manager Privacy Contact Officer Corporate Governance Officer or delegate
	Amend specific Personal or Health Information Council holds in accordance with this plan and relevant legislation	General Manager or delegate Privacy Contact Officer or delegate Governance Team Human Resources Team



	Process and determine applications seeking access to Personal Information under the PPIP and HRIP Act, including seeking access to information contained in Council's Public Registers and CCTV in accordance with this plan and relevant legislation	General Manager or delegate Privacy Contact Officer or delegate Governance Team
	Determine requests for the suppression of Personal Information in accordance with section 739 of the LG Act	General Manager
	Approve requests for Trans-border Data Flow to State or Commonwealth Agencies in accordance with this plan and relevant legislation	General Manager or delegate Privacy Contact Officer or delegate
	Process and determine requests for internal reviews in accordance with this plan and relevant legislation	General Manager or delegate Privacy Contact Officer or delegate
	Liaise with the Privacy Commissioner and other external agencies/bodies in relation to external reviews in accordance with this plan and relevant legislation	General Manager or delegate Privacy Contact Officer or delegate Governance Team
	Report data breaches to the Privacy Commissioner in accordance with this plan and relevant legislation	General Manager or delegate Privacy Contact Officer or delegate Governance Team

27.33. POLICY HISTORY

Revision	Date Approved / Authority	Description Of Changes
1	06 March 2013 (PM17/2013) 18 September 2013 (PM91/2013 – 581)	New Plan Adopted
2	17 June 2020 CC48/2020	Complete overhaul/review and inclusion of 2019 Privacy Code of Practice for Local Government

28.34. APPENDICES

28.1.34.1. APPENDIX 1 – APPLICATION FOR AN INTERNAL REVIEW RELATING TO THE MANAGEMENT OF YOUR PERSONAL INFORMATION FORM

28.2.34.2. APPENDIX 2 – STATUTORY DECLARATION TO ACCESS PERSONAL INFORMATION CONTAINED IN COUNCIL'S PUBLIC REGISTERS

28.3.34.3. APPENDIX 3 – REQUEST AND STATUTORY DECLARATION TO SUPPRESS PERSONAL INFORMATION CONTAINED IN COUNCIL'S PUBLIC REGISTERS



APPENDIX 1 – APPLICATION FOR AN INTERNAL REVIEW RELATING TO THE MANAGEMENT OF YOUR PERSONAL INFORMATION FORM

You can use this form to make a complaint relating to the management of your personal information under:

- Section 53 of the [Privacy and Personal Information Protection Act 1998](#) (PIIP Act); or
- Section 21 of the [Health Records and Information Privacy act 2002](#) (HRIP Act).

The types of complaints may include:

- disclosure of your personal information to another person;
- failure to protect your personal information;
- refusing access to your personal information;
- storage of your personal information; and/or
- accuracy of your personal information.

If you need assistance in filling out this form please visit the Council's privacy page for more information or visit Council's Administration Building.

Please note: it is not a requirement under the PPIP Act or the HRIP Act that you complete an application form. This form is designed to assist us in correctly identifying the nature of the conduct you are complaining about and determine whether a breach has occurred.

If you choose not to complete this form, you must still make a written request for an internal review and describe the conduct in sufficient detail to allow us to determine if there has been a breach.

Section 1: Applicant's details	
Title	
First name	
Last name	
Postal address	
Telephone number	
Email address	
Is this complaint on behalf of someone else?	<input type="radio"/> YES <input type="radio"/> NO - Go to section 2
Title	
First name	
Last name	
Postal address	
Telephone number	
Email address	



Relationship to applicant		
Is the person capable of making the complaint by him/herself?		
<input type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> UNSURE
Section 2: Details of the complaint		
1. What is the specific conduct you are complaining about? "Conduct" can include an action, a decision, or even inaction by Council. For example the "conduct" in your case might be a decision to refuse you access to your personal information, or the action of disclosing your personal information to another person, or the inaction of a failure to protect your personal information from being inappropriately accessed by someone else.		
2. Please select which of the following information handling practices are relevant to your complaint (you may select more than one option): *		
<input type="radio"/>	Collection of my personal or health information	
<input type="radio"/>	Security or storage of my personal or health information	
<input type="radio"/>	Refusal to allow me access or find out about my own personal or health information	
<input type="radio"/>	Accuracy of my personal or health information	
<input type="radio"/>	Use of my personal or health information	
<input type="radio"/>	Disclosure of my personal or health information	
<input type="radio"/>	Other	
<input type="radio"/>	Unsure	
3. Describe the type of information involved (eg name, age, address, health information etc):		
4. When did the conduct you are complaining about occur? (use dates if possible):		
5. When did you become aware of this conduct:		
6. You need to lodge this application within six months of the date at Q.4. If more than 6 months has passed from the date you became aware of the conduct, you will need to ask for special permission to lodge a late application.		



7. What effect did the conduct have on you:
8. What effect might the conduct have on you in the future:
9. What would you like to see Council do about the conduct? (for example: an apology, a change in policies or practices, compensation, training for staff etc):

Purpose and signature:

I understand that this form will be used by Council to process my request for an internal review. I understand and accept that details of my application (including my personal information) will be referred to the Privacy Commissioner in accordance with ~~our Council's~~ obligation to notify ~~the Privacy Commission~~ under section 54(1) of the ~~Privacy and Personal Information Protection Act~~ ~~PIIP Act~~, or section 21 of the ~~Health Records and Information Privacy~~ ~~HRIP Act~~, and that the Privacy Commissioner will be kept advised of the progress and outcome of the internal review.

Applicant's name _____

Applicant's signature _____

Date: _____

Privacy ~~Disclosure~~ Notice

Council is committed to safeguarding the privacy of individuals and handling of personal information in accordance with the PPIP Act and Information Privacy Principles, the HRIP Act and Health Privacy Principles, and any subordinate legislation.

Purpose: The information on this form is being collected for the purpose ~~it was intended of processing and handling your request for internal review requested pursuant to section 54 of the PPIP Act. The information collected will be used and/or disclosed for the purpose outlined, related administrative functions, compliance and complaint handling, internal auditing, and in accordance with Council's Privacy Management Plan and Privacy Statement which can be found on Council's website.~~

Intended Recipients: ~~Officers of Cessnock City Council~~ staff, Privacy Commissioner and their delegate staff

Supply: The supply of information is voluntary.

Consequence of non-provision: ~~If you do not supply The requested information provided on this form will only be used for the purposes of Council may not be able to processing of the your request for internal review complaint.~~

Storage: 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/Correction: You may correct or update your personal information by contacting Council's Privacy Contact Officer on 4943 4100 or by sending an email to council@cessnock.nsw.gov.au.

If you want to know more about Council's obligations regarding your personal information or what rights you have, contact the Information and Privacy Commission or visit their website ipc.nsw.gov.au.



APPENDIX 2 – STATUTORY DECLARATION TO ACCESS PERSONAL INFORMATION CONTAINED IN COUNCIL'S PUBLIC REGISTERS

Statutory Declaration OATHS ACT 1900 (NSW), NINTH SCHEDULE

I,
[name of declarant]

of
[residence]

do hereby solemnly declare and affirm that I will only use Council's Public Register for:

And I make this solemn declaration, as to the matter (or matters) aforesaid, according to the law in this behalf made – and subject to the punishment by law provided for any wilfully false statement in any such declaration.

Declare at:

..... [place]

On: [date]

Signature:

In the presence of an authorised witness who states:

I, , a
[name of declarant] [qualification of authorised witness]

Certify the following matters concerning the making of this statutory declaration by the person who made it [*please cross out any text that does not apply]

1. *I saw the face of the person OR *I did not see the face of the person because the person was wearing a face covering but I am satisfied that the person had a special justification for not removing the covering, and
2. *I have known the person for at least 12 months OR I have confirmed the person's identity using an identification document and the document I relied on was

.....[document relied on]

.....
[signature of authorised witness]

.....
[date]



STATUTORY DECLARATION

I _____ of _____,
Full name Address

do solemnly and sincerely declare as follows:

and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1900*.

Declared at: _____

.....on...../...../.....20.....
[signature of declarant] [date]

in the presence of an authorised witness, who states:

I, _____, a Solicitor/Justice of the Peace, certify the following matters
witness name circle one

concerning the making of this statutory declaration by the person who made it:
*[*please cross out any text that does not apply]*

1. *I saw the face of the person *OR* *I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, and
2. *I have known the person for at least 12 months *OR* *I have not known the person for at least 12 months, but I have confirmed the person's identity using an identification document and the document I relied on was _____
[insert description of document, for example licence or passport]

.....on...../...../.....20.....
[signature of authorised witness] [date]

PRIVACY NOTICE

Council is committed to safeguarding the privacy of individuals and handling of personal information in accordance with the *Privacy and Personal Information Act 1998* (NSW) and Information Privacy Principles, the *Health Records and Information Privacy Act 2002* (NSW) and Health Privacy Principles, and any subordinate legislation.

Purpose: The information on the form is being collected for the purpose processing your request or omission or removal of your place of living from the pecuniary interest returns of interests document(s) in accordance with section 739 of the Local Government Act 1993 (NSW). The information collected will be used and/or disclosed for the purpose outlined, related administrative functions, compliance and complaint handling, internal auditing, and in accordance with Council's Privacy Management Plan and Privacy Statement which can be found on Council's website.

Intended recipients: General Manager of Cessnock City Council. Returns of interests documents are classified as 'open-access' information as per clause 1(2)(a) of Schedule 1 of the *Government Information (Public Access)*



Integrity, Respect, Teamwork, Accountability and Excellence

Regulation 2018 (NSW) and are therefore a copy of them is required to be provided upon request, one way free of charge. Furthermore, section 440AAB of the Local Government Act 1993 (NSW) requires that the General Manager tables them at a meeting of Council, making them available for inspection by anyone present.

Supply: ~~Legally~~ Completing the written returns document(s) is legally required as per clause 4.9 of Council's Code of Conduct

Consequence of non-provision: If you do not supply the information, your form will not be processed and your place of living cannot be removed from the register.

Storage and security: The form will be kept in Council's document management system in accordance with the relevant legislation.

Access: You may access, correct or update your personal information by visiting Council's website, by contacting Council's Privacy Contact Officer on 4943 4100 or by sending an email to council@cessnock.nsw.gov.au.

If you want to know more about Council's obligations regarding your personal information or what rights you have, contact the Information and Privacy Commission or visit their website ipc.nsw.gov.au.

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22-33




STRENGTHENING LOCAL GOVERNMENT

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Council Circular

2 November 2022

22-33 Misuse of Council Resources – March 2023 State Election

Circular Details	Circular No 22-33 / 2 November 2022 / A839741
Previous Circular	18-41 Misuse of Council resources – 2019 State Election
Who should read this	Councillors / General Managers / All council staff
Contact	Council Governance Team/ 02 4428 4201 / olg@olg.nsw.gov.au
Action Required	Information / Council to Implement
PDF Version of Circular	 22-33 Misuse of Council Resources – March 2023 State Election

What's new or changing?

- In the lead up to the 25 March 2023 State election, councillors, council staff and other council officials need to be aware of their obligations under the Model Code of Conduct for Local Councils in NSW (the Model Code) in relation to the use of council resources.

What this will mean for your council

- It is important that the community has confidence that council property and resources are only used for official purposes.
- Councils are encouraged to ensure that councillors, council staff and other council officials are aware of their obligations regarding the use of council resources.

Key points

- The Model Code provides that council officials must not:
 - use council resources (including council staff), property or facilities for the purpose of assisting their election campaign or the election campaign of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for the use of the resources, property or facility
 - use council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material for the purpose of assisting their election campaign or the election campaign of others.
- These obligations apply to all election campaigns including council, State and Federal election campaigns.

<https://info.olg.nsw.gov.au/pub/pubType/EO/pubID/zzzz6361cdb0b5bbc421/print/1/>

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22-33

- Councils should also ensure that they exercise any regulatory powers in relation to election activities such as election signage in an impartial and even-handed way and in accordance with established procedures and practices.
- Failure to comply with these requirements may result in disciplinary action under the code of conduct.

Where to go for further information

- For more information, contact OLG's Council Governance Team by telephone on 4428 4100, or by email to olg@olg.nsw.gov.au.

Melanie Hawyes
Deputy Secretary
Crown Lands and Local Government

STRENGTHENING LOCAL GOVERNMENT

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Action Sheets Report	Division:	Ordinary Council	Date From:	Printed: Monday, 5 December 2022 11:12:42 AM
	Committee:		Date To:	
	Officer:			

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
BN8/2022	Ordinary Council 16/03/2022	Awal, Rabiul	Dry Creek Road Ellalong	14/12/2022	23/03/2022	23/11/2022
87 27 Jul 2022 9:04am Awal, Rabiul - Target Date Revision Target date changed by Awal, Rabiul from 27 July 2022 to 21 October 2022 - Due to recent extreme weather across Cessnock LGA and Council's limited resourcing. 23 Nov 2022 8:21am Awal, Rabiul - Completion Completed by Awal, Rabiul (action officer) on 23 November 2022 at 8:21:40 AM - Report has been prepared for the Roads Review Committee meeting to be held on 30 November 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
BN9/2022	Ordinary Council 16/03/2022	Awal, Rabiul	Bellamy Street Millfield	21/10/2022	23/03/2022	23/11/2022
88 02 May 2022 12:42pm Meyers, Kristy Report being prepared for next Roads Review Committee Meeting. 27 Jul 2022 9:05am Awal, Rabiul - Target Date Revision Target date changed by Awal, Rabiul from 21 October 2022 to 21 October 2022 - Due to recent extreme weather across Cessnock LGA and Council's limited resourcing. 23 Nov 2022 8:22am Awal, Rabiul - Completion Completed by Awal, Rabiul (action officer) on 23 November 2022 at 8:22:02 AM - Report has been prepared for the Roads Review Committee meeting to be held on 30 November 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
BN18/2022	Ordinary Council 20/04/2022	Chadwick, Tony	Cessnock LGA Hall Booking/Management	21/12/2022	26/04/2022	23/11/2022
107 12 May 2022 9:09am Chadwick, Tony - Target Date Revision Target date changed by Chadwick, Tony from 18 May 2022 to 15 June 2022 - A council report is planned to be tabled at the 15 June 2022 Council Meeting. 26 May 2022 1:36pm Chadwick, Tony - Target Date Revision Target date changed by Chadwick, Tony from 15 June 2022 to 30 September 2022 - A council report is planned to be tabled at the 21 September 2022 Council Meeting following a discussion with the Hall Committee members and after obtaining costs for a suitable booking system. 28 Jul 2022 11:51am Chadwick, Tony Action has been taken as follows: 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 - The IT Team have investigated options and costs for a hall booking system. 355 Committee feedback has been received with some stakeholders willing to consider a new system and others are tentative to proceed., 2. Research appropriate grants and / or other funding streams that will enable new systems to be incorporated, updated and made relevant - No grants have been identified for this purpose. Council will be required to fund any system implementation., 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.) - This action will be incorporated in any project rollout., 4. Estimation of costs to update to a new system - Preliminary costs have been received and will be included in the 14 Dec 2022 Council report., 5. Consultation to take place with the 355 Committees as to the current processes in place - The Open Space and Community Facilities Team have completed consultation with 355 Committee members. Results are documented in the 14 Dec 2022 Council report. 04 Oct 2022 3:37pm Chadwick, Tony - Target Date Revision Target date changed by Chadwick, Tony from 30 September 2022 to 21 December 2022 - A proposal is being developed following 355 Committee feedback.						

Action Sheets Report	Division:	Ordinary Council	Date From:
	Committee:		Date To:
		Officer:	Printed: Monday, 5 December 2022 11:12:42 AM

23 Nov 2022 2:49pm Chadwick, Tony - Completion
 Completed by Chadwick, Tony (action officer) on 23 November 2022 at 2:49:25 PM - Action has been taken as follows:

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 - The IT Team have investigated options and costs for a hall booking system. 355 Committee feedback has been received with some stakeholders willing to consider a new system and others are tentative to proceed.,
2. Research appropriate grants and / or other funding streams that will enable new systems to be incorporated, updated and made relevant - No grants have been identified for this purpose. Council will be required to fund any system implementation.,
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.) - This action will be incorporated in any project rollout. ,
4. Estimation of costs to update to a new system - Preliminary costs have been received and will be included in the 14 Dec 2022 Council report.,
5. Consultation to take place with the 355 Committees as to the current processes in place - The Open Space and Community Facilities Team have completed consultation with 355 Committee members. Results are documented in the 14 Dec 2022 Council report.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
PE48/2022 232	Ordinary Council 17/08/2022	Corken, Robert Mickleson, Peter	Urban Growth Management Plan - Interim Review	16/12/2022	22/08/2022	21/11/2022
22 Aug 2022 11:34am Corken, Robert - Target Date Revision Target date changed by Corken, Robert from 14 September 2022 to 14 October 2022 - Exhibition to commence 31 August 2022.						
05 Oct 2022 11:44am Corken, Robert - Target Date Revision Target date changed by Corken, Robert from 14 October 2022 to 16 December 2022 - Scheduled for November meeting.						
21 Nov 2022 10:37am Corken, Robert - Completion Completed by Corken, Robert (action officer) on 21 November 2022 at 10:37:06 AM - Adopted at November meeting.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
GMU22/2022 261	Ordinary Council 21/09/2022	Pople, Alena Liddell, Ken	Pilot Job Shuttle Program	27/01/2023	27/09/2022	23/11/2022
10 Oct 2022 11:42am Pople, Alena The following actions have been undertaken for the Cessnock to Wine Country Pilot Job Shuttle Program,						
1. That Council endorses the proposed Cessnock to Wine Country Pilot Job Shuttle Program as outlined in this report - noted no action required.,						
2. That Council endorses the submission of fully funded grant applications for the implementation of the Cessnock to Wine Country Pilot Job Shuttle Program - \$150,000 grant application was submitted on 30 September under the Resources for Regions Grant program for the Cessnock to Wine Country Pilot Job Shuttle Program.						
23 Nov 2022 2:45pm Pople, Alena - Completion Completed by Pople, Alena (action officer) on 23 November 2022 at 2:45:05 PM - A \$150,000 grant application was submitted on 30 September under the Resources for Regions Grant program for the Cessnock to Wine Country Pilot Job Shuttle Program.						

Action Sheets Report	Division:	Ordinary Council	Date From:
	Committee:		Date To:
	Officer:		Printed: Monday, 5 December 2022 11:12:42 AM

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
PE58/2022 267	Ordinary Council 21/09/2022	Lewis-Curnoe, Olivia Mickleson, Peter	Huntlee Development Control Plan Amendment	31/03/2023	27/09/2022	23/11/2022
28 Sep 2022 9:29am Rush, Iain - Reallocation Action reassigned to Lewis-Curnoe, Olivia by Rush, Iain - Iain Rush has moved positions and the project has been transferred to another Strategic Planner. 06 Oct 2022 9:25am Lewis-Curnoe, Olivia - Target Date Revision Target date changed by Lewis-Curnoe, Olivia from 19 October 2022 to 31 March 2023 - DCP will be placed on exhibition 19/10/2022-15/11/2022 23 Nov 2022 10:22am Lewis-Curnoe, Olivia Currently reviewing submissions 23 Nov 2022 10:23am Lewis-Curnoe, Olivia - Completion Completed by Lewis-Curnoe, Olivia (action officer) on 23 November 2022 at 10:23:48 AM - Currently reviewing submissions						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
CC73/2022 271	Ordinary Council 21/09/2022	Waghorn, Peter Maginnity, Robert	Minutes of the Strategic Property & Community Facilities Committee meeting held 16 August 2022	7/01/2023	27/09/2022	25/11/2022
04 Oct 2022 12:07pm Keegan, Robyn - Target Date Revision Target date changed by Keegan, Robyn from 19 October 2022 to 07 January 2023 - RESOLVED at Council Meeting 21 September 2022: , 1. That the Minutes of the Strategic Property and Community Facilities Committee of 16 August 2022 be adopted as a resolution of the Ordinary Council., 2. That the buildings are demolished from the site located at 204-218 Vincent Street, Cessnock, using the funding from the Property Development Fund., 3. That the General Manager commence the advancement of the Civic Park for the site located at 204-218 Vincent Street, and 2 Cessnock Street, Cessnock., 4. That the General Manager provide a further report come to the Strategic Property Review Committee outlining a proposed timeline associated with delivering a civic park including any current design and development concept plans for the site., 5. That Council grant a licence over part Lot: 32 DP: 627860 35 Bowen Street, Branxton to Branxton Preschool Inc for a term of 21 years subject to public exhibition, with a license fee of \$5000 (plus CPI + additional outgoings) in accordance with section 46A and 47 of the Local Government Act 1993 be put in place for a 5 year period. After this initial 5 year period, the ongoing base licence fee will be reconsidered within the Strategic Property and Community Facilities Committee meeting. 25 Nov 2022 4:01pm Waghorn, Peter - Completion Completed by Waghorn, Peter (action officer) on 25 November 2022 at 4:01:21 PM - 1. Noted., 2. 204 & 206 Vincent Street, Cessnock scheduled for demolition 16 January 2023. , 3/4. Open Space & Community Facilities plan to submit a report to the February 2023 meeting of the Strategic Property & Community Facilities Committee outlining a proposed timeline associated with delivering a civic park including any current design and development concept plans for the site., 5. Action completed and future licence fee review noted.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
W159/2022 281	Ordinary Council 21/09/2022	Clark, Cameron Clark, Cameron	Cooper and Charlton Streets Cessnock Intersection	9/11/2022	27/09/2022	22/11/2022
11 Oct 2022 1:17pm Meyers, Kristy Briefing scheduled for 9/11/22. 22 Nov 2022 1:10pm Meyers, Kristy - Completion Completed by Meyers, Kristy on behalf of Clark, Cameron (action officer) on 22 November 2022 at 1:10:19 PM - Briefing held 9/11/22						

Action Sheets Report	Division:	Ordinary Council	Date From:
	Committee:		Date To:
	Officer:		Printed: Monday, 5 December 2022 11:12:42 AM

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
BN26/2022	Ordinary Council 21/09/2022	Liddell, Ken	Extra Police Presence - Branxton/Ward C	19/10/2022	27/09/2022	23/11/2022
286		Liddell, Ken				
10 Oct 2022 5:22pm Lorenzen, Cherie Letters drafted for review and approved for sending per resolution. 23 Nov 2022 12:23pm Lorenzen, Cherie - Completion Completed by Lorenzen, Cherie on behalf of Liddell, Ken (action officer) on 23 November 2022 at 12:23:49 PM - Completed						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
GMU25/2022	Ordinary Council 19/10/2022	Chadwick, Tony	Apex Park Masterplan	16/11/2022	24/10/2022	10/11/2022
300		Liddell, Ken				
01 Nov 2022 9:23am Chadwick, Tony Apex Park Masterplan has been added to Councils website with conditions of approval added to the document notes. , A letter to Hunter Water Corporation requesting the technical, financial and project management support to complete the drainage channel naturalisation portion of the Apex Park Masterplan is yet to be drafted. 10 Nov 2022 1:32pm Chadwick, Tony - Completion Completed by Chadwick, Tony (action officer) on 10 November 2022 at 1:32:57 PM - The adopted Apex Park Masterplan has been placed on Council's website and a letter has been sent to Hunter Water requesting expertise and support to complete the project.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
PE63/2022	Ordinary Council 19/10/2022	Waghorn, Peter	Planning Proposal 18/2021/4 Molly Worthington Netball Courts - Update	16/11/2022	24/10/2022	25/11/2022
304		Maginnity, Robert				
02 Nov 2022 8:21am Brown, Keren Part 1 of resolution complete. Department of Planning and Environment advised of Council decision to withdraw Planning Proposal on 21/11/22. Action now referred to Strategic Property for part 2. 02 Nov 2022 8:23am Brown, Keren - Reallocation Action reassigned to Waghorn, Peter by Brown, Keren - Part 1 of resolution complete. Department of Planning and Environment advised of Council decision to withdraw Planning Proposal on 21/11/22. Action now referred to Strategic Property for part 2. 25 Nov 2022 3:36pm Waghorn, Peter - Completion Completed by Waghorn, Peter (action officer) on 25 November 2022 at 3:36:14 PM - Instruction to withdraw planning proposal has been received and actioned. A C&CS report re future land use of the Molly Worthington Netball Courts will be scheduled for consideration at the February 2023 meeting of the Strategic Property and Community Facilities Committee.						

Action Sheets Report	Division:	Ordinary Council	Date From:
	Committee:		Date To:
	Officer:		Printed: Monday, 5 December 2022 11:12:42 AM

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
PE64/2022 305	Ordinary Council 19/10/2022	Lewis-Curnoe, Olivia Mickleson, Peter	Community Participation Plan Review	28/02/2023	24/10/2022	23/11/2022
22 Nov 2022 2:18pm Blake, Yvonne - Target Date Revision Target date changed by Blake, Yvonne from 31 January 2023 to 28 February 2023 - As per Council resolution at the Ordinary Council Meeting held 19 October 2022, plan to be placed on public exhibition for 28 days. 23 Nov 2022 10:24am Lewis-Curnoe, Olivia - Completion Completed by Lewis-Curnoe, Olivia (action officer) on 23 November 2022 at 10:24:44 AM - On public exhibition 16th November 2022 - 13th December 2022						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
WJ65/2022 312	Ordinary Council 19/10/2022	Clark, Cameron Clark, Cameron	174 - 178 Lang Street, Kurri Kurri	16/11/2022	24/10/2022	22/11/2022
22 Nov 2022 2:26pm Meyers, Kristy - Completion Completed by Meyers, Kristy on behalf of Clark, Cameron (action officer) on 22 November 2022 at 2:26:19 PM – 1 - Common seal included in letter and emailed 14/11/22., 2 - Noted and to be carried out if required;, 3 - Noted						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
GMU28/2022 323	Ordinary Council 19/10/2022	Allan, Darrylen Liddell, Ken	Consideration of Final Investigation Report - Code of Conduct Complaint	16/11/2022	24/10/2022	25/11/2022
25 Nov 2022 9:59am Lorenzen, Cherie 1. Noted., 2. Noted., 3. Noted, 4. Matter referred to OLG on 31.10.22., 5. Letter sent to OLG from Mayor on 31.10.22 25 Nov 2022 10:02am Lorenzen, Cherie - Completion Completed by Lorenzen, Cherie on behalf of Allan, Darrylen (action officer) on 25 November 2022 at 10:02:10 AM - Resolution action and completed by HR Manager and Mayor.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
GMU29/2022 324	Ordinary Council 19/10/2022	Allan, Darrylen Liddell, Ken	Consideration of Final Investigation Report - Code of Conduct Complaint	16/11/2022	24/10/2022	25/11/2022
25 Nov 2022 10:01am Lorenzen, Cherie 1. Noted., 2. Noted., 3. Noted, 4. Matter referred to OLG on 31.10.22., 5. Letter sent to OLG from Mayor on 31.10.22 25 Nov 2022 10:03am Lorenzen, Cherie - Completion Completed by Lorenzen, Cherie on behalf of Allan, Darrylen (action officer) on 25 November 2022 at 10:03:31 AM - Resolution action and completed by HR Manager and Mayor.						

Action Sheets Report	Division:	Ordinary Council	Date From:
	Committee:		Date To:
	Officer:		Printed: Monday, 5 December 2022 11:12:42 AM

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 16/11/2022	Liddell, Ken	ANZ Branch Closure - Cessnock	14/12/2022	17/11/2022	21/11/2022
MM15/2022 332		Liddell, Ken				
21 Nov 2022 12:12pm Lorenzen, Cherie						
1. Noted, 2. Noted, 3. Noted., 4. Letter approved and sent 21.11.22, 5. Letter approved and sent 21.11.22						
21 Nov 2022 12:13pm Lorenzen, Cherie - Completion						
Completed by Lorenzen, Cherie on behalf of Liddell, Ken (action officer) on 21 November 2022 at 12:13:54 PM - Letters sent per resolution.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 16/11/2022	Liddell, Ken	Modification 20 to the Huntlee Major Project Approval	14/12/2022	17/11/2022	21/11/2022
MM16/2022 333		Liddell, Ken				
21 Nov 2022 12:15pm Lorenzen, Cherie						
1. Letter approved and sent 21.11.22, 2. Letter approved and sent 21.11.22						
21 Nov 2022 12:16pm Lorenzen, Cherie - Completion						
Completed by Lorenzen, Cherie on behalf of Liddell, Ken (action officer) on 21 November 2022 at 12:16:25 PM - Completed action per resolution.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 16/11/2022	Varghese, Arun	Minutes of the Audit and Risk Committee meeting held 27 October 2022	14/12/2022	17/11/2022	18/11/2022
GMU31/2022 334		Liddell, Ken				
18 Nov 2022 11:58am Varghese, Arun - Completion						
Completed by Varghese, Arun (action officer) on 18 November 2022 at 11:58:27 AM - Completed						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 16/11/2022	Hyatt, Sarah	Development Application No. 8/2022/113/1 proposing alterations and additions to the 'Bellbird Hotel'	14/12/2022	17/11/2022	1/12/2022
PE65/2022 335		Mickleson, Peter	388 Wollombi Road, Bellbird			
01 Dec 2022 1:16pm Blake, Yvonne - Completion						
Completed by Blake, Yvonne on behalf of Hyatt, Sarah (action officer) on 01 December 2022 at 1:16:54 PM - NoD approved at Ordinary Council Meeting held 15 November 2022 and forwarded to applicant on 23 November 2022						

Action Sheets Report	Division:	Ordinary Council	Date From:
	Committee:		Date To:
	Officer:		Printed: Monday, 5 December 2022 11:12:42 AM

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 16/11/2022	Worthing, Alex	Outcome of public exhibition - Planning Proposal 18/2021/6 to amend Cessnock LEP Conservation Zones	31/12/2022	17/11/2022	23/11/2022
PE66/2022 336		Mickleson, Peter				
22 Nov 2022 2:37pm Blake, Yvonne - Target Date Revision Target date changed by Blake, Yvonne from 14 December 2022 to 31 December 2022 - Notification to submission makers underway. 23 Nov 2022 11:23am Worthing, Alex - Completion Completed by Worthing, Alex (action officer) on 23 November 2022 at 11:23:37 AM - Submitters have been notified of the outcome of Council's decision						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 16/11/2022	Corken, Robert	Urban Growth Management Plan - Interim Review	14/12/2022	17/11/2022	21/11/2022
PE67/2022 337		Mickleson, Peter				
21 Nov 2022 10:37am Corken, Robert - Completion Completed by Corken, Robert (action officer) on 21 November 2022 at 10:37:28 AM - Adopted at November meeting						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 16/11/2022	Mewing, Jenny	Agritourism Planning Reforms	14/12/2022	17/11/2022	22/11/2022
PE69/2022 339		Mickleson, Peter				
22 Nov 2022 8:01am Mewing, Jenny Council Resolution forwarded to Department of Planning and Environment. See DOC2022/184103 22 Nov 2022 8:02am Mewing, Jenny - Completion Completed by Mewing, Jenny (action officer) on 22 November 2022 at 8:02:30 AM - Action complete. See notes.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 16/11/2022	Dupille, Belinda	September 2022 Review of the 2022-26 Delivery Program	14/12/2022	17/11/2022	30/11/2022
CC88/2022 341		Maginnity, Robert				
22 Nov 2022 8:31am Dupille, Belinda CCC 2021-22 Annual Report was published on the website on 22 November 2023. 30 Nov 2022 1:42pm Dupille, Belinda - Completion Completed by Dupille, Belinda (action officer) on 30 November 2022 at 1:42:33 PM - Finalised - all changes added to PULSE DP/OP reporting						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 16/11/2022	Plumridge, Matthew	Quarterly Budget Review Statement - September 2022	14/12/2022	17/11/2022	25/11/2022
CC89/2022 342		Maginnity, Robert				
25 Nov 2022 12:50pm Plumridge, Matthew - Completion Completed by Plumridge, Matthew (action officer) on 25 November 2022 at 12:50:12 PM - Completed as per resolution						

Action Sheets Report	Division:	Ordinary Council	Date From:	Printed: Monday, 5 December 2022 11:12:42 AM
	Committee:		Date To:	
	Officer:			

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
CC90/2022	Ordinary Council 16/11/2022	Plumridge, Matthew	Schedule of Ordinary Meetings of Council for 2023	14/12/2022	17/11/2022	25/11/2022
343		Maginnity, Robert				
25 Nov 2022 12:49pm Plumridge, Matthew - Completion						
Completed by Plumridge, Matthew (action officer) on 25 November 2022 at 12:49:36 PM - Completed as per resolution						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
CC91/2022	Ordinary Council 16/11/2022	Maginnity, Robert	Ward Boundaries - Variation in Enrolments - Update	14/12/2022	17/11/2022	17/11/2022
344		Maginnity, Robert				
17 Nov 2022 2:37pm Maginnity, Robert - Completion						
Completed by Maginnity, Robert (action officer) on 17 November 2022 at 2:37:07 PM - Report for information purposes. Programmed for Q3 and workshop with Council						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 16/11/2022	Waghorn, Peter	Minutes of the Strategic Property & Community Facilities Committee meeting held 26 October 2022	14/12/2022	17/11/2022	25/11/2022
CC92/2022		Maginnity, Robert				
345						
25 Nov 2022 3:38pm Waghorn, Peter - Completion						
Completed by Waghorn, Peter (action officer) on 25 November 2022 at 3:38:43 PM –						
1. Noted.						
2. Proponent Carries Place Inc. notified of Council decision. Property to assist with tender submission as required.						
3. Noted. Sale of properties deferred pending further discussions around affordable housing options.						
4. Noted. 5/6/7. Noted. engagement of selling agents and valuation consultants in progress. Procurement requests for quotations process closes 30 November 2022						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 16/11/2022	Oakley, Phill	Tender T2023-05 Camp Road Greta - Road Construction	14/12/2022	17/11/2022	22/11/2022
W171/2022		Clark, Cameron				
348						
22 Nov 2022 3:17pm Oakley, Phill - Completion						
Completed by Oakley, Phill (action officer) on 22 November 2022 at 3:17:27 PM - 1 - Noted and declined., 2 - Noted and working with internal construction teams.						

Action Sheets Report	Division: Committee: Ordinary Council Officer:	Date From: Date To: Printed: Monday, 5 December 2022 11:21:14 AM
<p>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.</p> <p>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.</p> <p>02 Apr 2020 11:00am Harris, Kate - Target Date Revision Revised Target Date changed by: Harris, Kate From: 31 Mar 2020 To: 04 May 2020, Reason: Detailed designs are currently being finalised.</p> <p>02 Apr 2020 11:11am Harris, Kate - Target Date Revision Revised Target Date changed by: Harris, Kate From: 4 May 2020 To: 30 Jun 2020, Reason: Awaiting consultants to complete detailed designs</p> <p>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.</p> <p>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.</p> <p>03 Aug 2020 6:57am Harris, Kate - Target Date Revision Revised Target Date changed by: Harris, Kate From: 31 Jul 2020 To: 30 Sep 2020, Reason: A councillor briefing is required.</p> <p>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.</p> <p>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</p> <p>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</p> <p>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</p> <p>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</p> <p>09 Mar 2021 7:34am Harris, Kate - Target Date Revision Target date changed by Harris, Kate from 26 February 2021 to 30 April 2021 - Completion of outstanding items is reliant upon additional budget and resourcing.</p> <p>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</p> <p>28 Jun 2021 1:30pm Harris, Kate Item 2: Reliance on resourcing and workloads, Item 5: Reliance on resourcing and workloads</p> <p>28 Jun 2021 1:32pm Harris, Kate - Target Date Revision Target date changed by Harris, Kate from 30 June 2021 to 26 November 2021 - Completion of outstanding items is reliant upon additional budget and resourcing.</p> <p>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</p> <p>28 Oct 2021 10:42am Harris, Kate - Target Date Revision Target date changed by Harris, Kate from 26 November 2021 to 31 March 2022 - Reliant on a dedicated budget and additional resources</p> <p>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</p> <p>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.</p> <p>30 Jun 2022 8:59am Harris, Kate - Target Date Revision</p>		

Action Sheets Report	Division:	Ordinary Council	Date From:
	Committee:		Date To:
		Officer:	Printed: Monday, 5 December 2022 11:21:14 AM

Target date changed by Harris, Kate from 30 June 2022 to 30 December 2022 - Completing items 2 and 5 are reliant on a dedicated budget and additional resources

25 Nov 2022 9:33am Harris, Kate

2 Reliant on a dedicated budget and additional resources, 5 Reliant on a dedicated budget and additional resources

25 Nov 2022 9:34am Harris, Kate - Target Date Revision

Target date changed by Harris, Kate from 30 December 2022 to 31 March 2023 - Completion of this action is reliant on a dedicated budget and additional resources

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI78/2020	Ordinary Council 21/10/2020	Harris, Kate	Works and Infrastructure	Multipurpose Half Courts and Outdoor Exercise Equipment in Council Open Space	31/03/2023	
1469 MOTION 1469 RESOLVED	Moved:	Clark, Cameron Councillor Doherty	Seconded:	Councillor Dagg		
<ol style="list-style-type: none"> That Council notes the outcome of the investigation into a multipurpose half court or outdoor exercise equipment in Ellalong Park. That the General Manager writes to the organiser of the petition regarding Ellalong Park to advise the outcome of the investigation. 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. 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. 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. 						
<p>09 Nov 2020 11:20am Harris, Kate 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>10 Dec 2020 2:24pm Harris, Kate 2. A response has been provided to the organiser of the petition (DOC2020/191234)</p> <p>19 Feb 2021 3:02pm Harris, Kate 5. To commence following the completion of item 4.</p> <p>28 Apr 2021 11:48am Benson, Nicole 5. To commence following the completion of item 4.</p> <p>28 Jun 2021 1:26pm Harris, Kate 5. To commence following the completion of item 4.</p> <p>28 Jun 2021 1:29pm Harris, Kate - Target Date Revision 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>29 Jul 2021 8:43am Benson, Nicole 1. Noted. , 2. Complete. , 3. Complete. , 4. Complete. , 5. To be scheduled.</p> <p>16 Sep 2021 10:58am Harris, Kate - Target Date Revision 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>28 Oct 2021 10:39am Harris, Kate 1. Noted. , 2. Complete. , 3. Complete. , 4. Complete. , 5. The guideline is scheduled to commence early 2022.</p>						

Action Sheets Report	Division:	Ordinary Council	Date From:
	Committee:		Date To:
	Officer:		Printed: Monday, 5 December 2022 11:21:14 AM

<p>28 Oct 2021 10:40am Harris, Kate - Target Date Revision Target date changed by Harris, Kate from 01 December 2021 to 31 March 2022 - To reflect the scheduling of the project.</p> <p>31 Mar 2022 1:00pm Harris, Kate 1. Noted. , 2. Complete., 3. Complete. , 4. Complete. , 5. The guideline has commenced, engagement complete and document being drafted.</p> <p>31 Mar 2022 1:02pm Harris, Kate - Target Date Revision 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> <p>30 Jun 2022 8:59am Harris, Kate 1. Noted. , 2. Complete., 3. Complete. , 4. Complete. , 5. A preliminary directions report is complete and a Councillor briefing is planned for 13 July 2022.</p> <p>30 Jun 2022 9:04am Harris, Kate - Target Date Revision Target date changed by Harris, Kate from 27 May 2022 to 30 September 2022 - Document progressing, Councillor briefing required.</p> <p>27 Oct 2022 4:23pm Harris, Kate 1. Noted. , 2. Complete., 3. Complete. , 4. Complete. , 5. Councillor briefing has been held. Currently finalising document with future maintenance implications prior to reporting to Council.</p> <p>27 Oct 2022 4:24pm Harris, Kate - Target Date Revision Target date changed by Harris, Kate from 30 November 2022 to 16 December 2022 - Document is being finalised.</p> <p>25 Nov 2022 9:34am Harris, Kate 1. Noted. , 2. Complete., 3. Complete. , 4. Complete. , 5. To be placed on public exhibition over December/January</p> <p>25 Nov 2022 9:39am Larsen, Robyn - Completion Uncompleted by Larsen, Robyn</p> <p>25 Nov 2022 9:40am Harris, Kate - Target Date Revision Target date changed by Harris, Kate from 16 December 2022 to 31 March 2023 - The document is being placed on public exhibition</p>
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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	1/11/2023	
1514 MOTION 1514 RESOLVED	Moved:	Clark, Cameron Councillor Olsen	Seconded:	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> <ol style="list-style-type: none"> The laneway, if it has no name, be named with all costs to the developer The laneway be sealed by the developer so as not to create dust issues for existing residents All costs to be borne by the developer The Council's preference is for access off existing roads, not laneways <p>23 Nov 2020 11:38am Blake, Yvonne - Reallocation 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 & Drainage Manager in W&I.</p> <p>30 Nov 2020 11:50am Kerr, Katrina Commenced drafting report to Council.</p> <p>13 Apr 2021 9:28am Bates, Kelly Item 1 - Commenced drafting report to Council.</p>						

Action Sheets Report	Division:	Ordinary Council	Date From:
	Committee:		Date To:
		Officer:	Printed: Monday, 5 December 2022 11:21:14 AM

<p>10 Aug 2021 9:30am Bates, Kelly - Target Date Revision Target date changed as a result of current resources and competing priorities.</p> <p>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.</p> <p>02 May 2022 12:59pm Awal, Rabiul - Target Date Revision Will be updated as per the consultation with the Development team.</p> <p>15 Nov 2022 4:37pm Awal, Rabiul - Target Date Revision Due to resourcing issues the target date has changed to November 2023.</p>
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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	13/05/2023	
1520 MOTION 1520 RESOLVED	Moved:	Mickleson, Peter Councillor Doherty	Seconded:	Councillor Gray		
<p>1. 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>.</p> <p>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.</p> <p>3. That Council undertakes consultation with public authorities and the community as determined by the Gateway determination.</p> <p>4. 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.</p>						
<p>14 Dec 2020 2:22pm Gambotto, Daniela Commencing resolved actions.</p> <p>14 Dec 2020 2:24pm Gambotto, Daniela - Target Date Revision Revised Target Date changed by: Gambotto, Daniela From: 6 Jan 2021 To: 31 Mar 2021, Reason: DPIE administrative process.</p> <p>18 Jan 2021 2:44pm Gambotto, Daniela - Target Date Revision 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>04 Mar 2021 11:40am Brown, Keren - Target Date Revision Target date changed by Brown, Keren from 31 March 2021 to 01 November 2021 - Target date revised to reflect anticipated gateway timeframe</p> <p>04 Mar 2021 11:46am Gambotto, Daniela Recommendations 1 and 2 complete. Recommendations 3 and 4 pending subject to Gateway Determination being issued by DPIE.</p> <p>31 May 2021 2:27pm Gambotto, Daniela - Target Date Revision 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>30 Jun 2021 7:46am Brown, Keren - Target Date Revision 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>28 Oct 2021 11:42am Brown, Keren Additional information provided by the proponent. Additional information currently being reviewed.</p>						

Action Sheets Report	Division: Committee: Ordinary Council Officer:	Date From: Date To: Printed: Monday, 5 December 2022 11:21:14 AM
<p>27 Jan 2022 10:41am Blake, Yvonne - Reallocation Action reassigned to Mewing, Jenny by Blake, Yvonne - Reallocated to Jenny Mewing as she will be taking over this matter from Daniela Gambotto.</p> <p>27 Jan 2022 11:20am Brown, Keren Further additional information provided in December. Currently undertaking internal referrals.</p> <p>22 Feb 2022 12:39pm Mewing, Jenny Meeting to be scheduled with Proponent to discuss future progress of proposal based on outcomes of review of investigative studies.</p> <p>23 Mar 2022 3:53pm Mewing, Jenny Meeting held with applicant 9 March 2022. Biodiversity Consultation Division of DP&E to be consulted prior to further progression of proposal. , Referral sent to BCD 15 March 2022</p> <p>30 Mar 2022 1:31pm Brown, Keren - Target Date Revision 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&E to be consulted prior to further progression of proposal. , Referral sent to BCD 15 March 2022</p> <p>29 Apr 2022 8:23am Mewing, Jenny 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> <p>23 May 2022 8:22am Mewing, Jenny Additional biodiversity reporting completed. Referred to DP&E seeking Gateway Determination on 13 May 2022.</p> <p>21 Jun 2022 8:11am Mewing, Jenny Awaiting Gateway Determination</p> <p>21 Jul 2022 8:26am Mewing, Jenny Awaiting Gateway Determination</p> <p>28 Jul 2022 2:10pm Blake, Yvonne - Target Date Revision Target date changed by Blake, Yvonne from 11 August 2022 to 31 January 2023 - Awaiting gateway determination from DPiE and post gateway actions will take approximately 4-5 months to enable full completion of resolutions.</p> <p>22 Aug 2022 8:52am Mewing, Jenny Gateway determination received 2 August 2022. , Proponent requested to pay Phase 2 fees and submit Stage 1 Contamination Preliminary Assessment Report</p> <p>20 Sep 2022 11:30am Mewing, Jenny Preliminary Contamination report received 5/9/2022., Agency and internal referral (post-Gateway) commenced 5/9/2022. 40 working days lapses 31/10/2022</p> <p>20 Oct 2022 7:54am Mewing, Jenny Agency referrals being undertaken</p> <p>20 Oct 2022 8:31am Blake, Yvonne - Target Date Revision Target date changed by Blake, Yvonne from 31 January 2023 to 31 March 2023 - Exhibition, consideration of submissions and report to be generated.</p> <p>22 Nov 2022 8:03am Mewing, Jenny - Target Date Revision Target date changed by Mewing, Jenny from 31 March 2023 to 13 May 2023</p>		

Action Sheets Report	Division:	Ordinary Council	Date From:
	Committee:		Date To:
		Officer:	Printed: Monday, 5 December 2022 11:21:14 AM

Bellbird Park Bowling Club officials have confirmed that Marshall Scott Surveyors were engaged by the previous Board to prepare a plan of acquisition. Once the draft plan is provided to Council for review and verification, the process to reclassify the identified portion of Bellbird Park can be commenced. Transfer of the land to the Club can only be effected on gazettal of the reclassification.

26 May 2022 9:50am Waghorn, Peter - Target Date Revision
Target date changed by Waghorn, Peter from 15 June 2022 to 30 December 2022 - The planning proposal to amend the LEP and reclassify a portion of Bellbird Park is a lengthy process and yet to be commenced. Transferring ownership to the Club is deferred pending gazettal of the land reclassification for Community to Operational land.

30 Jun 2022 3:12pm Waghorn, Peter
An LEP amendment request to reclassify the portion of Bellbird Park the Club requires has been scheduled with Strategic Planning.

28 Jul 2022 2:49pm Waghorn, Peter
A survey plan prepared by Marshall Scott Surveyors on behalf of Bellbird Park Bowling Club has been provided to Strategic Planning. A planning proposal requesting amendment of the Cessnock LEP land classification of the nominated portion of Bellbird Park is in progress.

31 Aug 2022 4:46pm Keegan, Robyn
Further updates are subject to progression of a planning proposal to amend the Cessnock LEP and change the community land classification of the nominated portion of Bellbird Park.

25 Nov 2022 3:47pm Waghorn, Peter
Internal Property staff followed up with Marshall Scott Surveyors 24/11/2022 and were advised that the survey plan detailing the area to be acquired by the club and prepared by their firm on behalf of Bellbird Park Bowling Club is yet to be lodged with Land Registry Services for assessment. Council staff actions are deferred pending plan registration and gazettal of the proposed land reclassification.

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
W162/2021	Ordinary Council 21/07/2021	Townsend, Phillip	Works and Infrastructure	Minutes of the Floodplain Management Committee Meeting held 2 June 2021	15/02/2023	
1772 MOTION 1772 RESOLVED	Moved:	Clark, Cameron Councillor Doherty	Seconded:	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.					

Action Sheets Report	Division: Committee: Ordinary Council Officer:	Date From: Date To: Printed: Monday, 5 December 2022 11:21:14 AM
	<p>(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.</p> <p>(iii) That the Committee receives a report on the outcomes of the consultancy.</p> <p>5. FLOCLM16/2021</p> <p>(i) That Council starts the recruitment process for a new Floodplain Management Committee following the September 2021 Council Elections.</p> <p>(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.</p> <p>(iii) That Council recognise the community members of the Floodplain Management Committee for commitment, knowledge and skills brought to the Committee.</p> <p>30 Jul 2021 11:58am O'Hara, Rachael 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</p> <p>10 Sep 2021 2:44pm O'Hara, Rachael 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.</p> <p>28 Sep 2021 11:59am Conner, Martin 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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>22 Nov 2022 2:50pm Townsend, Phillip - Target Date Revision Target date changed by Townsend, Phillip from 14 December 2022 to 15 February 2023 - New Principal Engineer started Oct 2022 - Needs to be briefed on committee structure & purpose.</p>	

Action Sheets Report	Division:	Ordinary Council	Date From:
	Committee:		Date To:
	Officer:		Printed: Monday, 5 December 2022 11:21:14 AM

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	16/02/2023	
1846 MOTION 1846 RESOLVED	Moved:	Clark, Cameron Councillor Suvaal	Seconded:	Councillor Burke		
<ol style="list-style-type: none"> 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. 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. That Council allocates an addition \$219,000 from the Civil Works reserve for the construction of the intersection of Kerlew and Occident Streets, Nulkaba. That Council engages with the Nulkaba community prior to finalising the detailed design of the intersection at Kerlew and Occident Streets Nulkaba. 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. 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. <p>26 Oct 2021 12:59pm Meyers, Kristy Investigations commenced.</p> <p>27 Oct 2021 2:01pm Cocking, Tracey 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>04 Feb 2022 12:51pm Cocking, Tracey 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>22 Feb 2022 11:51am Cocking, Tracey Item 2 - Deferred pending outcome from TfNSW., Item 5 - In abeyance contingent on consent of the treatment from TfNSW.</p> <p>02 May 2022 3:57pm Cocking, Tracey 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> <p>03 Jun 2022 3:25pm Cocking, Tracey Item 5 - In abeyance contingent on consent of the treatment from TfNSW.</p> <p>29 Jun 2022 4:22pm Cocking, Tracey Item 5 - In abeyance contingent on consent of the treatment from TfNSW.</p> <p>27 Jul 2022 12:54pm Cocking, Tracey Item 5 - In abeyance contingent on consent of the treatment from TfNSW.</p> <p>05 Sep 2022 9:33am Cocking, Tracey Item 5 - In abeyance contingent on consent of the treatment from TfNSW. Briefing scheduled for 5 October 2022 to introduce proposed alternate treatments prior to discussions with TfNSW.</p> <p>10 Oct 2022 3:05pm Cocking, Tracey Item 5 - Construction of new entrance not yet commenced, advised on 30/9/2022 by representative of Corrective Services NSW that contract for construction had not yet been awarded.</p>						

Action Sheets Report	Division:	Ordinary Council	Date From:
	Committee:		Date To:
	Officer:		Printed: Monday, 5 December 2022 11:21:14 AM

04 Nov 2022 11:46am Cocking, Tracey
 Item 5 - Presented Briefing to Council on proposed alternate treatments prior to discussions with TfNSW, Council's proposed treatment supplied to TfNSW 24/10/2022 response pending.

23 Nov 2022 10:44am Pankhurst, Felicity
 Item 5 - Construction of new entrance not yet commenced, advised on 30/9/2022 by representative of Corrective Services NSW that contract for construction had not yet been awarded.

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	
1884 MOTION 1884 RESOLVED	Moved:	Mickleson, Peter Councillor Doherty	Seconded:	Councillor Sander		
<ol style="list-style-type: none"> That Council adopts the Environmental Zoning Framework as amended. That Council notifies in writing the persons who made a submission with regard to the draft framework, of Council's decision. 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>. 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. That Council undertakes consultation with public authorities and the community as determined by the Gateway determination. 						
30 Nov 2021 1:31pm Larsen, Robyn - Reallocation Action reassigned to Gambotto, Daniela by Larsen, Robyn - Reallocated 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. 28 Sep 2022 1:12pm Worthing, Alex - Target Date Revision						

Action Sheets Report	Division:	Ordinary Council	Date From:
	Committee:		Date To:
	Officer:		Printed: Monday, 5 December 2022 11:21:14 AM

Target date changed by Worthing, Alex from 30 April 2023 to 30 April 2023 - Currently on public exhibition until mid-October

28 Sep 2022 1:14pm Worthing, Alex

Currently on public exhibition through the Planning Portal

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	
25 MOTION 25 RESOLVED	Moved:	Mickleson, Peter Councillor Dunn	Seconded:	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.					
23 Feb 2022 4:18pm Blake, Yvonne - Target Date Revision						
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.						
24 Feb 2022 10:03am Brown, Keren						
Gateway determination requested from DPE on 23/2/22						
27 Apr 2022 10:43am Brown, Keren - Target Date Revision						
Target date changed by Brown, Keren from 30 June 2022 to 30 June 2023 - Waiting on Gateway determination						
18 Oct 2022 1:40pm Corken, Robert - Target Date Revision						
Target date changed by Corken, Robert from 30 June 2023 to 30 June 2023 - The Department of Primary Industries has strongly objected to the proposal. Local delegation cannot be exercised where there is an outstanding Agency objection. Therefore, unless DPI withdraw their objection, the Department of Planning is now the determining authority and the timeframe for that is unknown.						

Action Sheets Report

Division:

Committee:

Officer:

Ordinary Council

Date From:

Date To:

Printed: Monday, 5 December 2022 11:21:14 AM

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	28/02/2023	
75 MOTION 75 RESOLVED	Moved:	Mickleson, Peter Councillor Burke	Seconded:	Councillor Grine		
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 <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 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.					
<div>27 Apr 2022 12:10pm Rush, Iain - Target Date Revision</div> <div>Target date changed by Rush, Iain from 18 May 2022 to 30 December 2022 - Preparing documentation for submission to DPE for Gateway determination.</div> <div>21 Jun 2022 3:52pm Rush, Iain</div> <div>Planning Proposal submitted for Gateway determination on 10 May 2022. Currently reviewing quotations for 'Tourism Centre' Economic Feasibility Assessment.</div> <div>01 Sep 2022 4:24pm Rush, Iain</div> <div>Planning Proposal submitted for Gateway determination on 10 May 2022. Hill PDA engaged to prepare 'Tourism Centre' Economic Feasibility Assessment. Work on the Economic Assessment is progressing steadily.</div> <div>31 Oct 2022 10:23am Rush, Iain</div> <div>Planning Proposal submitted for Gateway determination on 10 May 2022. Hill PDA have provided Draft 'Tourism Centre' Economic Feasibility Assessment to Council for review.</div> <div>22 Nov 2022 2:17pm Blake, Yvonne - Target Date Revision</div> <div>Target date changed by Blake, Yvonne from 31 January 2023 to 28 February 2023 - Target date revised to allow sufficient time for exhibition and consideration of public submissions. Preparation of materials for public exhibition commenced.</div>						

Action Sheets Report	Division:	Ordinary Council	Date From:	Printed: Monday, 5 December 2022 11:21:14 AM
	Committee:		Date To:	
	Officer:			

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	30/04/2023	
76 MOTION 76 RESOLVED	Moved:	Mickleson, Peter Councillor Burke	Seconded:	Councillor Grine		
<ol style="list-style-type: none"> 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>. 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. That Council undertakes consultation with public authorities and the community as determined by the Gateway determination. 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 28 Sep 2022 1:13pm Worthing, Alex - Target Date Revision Target date changed by Worthing, Alex from 30 November 2022 to 30 April 2023 - Currently on public exhibition until late October						

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	
77 MOTION 77 RESOLVED	Moved:	Mickleson, Peter Councillor Burke	Seconded:	Councillor Grine		
<ol style="list-style-type: none"> 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>. 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. That Council undertakes consultation with public authorities and the community as determined by the Gateway determination. 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 24 Jun 2022 11:07am Corken, Robert Waiting for gateway determination.						

Action Sheets Report	Division:	Ordinary Council	Date From:
	Committee:		Date To:
	Officer:		Printed: Monday, 5 December 2022 11:21:14 AM

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	31/03/2023	
93 MOTION 93 RESOLVED	Moved:	Clark, Cameron Councillor Grine	Seconded:	Councillor Hill		
<p>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.</p> <p>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.</p> <p>02 Sep 2022 8:12am Harris, Kate 1. The public exhibition period is complete, 2. A report will be prepared for the October Council meeting</p> <p>02 Sep 2022 8:13am Harris, Kate - Target Date Revision Target date changed by Harris, Kate from 31 July 2022 to 28 October 2022 - Submissions from the exhibition period are being evaluated.</p> <p>27 Oct 2022 4:22pm Harris, Kate - Target Date Revision Target date changed by Harris, Kate from 28 October 2022 to 16 December 2022 - The consultant (GHD) is currently making required changes to the REF following the exhibition period and subsequent submissions received.</p> <p>25 Nov 2022 9:41am Harris, Kate 1. Complete, 2. Due to the technical nature of submissions received the evaluation of submissions has been delayed. To be reported back to Council in the New Year.</p> <p>25 Nov 2022 9:43am Harris, Kate - Target Date Revision Target date changed by Harris, Kate from 16 December 2022 to 31 March 2023 - Currently evaluating submissions received for the REF</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI29/2022	Ordinary Council 18/05/2022	Harris, Kate	Works and Infrastructure	Kitchener Poppethead Park Draft Plan of Management	31/03/2023	
133 MOTION 133 RESOLVED	Moved:	Clark, Cameron Councillor Dunn	Seconded:	Councillor Burke		
<p>1. That in accordance with Section 36D(1) of the <i>Local Government Act 1993</i>, 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.</p> <p>2. That the draft Plan of Management for Kitchener Poppethead Park be referred to the NSW Department of Planning, Industry and Environment – Crown Lands:</p> <p style="margin-left: 40px;">I. As the landowner, as required by Section 39 of the <i>Local Government Act 1993</i></p> <p style="margin-left: 40px;">II. For Ministerial consent to exhibit the draft Plan of Management, as required by section 3.23(7)(d) of the <i>Crown Land Management Act 2016</i>.</p> <p>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.</p>						

Action Sheets Report	Division:	Ordinary Council	Date From:
	Committee:		Date To:
		Officer:	Printed: Monday, 5 December 2022 11:21:14 AM

4.	That a report on the outcomes of the exhibition be provided to Council prior to adopting the final document.
<p>30 Jun 2022 11:56am Harris, Kate 1. Noted., 2. Complete, 3. Awaiting approval from the Minister, 4. To be undertaken following the completion of item 3.</p> <p>30 Jun 2022 11:58am Harris, Kate - Target Date Revision Target date changed by Harris, Kate from 15 June 2022 to 30 September 2022 - Anticipated timeframe to receive Ministers Consent to publicly exhibit the document.</p> <p>02 Sep 2022 8:16am Harris, Kate - Target Date Revision Target date changed by Harris, Kate from 30 September 2022 to 01 December 2022 - Awaiting advice from the Minister seeking approval to publicly exhibit the draft Plan of Management. Council has been advised this will be a number of months based on the number of POM currently being reviewed by Crown Lands.</p> <p>13 Sep 2022 10:20am Moloney, David Still awaiting Minister approval.</p> <p>25 Nov 2022 9:43am Harris, Kate 1. Noted., 2. Complete, 3. Awaiting approval from the Minister, 4. To be undertaken following the completion of item 3.</p> <p>25 Nov 2022 9:43am Harris, Kate - Target Date Revision Target date changed by Harris, Kate from 01 December 2022 to 31 March 2023 - Awaiting advice from Minister</p>	

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI38/2022	Ordinary Council 15/06/2022	Tighe, Kevin	Works and Infrastructure	Tender T2022 - 09 Kline Street Weston Bridge Project	16/12/2022	
166 MOTION 166 RESOLVED	Moved:	Clark, Cameron Councillor Dunn	Seconded:	Councillor Sander		
1.	That Council rejects all tenders for the Kline Street Weston Bridge project (T2022 – 09) and in accordance with Part 7, Division 4, Clause 178 of the <i>Local Government (General) Regulation 2021</i> (Acceptance of tenders) 3e, to 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, due to:					
	<div><input type="checkbox"/> insufficient funding.</div> <div><input type="checkbox"/> the Council is satisfied that having undertaken a tender process there would be little benefit gained in inviting fresh tenders.</div> <div><input type="checkbox"/> subject to securing additional funding, the Council believes that through negotiation a positive outcome can be achieved.</div>					
2.	That Council authorise the General Manager to accept a tender and enter into a contract for the Kline Street Weston Bridge project in whole or separable parts.					
3.	That Council authorise the General Manager, to seek additional funding from TfNSW and the Department of Infrastructure, Transport, Regional Development and Communications, to facilitate the ability to award a contract for the replacement of Kline Street Weston Bridge.					
28 Jun 2022 12:03pm Tighe, Kevin						
A cost variation application has been submitted to both TfNSW and to Bridges Renewal Program. A meeting regarding the application has been held with TfNSW. The outcome of the applications may take at least 5 weeks. Saunders Civilbuild Pty Ltd have accepted an invitation to negotiate on the project.						
28 Jun 2022 12:27pm Anderson, India - Target Date Revision						
Target date changed by Anderson, India from 13 July 2022 to 17 August 2022 - Negotiations with Contractor are ongoing and a formal response to Council's application for additional funding from TfNSW and from Bridges renewal program has not been received.						

Action Sheets Report	Division:	Ordinary Council	Date From:
	Committee:		Date To:
	Officer:		Printed: Monday, 5 December 2022 11:21:14 AM

<p>31 Aug 2022 4:16pm Tighe, Kevin Application to the Aust Govt Bridges Renewal Program for additional funding under Round 5 was unsuccessful. Awaiting response from TfNSW on second application for additional funding under the Fixing Country Bridges program. The bridge is being assessed for flood damage. Price negotiations held with preferred Contractor with minimal success.</p> <p>01 Sep 2022 12:23pm Tighe, Kevin - Target Date Revision Target date changed by Tighe, Kevin from 17 August 2022 to 19 October 2022 - Awaiting outcome of Council's request to TfNSW for additional funding.</p> <p>01 Nov 2022 8:58am Tighe, Kevin Awaiting outcome of Council's application to TfNSW for additional funding. In the meantime the design for relocation of power poles has been approved by Ausgrid.</p> <p>29 Nov 2022 2:44pm Tighe, Kevin TfNSW has approved additional funding. Revised prices being sought from Contractors</p> <p>29 Nov 2022 2:51pm Tighe, Kevin - Target Date Revision Target date changed by Tighe, Kevin from 19 October 2022 to 16 December 2022 - Advice from TfNSW not received within expected timeframe.</p>
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Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE41/2022	Ordinary Council 20/07/2022	Brown, Keren	Planning and Environment	18/2021/3 Planning Proposal - Wills Hill Road	28/02/2023	
188 MOTION 188 RESOLVED	Moved:	Mickleson, Peter Councillor Hill	Seconded:	Councillor Dunn		
<p>1. That Council proceed with Planning Proposal 18/2021/3 Wills Hill Road and notify the Department of Planning and Environment of its decision.</p> <p>2. That the heritage proposal be amended to only include the northern section of Wills Hill Road starting from the southern boundary of LOT: 4 DP: 1048155.</p>						
<p>28 Jul 2022 4:18pm Blake, Yvonne - Target Date Revision Target date changed by Blake, Yvonne from 17 August 2022 to 31 August 2022 - Amendment to be prepared as per Council resolution.</p> <p>01 Sep 2022 9:07am Brown, Keren - Target Date Revision Target date changed by Brown, Keren from 31 August 2022 to 23 September 2022 - Planning Proposal and Mapping updated to reflect Council resolution. Liaising with DPE for finalisation of the planning proposal</p> <p>06 Oct 2022 4:28pm Brown, Keren - Target Date Revision Target date changed by Brown, Keren from 23 September 2022 to 30 December 2022 - With Parliamentary Council for drafting of the instrument and Department of Planning and Environment for checking of the mapping.</p> <p>02 Nov 2022 8:24am Brown, Keren - Target Date Revision Target date changed by Brown, Keren from 30 December 2022 to 11 January 2023 - Mapping has been approved by Department of Planning and Environment. Waiting on Final PC opinion</p> <p>22 Nov 2022 2:19pm Blake, Yvonne - Target Date Revision Target date changed by Blake, Yvonne from 11 January 2023 to 28 February 2023 - Waiting on Final PC opinion.</p>						

Action Sheets Report	Division:	Ordinary Council	Date From:
	Committee:		Date To:
	Officer:		Printed: Monday, 5 December 2022 11:21:14 AM

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI46/2022	Ordinary Council 20/07/2022	Bradley, Catherine	Works and Infrastructure	Local Roads and Community Infrastructure - Grant Funding Approval	30/12/2022	
204 MOTION 204 RESOLVED	Moved:	Maginnity, Robert Councillor Dunn	Seconded:	Councillor Sander		
That Council endorses the project allocations and changes to the Local Roads and Community Infrastructure Programs (LRCIP) as follows:						
1. Reallocate \$2,287,082 from LRCIP Phase 2 Projects (Charlton St – Library Shared Space (\$769,910) Millfield – Rose Hill Est to Wollombi Road (\$240,000), Nelson Street Greta (\$500,000), O'Connor's Road and Wine Country Drive Nulkaba (\$263,172), Stanford Street, Pelaw Main – Log of Knowledge Park (\$514,000)) to the 2021/2022 Local Roads Reseal Program						
2. Reallocate \$1,290,798 from LRCIP Phase 3 Projects from 2021/2022 Local Roads Reseal Program to a 2022/2023 Local Roads Pavement Strengthening Project						
3. Reallocate \$1,065,157 (general funds) from the 2021/2022 Local Roads Reseal Program and \$1,290,798 from the 2022/2023 Local Roads Reseal Program to Charlton St – Library Shared Space (\$769,910) Millfield – Rose Hill Est to Wollombi Road (\$240,000) Nelson Street Greta (\$500,000) O'Connor's Road and Wine Country Drive Nulkaba (\$263,172) Stanford Street, Pelaw Main – Log of Knowledge Park (\$514,000)						
27 Jul 2022 10:14am Meyers, Kristy - Reallocation Action reassigned to Bradley, Catherine by Meyers, Kristy - For reallocation of funding.						
01 Sep 2022 9:25am Keegan, Robyn - Target Date Revision Target date changed by Keegan, Robyn from 17 August 2022 to 25 November 2022 - Changes will be included in the September 2022 QBR adjustments that we put through the ledger once the September 2022 QBR report has been approved by Council in November.						
25 Nov 2022 12:47pm Keegan, Robyn - Target Date Revision Target date changed by Keegan, Robyn from 25 November 2022 to 30 December 2022 - Changes were included in the September QBR adopted by Council but we are yet to reflect updates in the ledger for the September QBR. This is planned to be done over the following week.						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
WI51/2022	Ordinary Council 17/08/2022	Eveleigh, Nathan	Works and Infrastructure	2022/23 Pool Community Celebrations and Free Family Entry Vouchers	26/01/2023	
242 MOTION 242 RESOLVED	Moved:	Clark, Cameron Councillor Hill	Seconded:	Councillor Dunn		
1. That Council issue a free family pass entry voucher to all children completing the NSW Department of Education intensive Learn to Swim program at Cessnock, Branxton Pools and Kurri Kurri Aquatic Fitness Centre, at a potential lost revenue of \$14,515.						
2. That Council undertake free entry and a community celebration take place at Cessnock Pool on Saturday 1 October 2022, Sunday 2 October 2022 and Monday 3 October 2022 to launch the opening of the splash pad at a cost of \$3,681.						
3. That free entry and community celebrations take place for Australia Day (26 January 2023) at Cessnock Pool, Branxton Pool and Kurri Kurri Aquatic Centre at a cost of \$4,954.						
4. That Council notes the total potential loss of pool entry revenue and other costs from these activities is an estimated total \$23,150.						

Action Sheets Report	Division:	Ordinary Council	Date From:
	Committee:		Date To:
		Officer:	Printed: Monday, 5 December 2022 11:21:14 AM

5.	That funding to cover costs to be considered in the next Quarterly Budget Review Statement.
6.	That the General Manager contact the Owners of the Wollombi/Laguna community pool with the proposal for a Australia BBQ at their pool with a view to invite the community to a free swim and sausage sizzle.
7.	That the General Manager contact Community groups that could run the event.
8.	That Costs associated with the event be as per the current resolution (dealt with in the QBRS process).
<p>31 Aug 2022 9:23am Eveleigh, Nathan - Target Date Revision Target date changed by Eveleigh, Nathan from 14 September 2022 to 26 January 2023 - Resolution in progress. Final community celebration in planning for Australia Day 2023.</p> <p>07 Sep 2022 4:27pm Eveleigh, Nathan Local Service Clubs contacted 7 September seeking EOI for availability to cook BBQ over October Long weekend. Grass games organised via CYCOS.</p> <p>05 Oct 2022 4:19pm Eveleigh, Nathan Community celebration held over October long weekend with 815 recorded attendances and 870 sausages served.</p>	

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE57/2022	Ordinary Council 21/09/2022	Corken, Robert	Planning and Environment	Planning Proposal to Rezone Land at 532 Main Road, Cliftleigh from RU2 Rural Landscape to R2 Low Density Residential.	23/10/2023	
256 MOTION 256 RESOLVED	Moved:	Mickleson, Peter Councillor Hill	Seconded:	Councillor Grine		
<p>That the report be deferred to allow for structure plan to be submitted to Council prior to its consideration.</p> <p>27 Sep 2022 4:47pm Blake, Yvonne - Target Date Revision Target date changed by Blake, Yvonne from 19 October 2022 to 31 October 2022 - Deferred at ordinary Council meeting held 21 September 2022 to allow for structure plan to be submitted to Council prior to its consideration.</p> <p>05 Oct 2022 11:45am Corken, Robert - Target Date Revision Target date changed by Corken, Robert from 31 October 2022 to 16 February 2023 - Council deferred proposal until a structure plan was prepared for the 'whole of the investigation area.</p> <p>21 Nov 2022 10:44am Corken, Robert - Target Date Revision Target date changed by Corken, Robert from 16 February 2023 to 23 October 2023 - The proposal is currently with the applicants to resolved access arrangements.</p>						

Action Sheets Report	Division:	Ordinary Council	Date From:
	Committee:		Date To:
	Officer:		Printed: Monday, 5 December 2022 11:21:14 AM

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
GMU26/2022	Ordinary Council 19/10/2022	Chadwick, Tony	General Manager's Unit	Hunter Valley Destination Management Plan 2022 - 2030	31/03/2023	
301 MOTION 303 RESOLVED	Moved:	Liddell, Ken Councillor Dunn	Seconded:	Councillor Burke		
<ol style="list-style-type: none"> That Council places draft Hunter Valley Destination Management Plan 2022 - 2030 and draft Hunter Valley Destination Management Plan Situational Analysis 2022 on public exhibition for a period of 28 days. That a further report outlining any public submissions received be prepared for Council's consideration following the exhibition. <p>01 Nov 2022 9:27am Chadwick, Tony The Draft Hunter Valley Destination Management Plan has been placed on public exhibition from 25 October to 23 Nov 2022. The following Council Report will detail submissions received and any changes made.</p> <p>23 Nov 2022 2:39pm Chadwick, Tony - Target Date Revision Target date changed by Chadwick, Tony from 28 December 2022 to 31 March 2023 - The DMP is required to be updated following public exhibition. The new document is likely to be ready for adoption in March 2023.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
CC82/2022	Ordinary Council 19/10/2022	McGowan, Kelly	Corporate and Community	Rates Subsidy Policy Review	9/12/2022	
308 MOTION 310 RESOLVED	Moved:	Maginnity, Robert Councillor Dunn	Seconded:	Councillor Burke		
<ol style="list-style-type: none"> That Council places the revised Rates Subsidy Policy on public exhibition for a period of 28 days. If there are no public submissions received that the Rates Subsidy Policy be automatically adopted at the end of the exhibition period. <p>24 Oct 2022 10:25am McGowan, Kelly - Target Date Revision Target date changed by McGowan, Kelly from 16 November 2022 to 30 November 2022 - The policy will be placed on exhibition 25/10/2022.</p> <p>29 Nov 2022 4:10pm Keegan, Robyn - Target Date Revision Target date changed by Keegan, Robyn from 30 November 2022 to 09 December 2022 - Policy to be placed on website.</p>						

Action Sheets Report	Division:	Ordinary Council	Date From:
	Committee:		Date To:
	Officer:		Printed: Monday, 5 December 2022 11:21:14 AM

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN29/2022	Ordinary Council 19/10/2022	Bosco, Jules	Business With Notice	Footpath from Mulbring Street to Colliery Street, Aberdare	9/12/2022	
318 MOTION 320 RESOLVED	Moved:	Clark, Cameron Councillor Olsen	Seconded:	Councillor Burke		
That the General Manager brings a report back to Council with costs for a concrete footpath on the North Side of Aberdare Road from Mulbring Street to Colliery Street Aberdare.						
25 Nov 2022 9:47am Bosco, Jules - Target Date Revision Target date changed by Bosco, Jules from 16 November 2022 to 09 December 2022 - Investigating costs and location for advice						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
13/2022	Ordinary Council 17/08/2022	Jeffery, Warren		Bridges Hill Park to Wine Country Drive Shared Pathway	22/02/2023	
228 MOTION 228 RESOLVED	Moved:	Clark, Cameron Councillor Suvaal				
Bridges Hill Park to Wine Country Drive Shared Pathway 1. That Council support the proposal by St Phillips Christian College to install traffic lights at the intersection of Wine Country Drive and Lomas Lane as part of its current upgrade plans; 2. That the General Manager investigate an alternative route for the shared pathway to be on the western side of Wine Country Drive between Fleming Street and Lomas Lane; 3. That the General Manager bring a report back to Council detailing the feasibility of the alternative route including estimated costs and potential funding sources; 4. That the General Manager not commence works on the Fleming Street to Lomas Lane section of the shared pathway until after Council considers the report on an alternate route on the western side of Wine Country Drive; and 5. That Council notes the 30 June 2023 as the funding deadline for completion of this project. 25 Oct 2022 12:27pm Meyers, Kristy - Reallocation Action reassigned to Jeffery, Warren by Meyers, Kristy 08 Nov 2022 3:31pm Cocking, Tracey Item 1 - Noted, Item 2 - Developing concepts, Item 3 - Pending completion of concepts and cost estimates, Item 4 - Construction of pathway south of Fleming Street continuing, Item 5 - Noted. 23 Nov 2022 10:39am Pankhurst, Felicity Item 2 - Developing concepts and liaising with TfNSW as this is a state road., Item 3 - Pending completion of concepts and cost estimates, and receipt of in principal support, or otherwise from TfNSW, Item 4 - Noted						

Action Sheets Report	Division:	Ordinary Council	Date From:
	Committee:		Date To:
	Officer:		Printed: Monday, 5 December 2022 11:21:14 AM

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
PE68/2022	Ordinary Council 16/11/2022	Rush, Iain	Planning and Environment	Huntlee Planning Agreement Draft Deed of Variation 3	28/02/2023	
338 MOTION 338 RESOLVED	Moved:	Mickleson, Peter Councillor Burke	Seconded:	Councillor Sander		
<p>1. That Council publicly notify the Draft Third Deed of Variation to the Planning Agreement for Huntlee Stage 1 for a minimum period of 28 days.</p> <p>2. That Council delegate authority to the General Manager to execute the Deed of Variation unless unresolved written objections are received during the notification period.</p> <p>22 Nov 2022 2:42pm Blake, Yvonne - Target Date Revision Target date changed by Blake, Yvonne from 14 December 2022 to 28 February 2023 - Deed currently on exhibition with any submissions being considered in the new year.</p>						

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
W172/2022	Ordinary Council 16/11/2022	Drage, Natalie	Works and Infrastructure	Notes of the Inquorate Community Engagement, Awards and Grants Committee Meeting held 20 October 2022	14/12/2022	
MOTION 349 RESOLVED	Moved:	Maginnity, Robert Councillor Burke	Seconded:	Councillor Sander		
<p>1. That the notes from the inquorate meeting of the Community Engagement, Awards and Grants Committee held on 20 October 2022 be noted.</p> <p>2. That the Dollar for Dollar Grant Scheme Guidelines be reviewed in preparation for the 2023-2024 funding round and to be considered includes in-kind contributions and application funding amount limits.</p> <p>3. That Council provides funds through the Community Facilities - Dollar for Dollar Grant Scheme to:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Abermain Plaza Hall Section 355 Committee in the amount of \$6,522 <input type="checkbox"/> Branxton Community Hall Section 355 Committee in the amount of \$186 <input type="checkbox"/> Coalfields Local History Association Inc. in the amount of \$886 <input type="checkbox"/> Crawfordville Community Hall, Millfield Section 355 Committee in the amount of \$3,000. <input type="checkbox"/> Wollombi Valley Progress Association in the amount of \$1,047 <p>4. That Council advertises a second round of the Community Facilities Dollar for Dollar Grant Scheme in early 2023 with the surplus funding of \$18,359.</p> <p>5. That Council provides funds through the Sporting Facilities - Dollar for Dollar Grant Scheme to:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Cessnock Dog Club in the amount of \$3,474 <input type="checkbox"/> Cessnock Rugby League Football Club in the amount of \$9,091 <input type="checkbox"/> Greta Branxton Colts Rugby League Football Club in the amount of \$3,636 <input type="checkbox"/> Wollombi Valley Pony Club in the amount of \$3,636 <input type="checkbox"/> Wollombi Valley Tennis & Sports Association in the amount of \$2,553 						

Action Sheets Report	Division: Committee: Ordinary Council Officer:	Date From: Date To: Printed: Monday, 5 December 2022 11:21:14 AM
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6.	That Council advertises a second round of the Sporting Facilities - Dollar for Dollar Grant Scheme in early 2023 with the surplus funding of \$7,610
7.	That Council provides funds through the Community and Cultural Development - Dollar for Dollar Grant Scheme to:
	<input type="checkbox"/> Central Hunter Community Broadcasters (2CHR) in the amount of \$1,400 <input type="checkbox"/> The Spirit of Giving Fundraising Hub Inc in the amount of \$3,000 <input type="checkbox"/> Rotary Club of Cessnock in the amount of \$2,111.14 <input type="checkbox"/> Cessnock Seniors Citizens Association in the amount of \$800 <input type="checkbox"/> Cessnock District Rescue Squad in the amount of \$2,836.37 <input type="checkbox"/> Early Links Inclusion Support Service in the amount of \$1,467.27 <input type="checkbox"/> Abermain Eisteddfod Society in the amount of \$3,000 <input type="checkbox"/> Richmond Vale Railway Museum in the amount of \$900 <input type="checkbox"/> Sculpture in the Vineyards in the amount of \$3,000
8.	That the remaining \$15,170.22 funds from the Community and Cultural Development - Dollar for Dollar Grant Scheme be allocated at the next Quarterly Budget Review to Council's 2022-2023 community and cultural development programs supporting for example Seniors Festival, NAIDOC Week, Youth Week, Reconciliation Week, Carols in the Park.
9.	That the Committee undertake a review of the Dollar for Dollar Grant Scheme Guidelines for Community and Cultural Development to enhance opportunities for local community groups to make an application for project funding.
10.	That the General Manager writes to all applicants advising them of the outcome of their application and thanking them for their contribution, ongoing support and commitment to the enhancement of community facilities, sporting facilities, community, arts and culture, in the Cessnock Local Government Area.
	<p>24 Nov 2022 12:07pm Drage, Natalie Resolution noted. Payments for the Community and Cultural Development Stream will be distributed by 23 December 2022.</p> <p>01 Dec 2022 12:13pm Drage, Natalie All applicants from the Sporting and Community Dollar for Dollar Grant schemes were notified of the outcome of their applications on 23 November 2022 and EFT requests completed for payment of the approved funding into their nominated account.</p>

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
W173/2022	Ordinary Council 16/11/2022	Goodbun, Nathan	Works and Infrastructure	Minutes of Local Traffic committee Meeting held 17 October 2022.	22/02/2023	
350 MOTION	Moved:	Clark, Cameron Councillor Hill	Seconded:	Councillor Burke		
350 RESOLVED						
1.	That the Minutes of the Cessnock Local Traffic Committee Meeting of 17 October 2022 excluding TC40/2022 be adopted as a resolution of the Ordinary Council.					
	<input type="checkbox"/> TC39/2022 - That Council authorises the temporary regulation of traffic on Broke Road, McDonalds Road, Palmers Lane and Wine Country Drive, Pokolbin for A Day on the Green in accordance with Various Roads Pokolbin _ A Day on the Green Traffic Control Plans.					
	<input type="checkbox"/> TC41/2022 - That Council authorises installation of regulatory parking and intersection controls on various roads within Huntlee, in accordance with Various Roads Huntlee Stages 32 – 33 – 34 - 42 _ Signage & Line Marking Diagrams.					

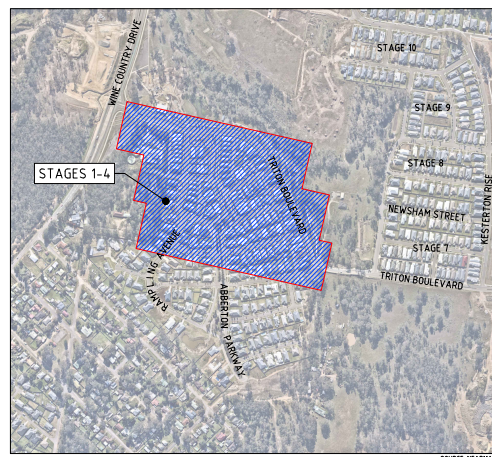
Action Sheets Report	Division:	Ordinary Council	Date From:
	Committee:		Date To:
		Officer:	Printed: Monday, 5 December 2022 11:21:14 AM

<input type="checkbox"/>	TC42/2022 - That Council authorises installation of regulatory parking and intersection controls on various roads within Huntlee, in accordance with Various Roads Huntlee Stage 4 _ Signage & Line Marking Diagrams.
2.	That Council not endorse TC40/2022 noting concerns around the one way street and revert to previously approved TC49/2021.
23 Nov 2022 10:35am Pankhurst, Felicity Item 1 , - TC39/2022 approval drafted, pending signature, - TC41/2022 pending notification to developer, - TC42/2022 pending notification to developer, Item 2, -TC40/2022 - noted.	

Type	Meeting	Officer/Director	Section	Subject	Est. Compl.	Completed
BN33/2022	Ordinary Council 16/11/2022	Harris, Kate	Business With Notice	Permanent Security CCTV Cameras - Huntlee District Park	31/03/2023	
351 MOTION 351 RESOLVED	Moved:	Clark, Cameron Councillor Jurd	Seconded:	Councillor Olsen		
That the General Manager: 1. Liaise, support and work alongside LWP (Huntlee), to install a fully operational, CCTV Security Camera System within the new Huntlee District Park (similar to Bridges Hill Park); 2. Research appropriate, relevant grants that may be able to assist in further protecting this community asset with said surveillance technology 22 Nov 2022 1:20pm Meyers, Kristy - Reallocation Action reassigned to Harris, Kate by Meyers, Kristy 25 Nov 2022 9:44am Harris, Kate - Target Date Revision Target date changed by Harris, Kate from 14 December 2022 to 31 March 2023 - Meeting to be held with LWP. 25 Nov 2022 9:45am Harris, Kate 1. Meeting to be organised with LWP before the end of the year, 2. Upon completion of item 1						

HUNTLEE SUBDIVISION

STAGES 1-4 LINEMARKING PACKAGE






LOCALITY PLAN

SOURCE: NEARMAPS

Drawing List

Sheet Number	Sheet Title
01-04-C01.01	COVER SHEET, DRAWING LIST AND LOCALITY PLAN
01-04-C03.01	SITE SETOUT PLAN
01-04-C04.01	SIGNAGE AND LINEMARKING PLAN - SHEET 1
01-04-C04.02	SIGNAGE AND LINEMARKING PLAN - SHEET 2
01-04-C04.03	SIGNAGE AND LINEMARKING PLAN - SHEET 3
01-04-C04.04	SIGNAGE AND LINEMARKING PLAN - SHEET 4
01-04-C04.05	SIGNAGE AND LINEMARKING PLAN - SHEET 5
01-04-C04.06	SIGNAGE AND LINEMARKING PLAN - SHEET 6
01-04-C04.07	SIGNAGE AND LINEMARKING PLAN - SHEET 7
01-04-C04.08	SIGNAGE AND LINEMARKING PLAN - SHEET 8
01-04-C04.09	SIGNAGE AND LINEMARKING PLAN - SHEET 9
01-04-C04.10	SIGNAGE AND LINEMARKING PLAN - SHEET 10
01-04-C04.11	SIGNAGE AND LINEMARKING PLAN - SHEET 11

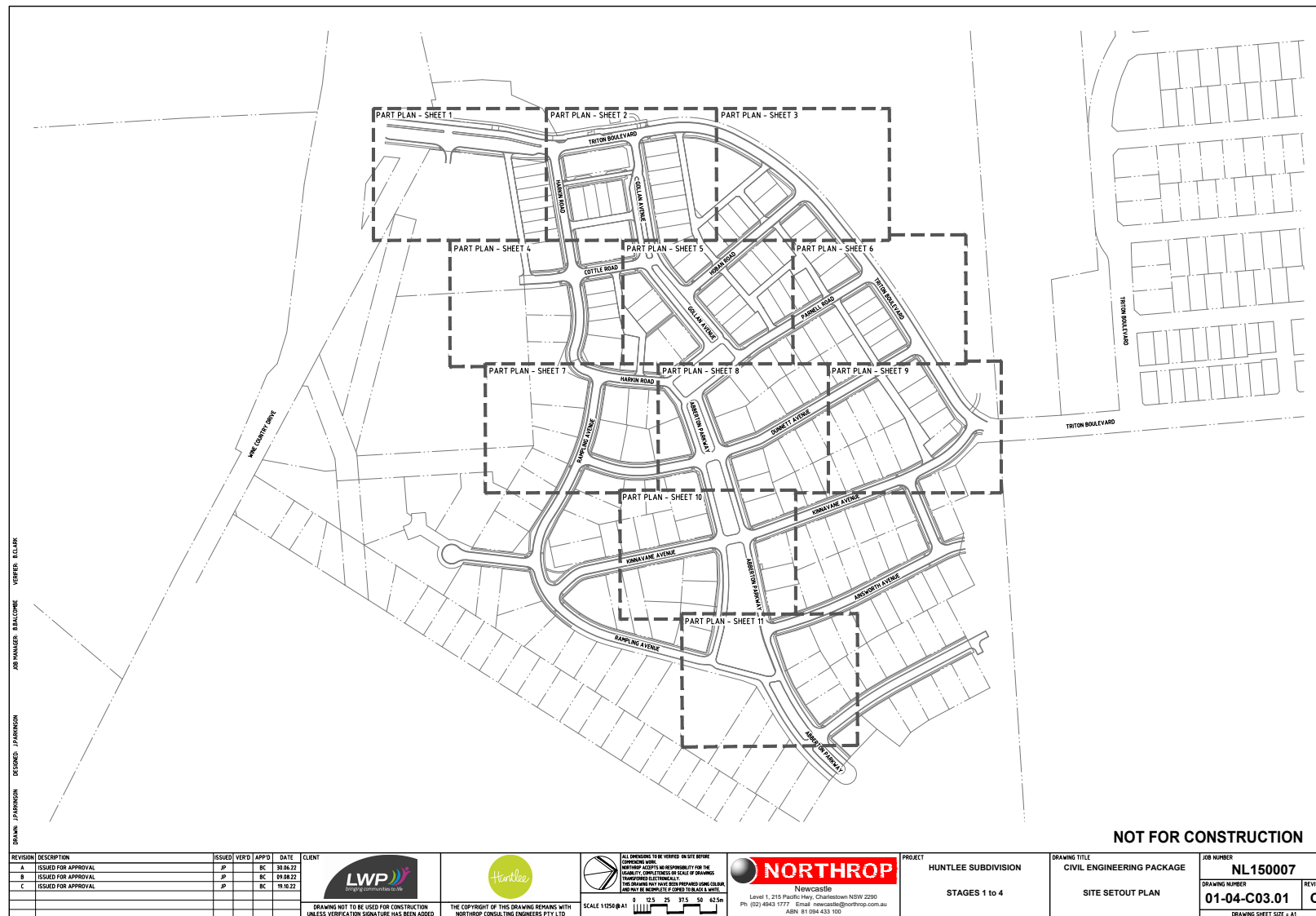
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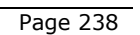
REVISION	DESCRIPTION	ISSUED	VERD	APP'D	DATE	CLIENT				PROJECT	DRAWING TITLE	JOB NUMBER
A	ISSUED FOR APPROVAL	JP	BC		30.06.22					HUNTLEE SUBDIVISION	CIVIL ENGINEERING PACKAGE	NL150007
B	ISSUED FOR APPROVAL	JP	BC		01.08.22					STAGES 1 to 4	COVER SHEET, DRAWING LIST AND LOCALITY PLAN	DRAWING NUMBER 01-04-C01.01
C	ISSUED FOR APPROVAL	JP	BC		30.10.22							REVISION C
												DRAWING SHEET SIZE = A1

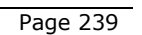
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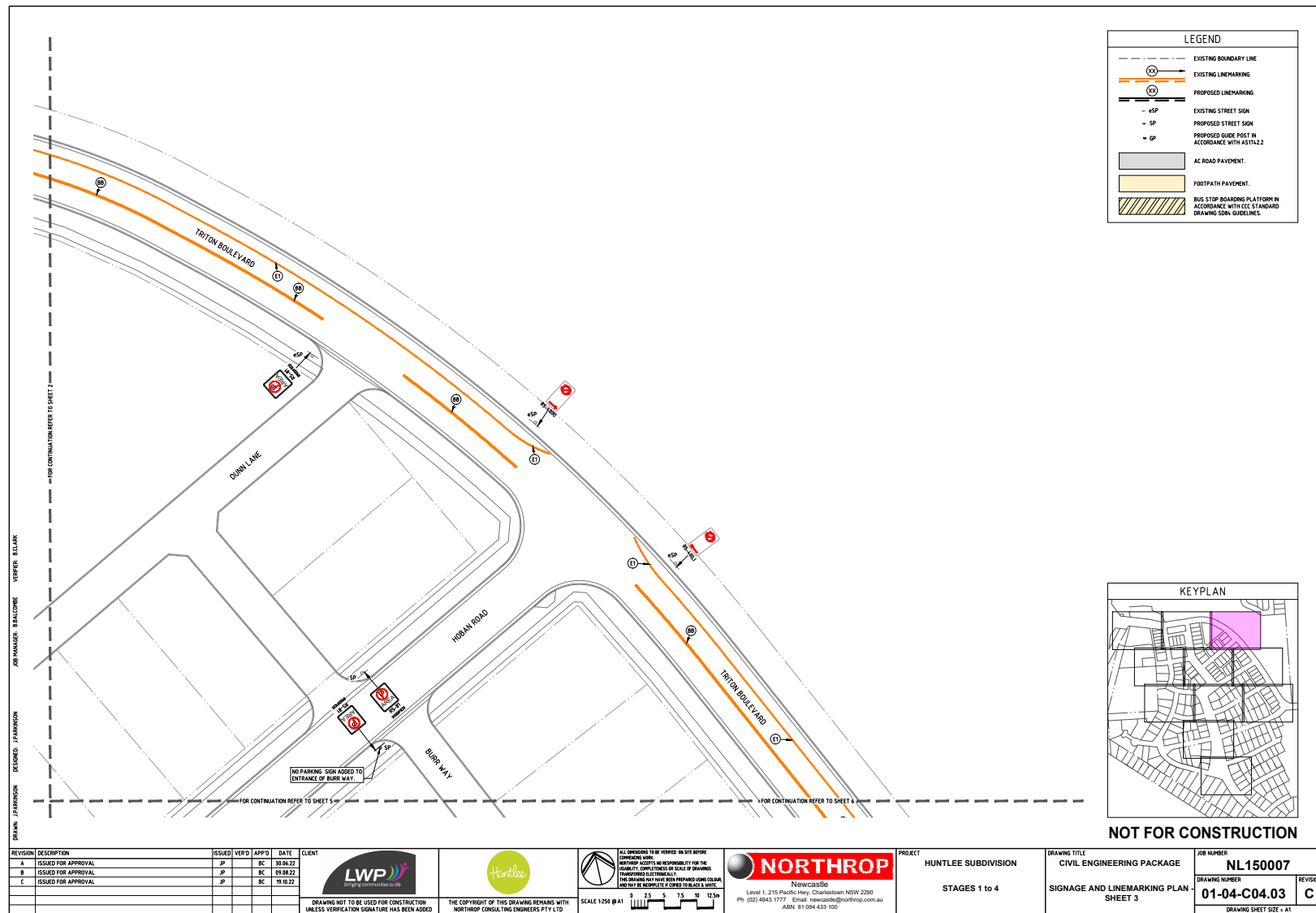
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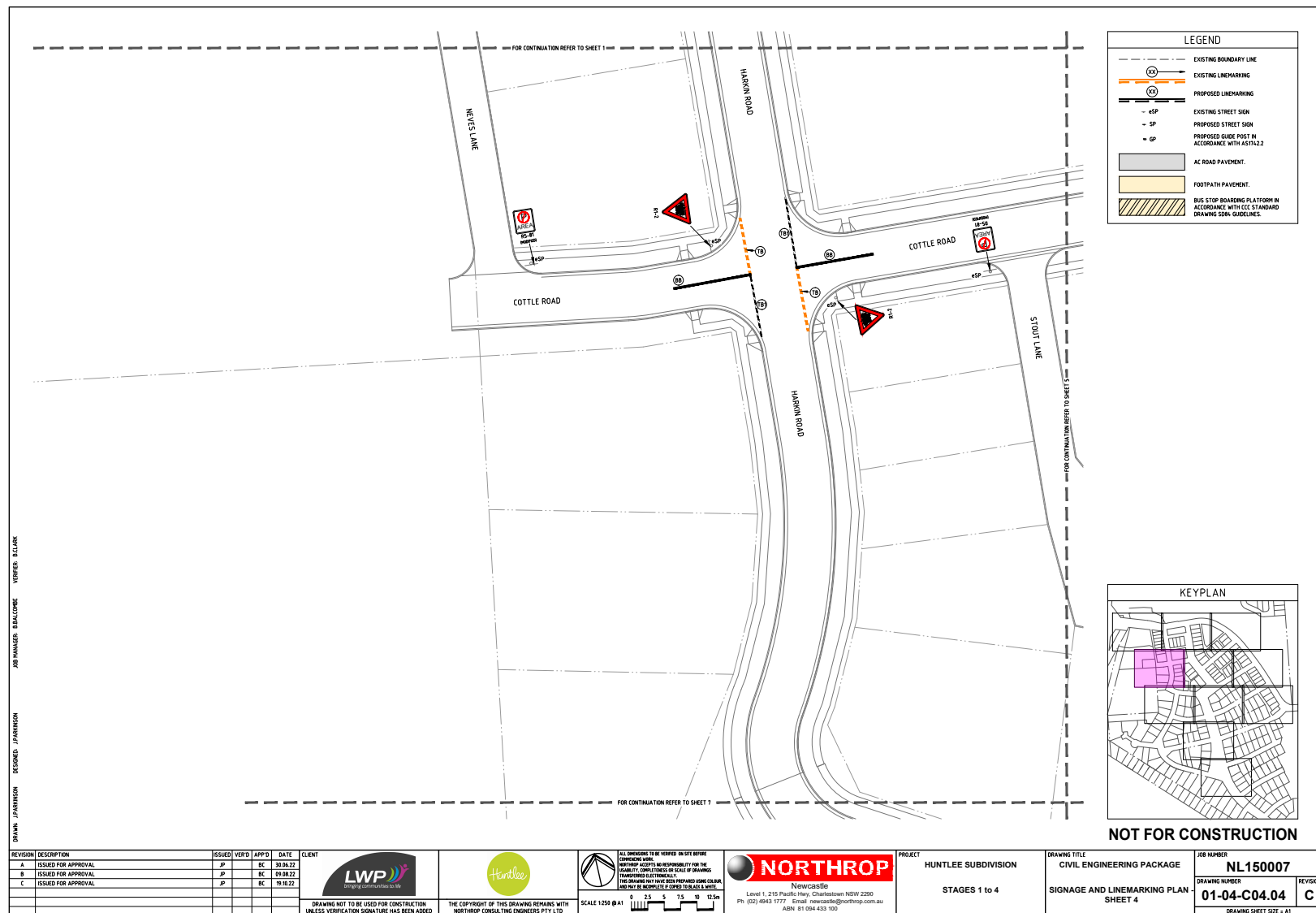
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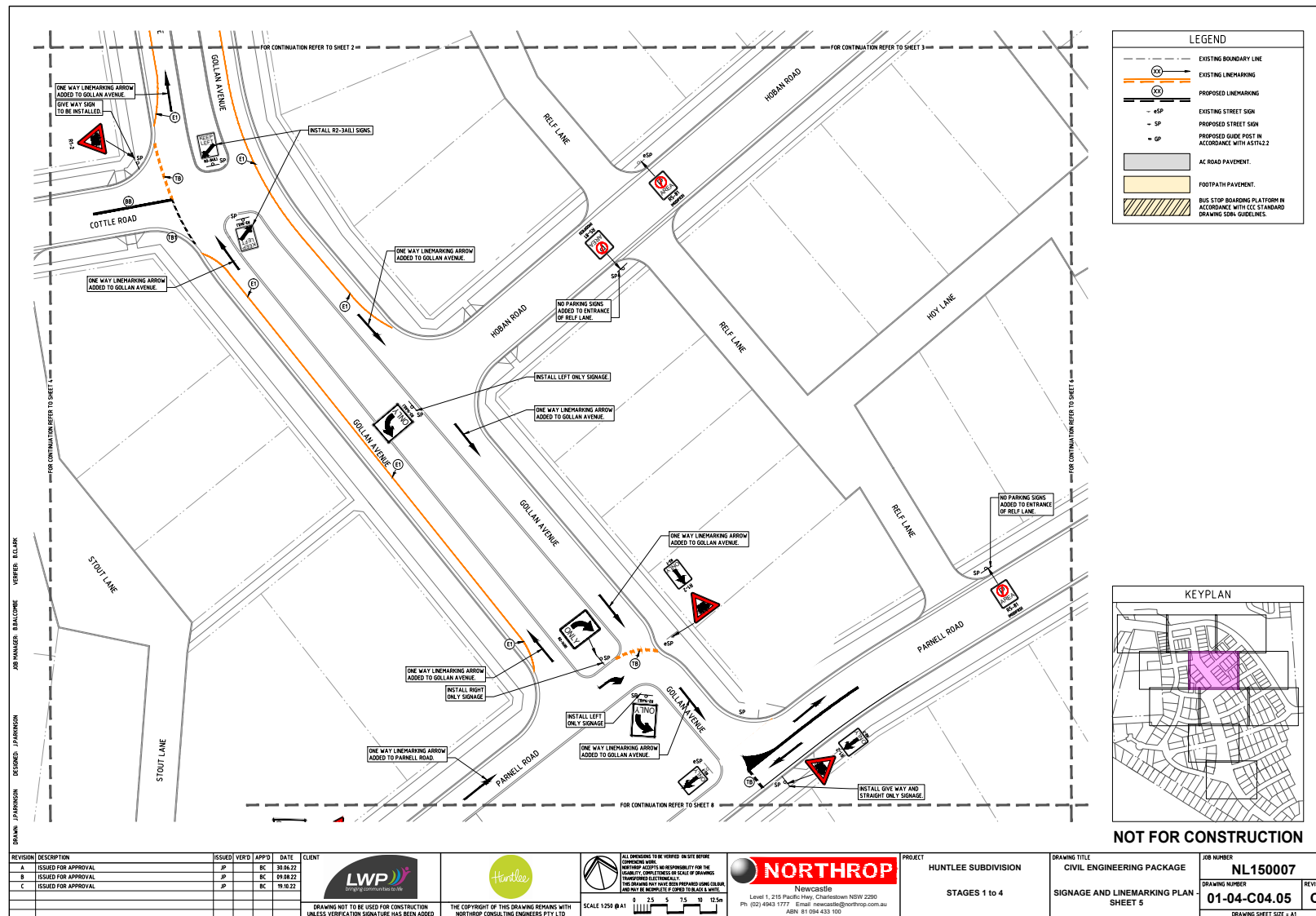


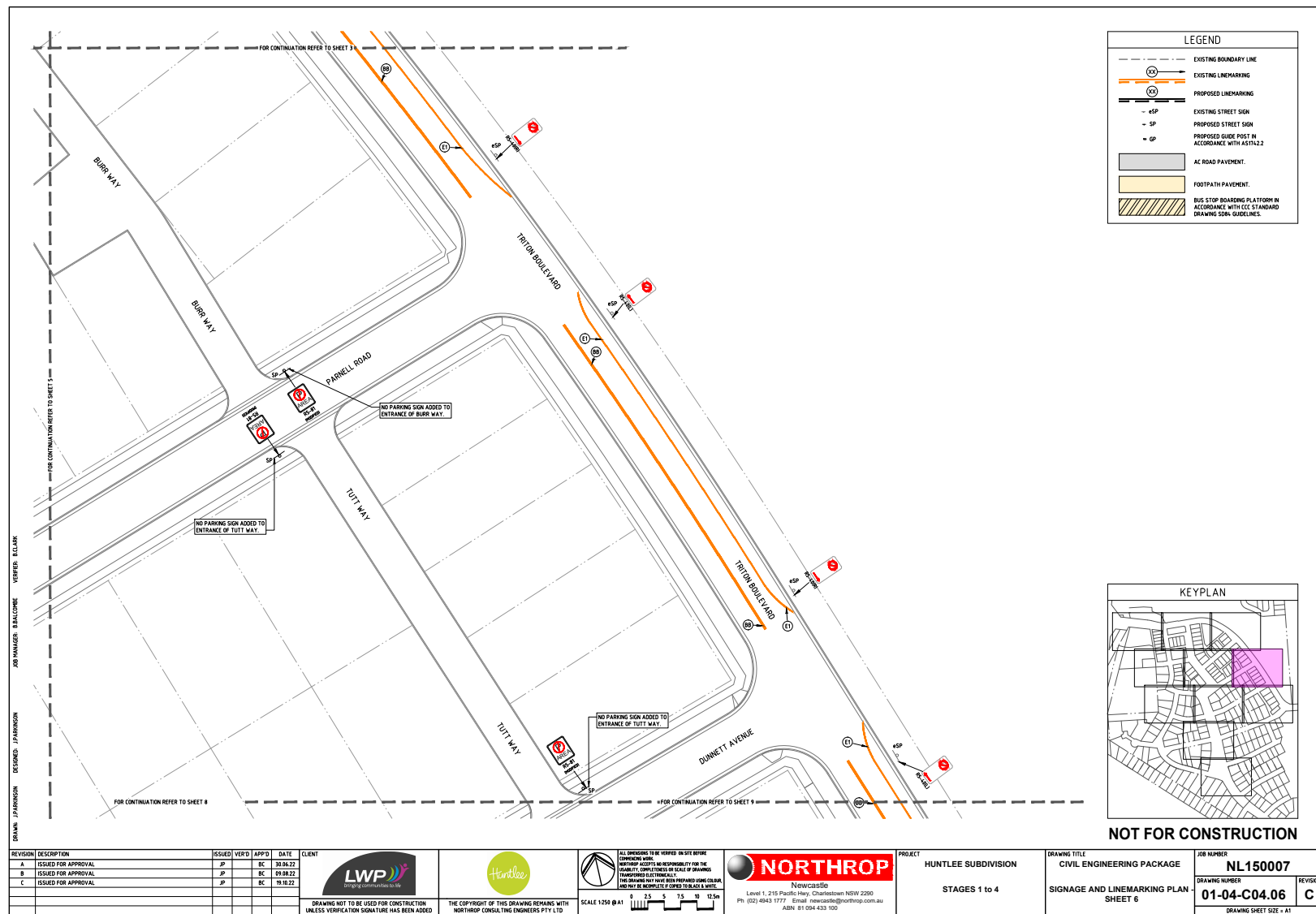


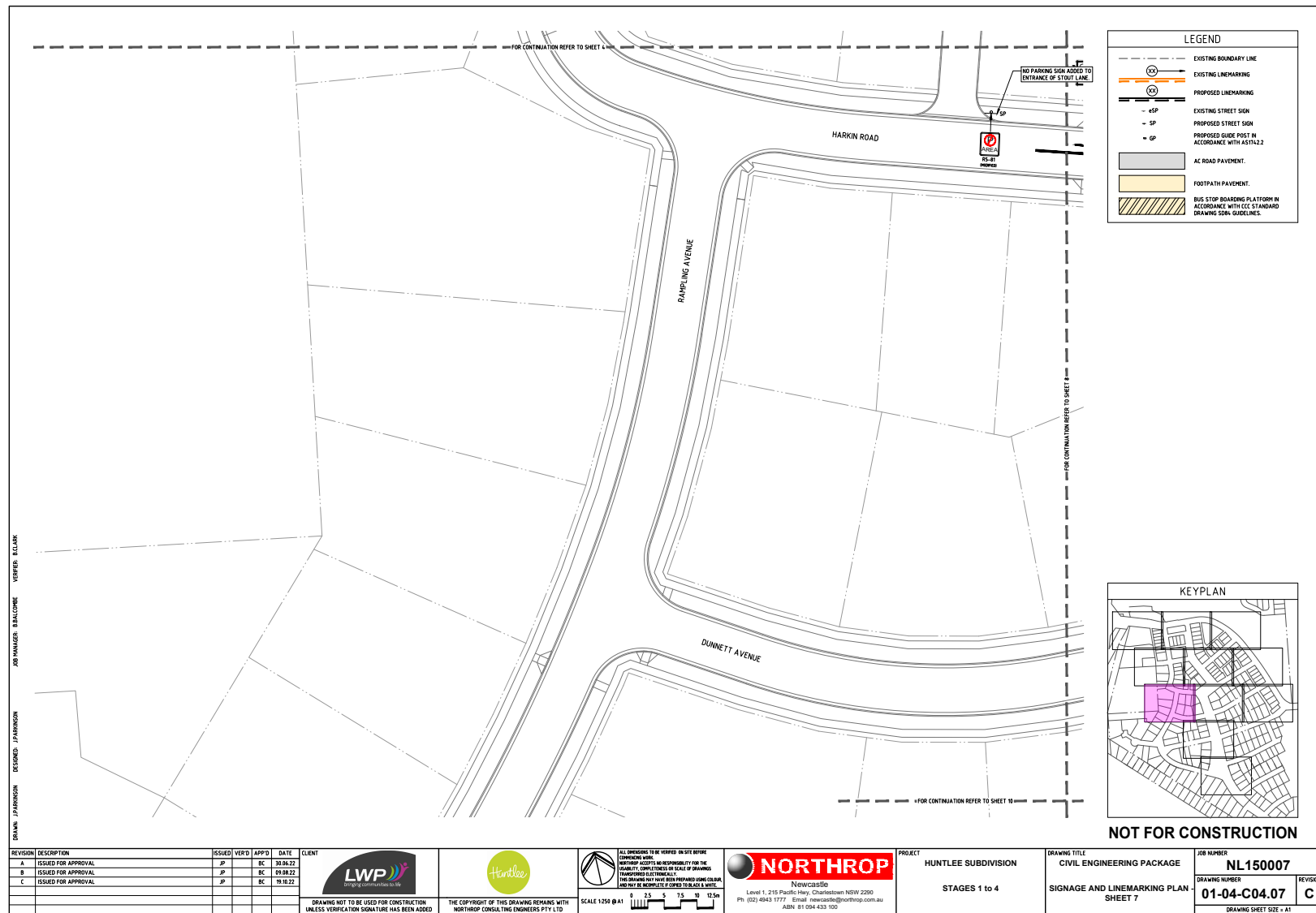


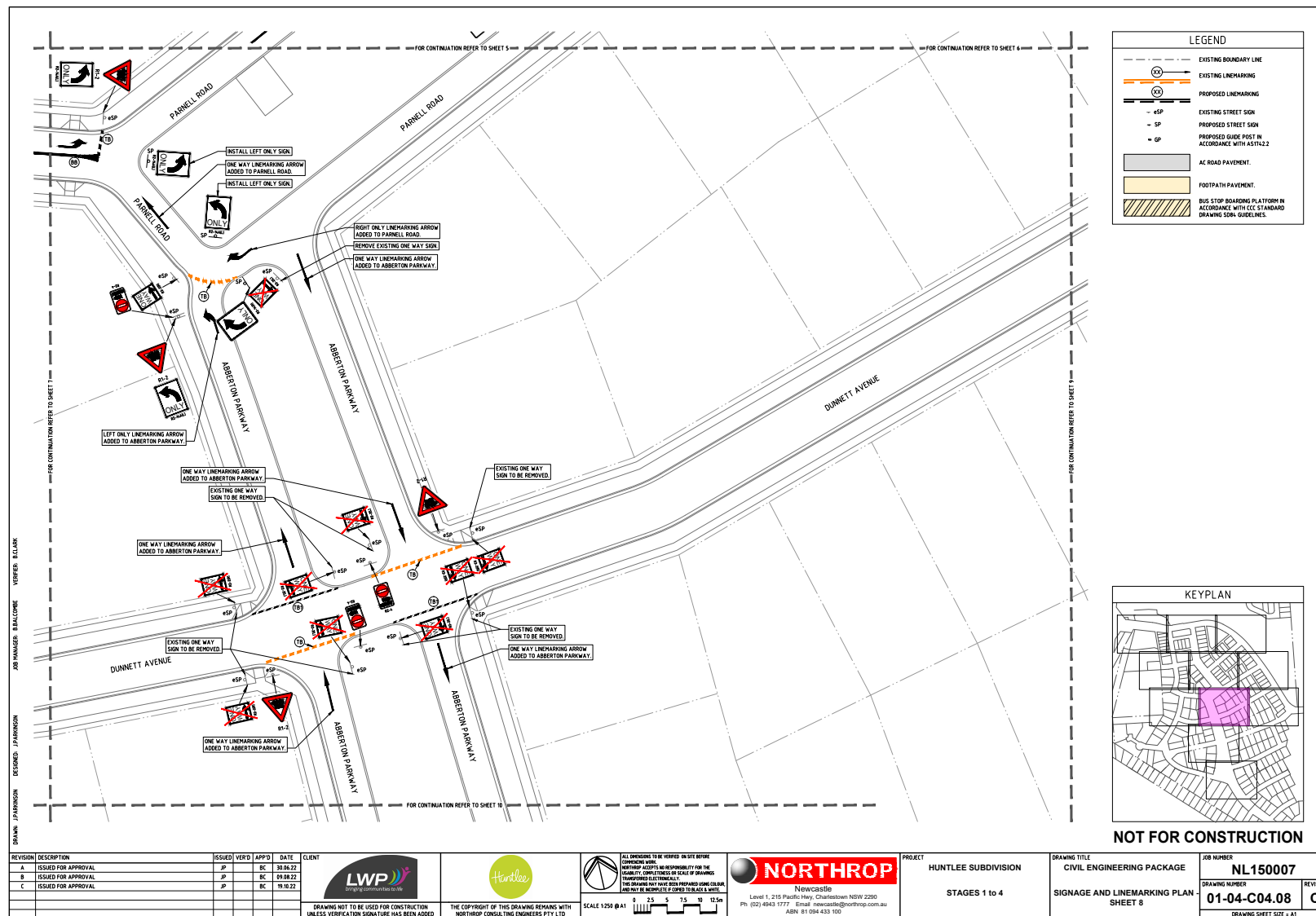


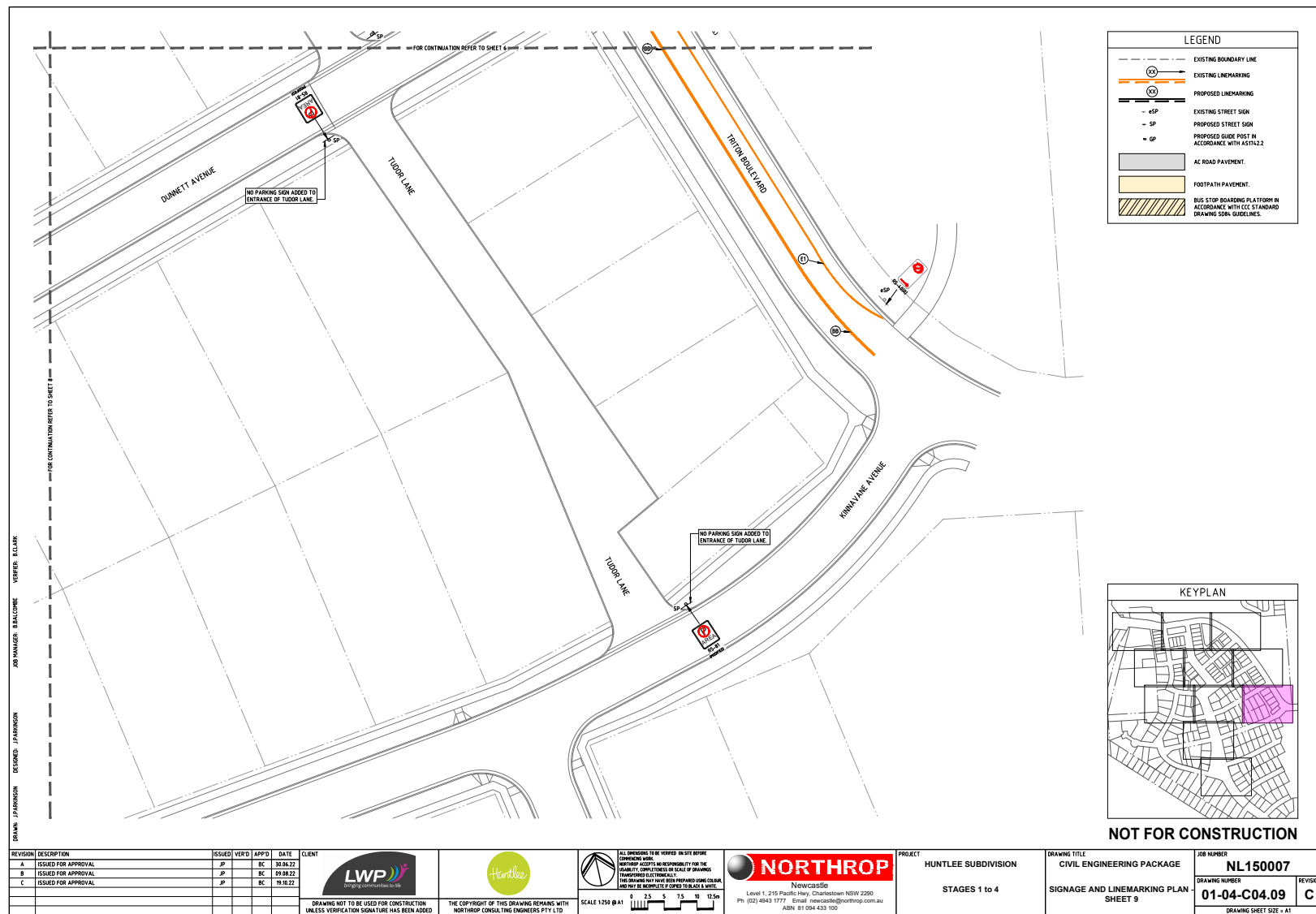


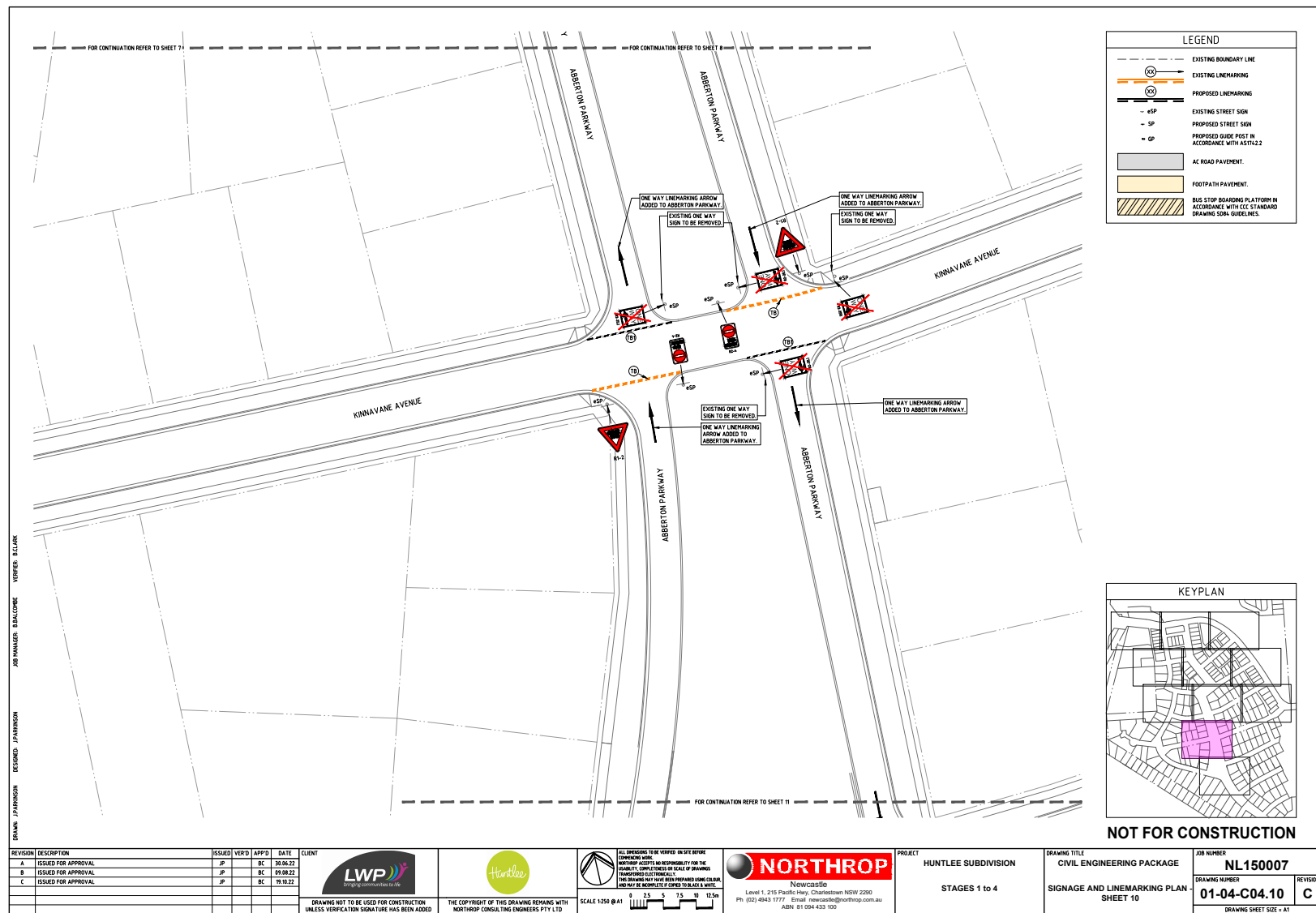


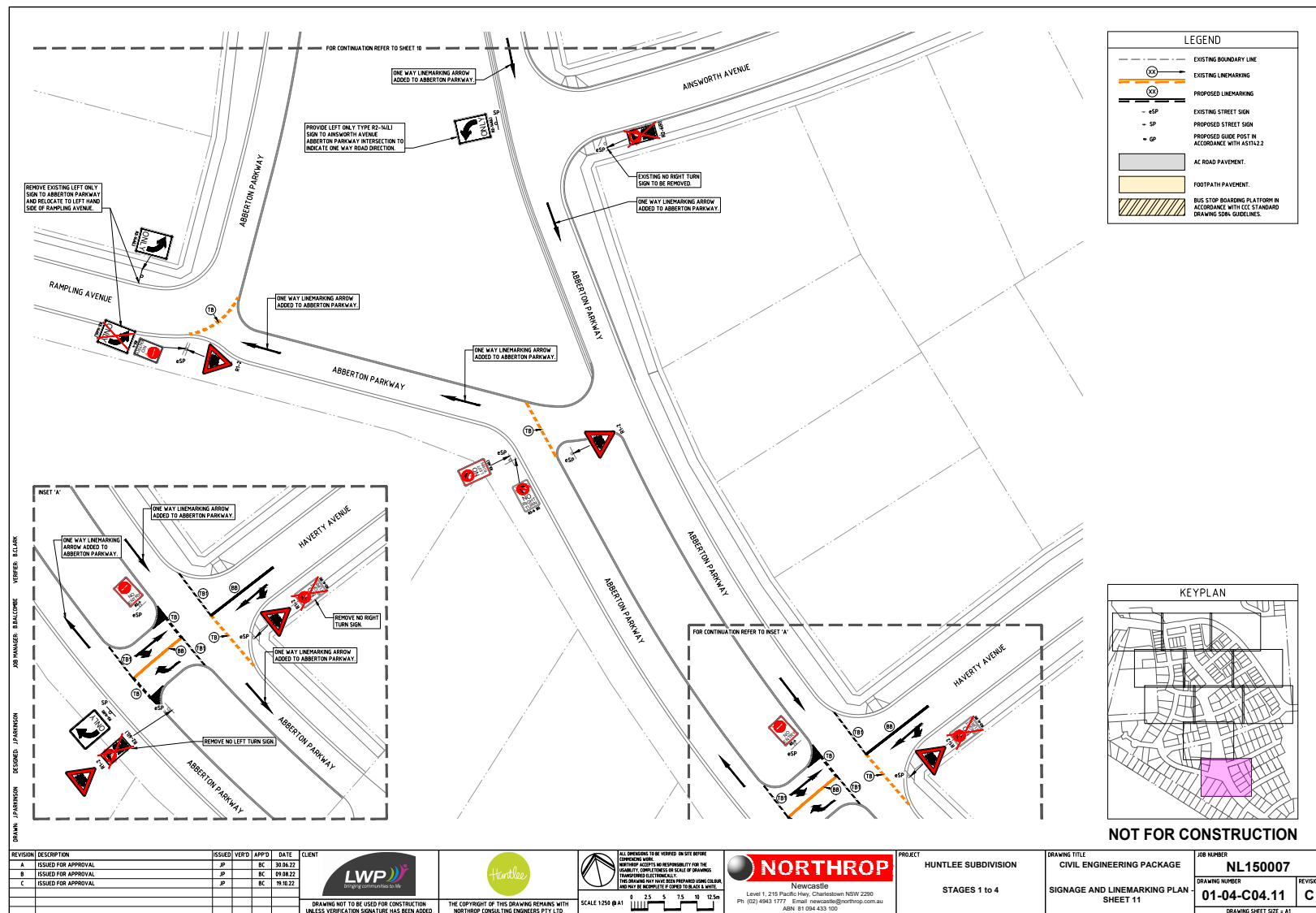


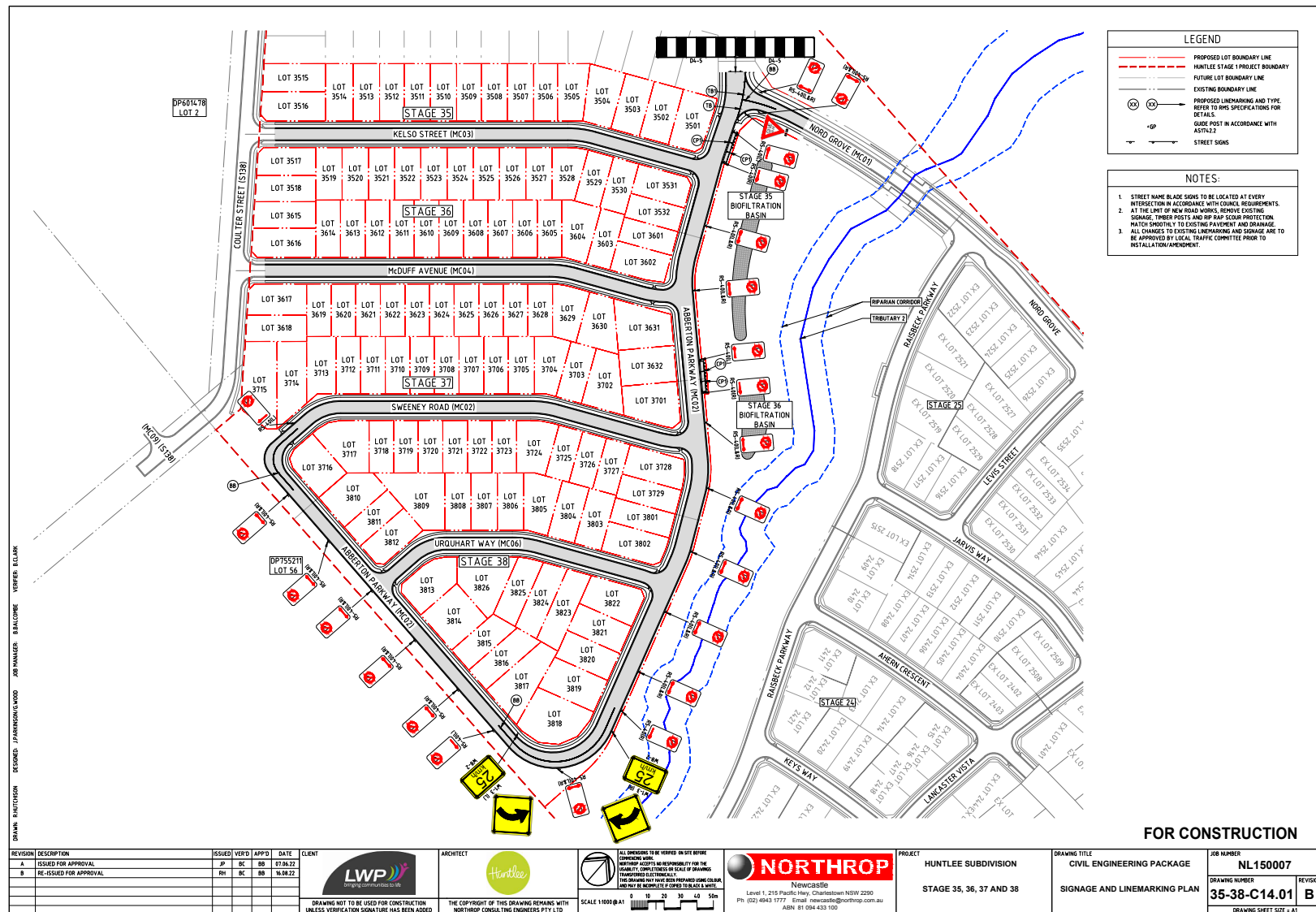


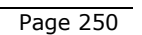


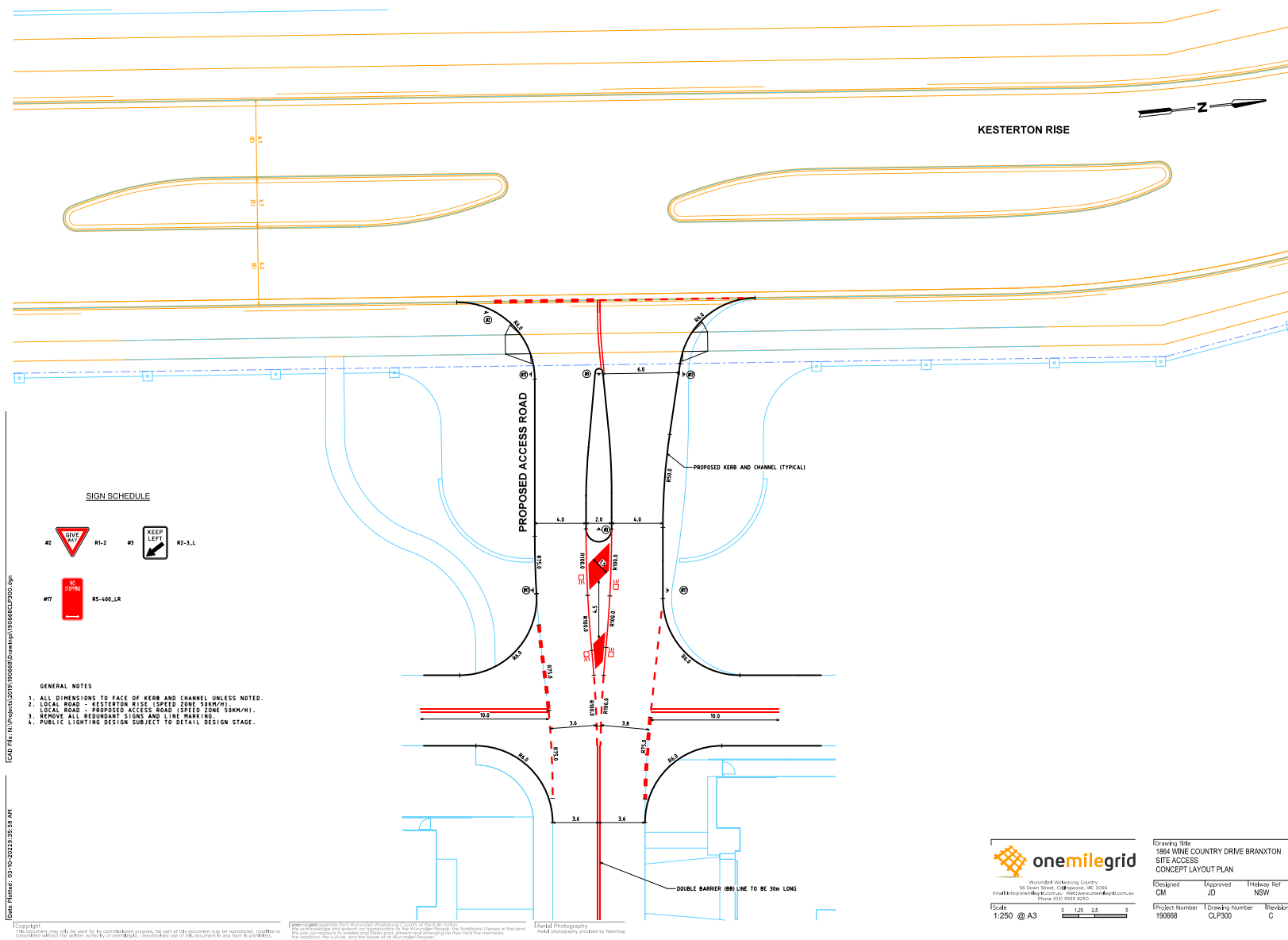


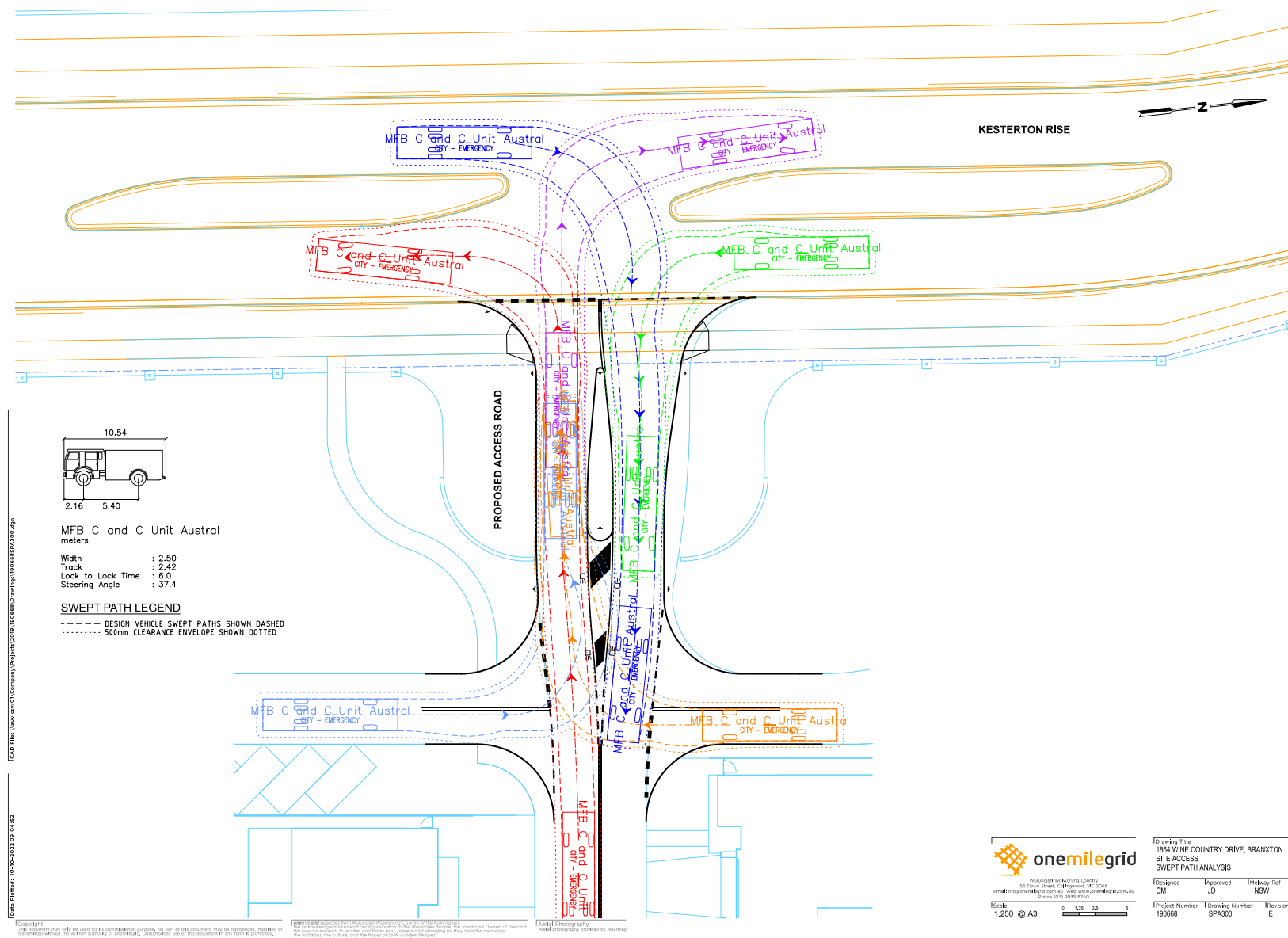


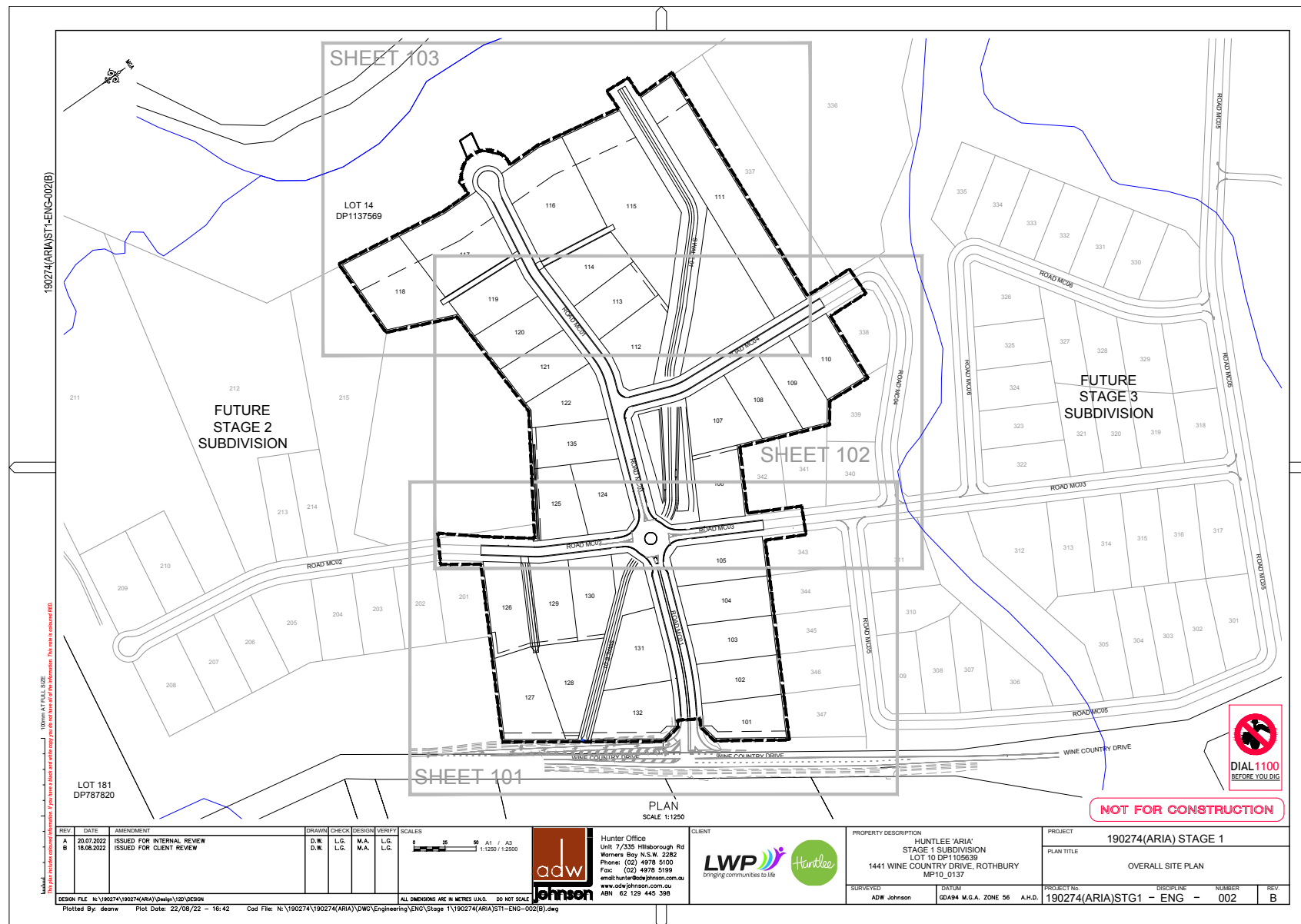


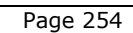


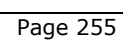












<h1>Technical direction</h1> <p>For traffic and transport practitioners</p> <p>POLICY – GUIDELINES - ADVICE</p>		 <p>Transport Roads & Traffic Authority</p>
Published	OCTOBER 2011	TDT 2002/ 12c
Supersedes/Amends	TDT 2002/12b	

STOPPING AND PARKING RESTRICTIONS AT INTERSECTIONS AND CROSSINGS

INTRODUCTION

On 1 December 1999, New South Wales (NSW) adopted new road rules. These new road rules included the *Australian Road Rules (ARR) 1999*.

This *Technical Direction* covers the installation of NO STOPPING and NO PARKING signs at intersections, children's crossings, and pedestrian crossings where signage is required.

The use of NO STOPPING and NO PARKING signs at other locations were generally dealt with in Technical Direction 99/21 *No Standing and No Parking Signs*.

OBJECTIVE

To ensure a consistent signposting of intersection and crossing treatments throughout NSW.

INSTALLATION OF SIGNS

There is to be a standardisation of signposting format, which will result in minor changes to sign panels and positions.

It is not intended that signs be installed at all locations. Where signs are not installed the legislative restrictions will apply. Generally signposting of restrictions covered by legislative requirements is only required where there is adjoining signposting or compliance is an issue. **However, signposting adjacent to children's crossings, pedestrian crossings and marked footcrossings should always occur.** The relevant road authority is to determine where NO STOPPING and NO PARKING signs are to be erected.

Existing signs, ~~with the exception of NO STANDING signs (see Technical Direction No 99/21),~~ are not to be removed or replaced until required under maintenance. Where the post is required to be replaced, the sign should be relocated to the new location as specified in this *Technical Direction*.

Distribution List:

Director, Infrastructure Services; Director, Commercial Services; Director, NSW Centre for Road Safety; Traffic Management and Road Safety staff; and Councils.

For further enquiries

www.rta.nsw.gov.au | E technical_directions_publication@rta.nsw.gov.au

Amendments: No Stopping sign distance Table amended for Figures 2, 3 & 7

Approved: R W O'Keefe Mgr Traffic Policies, Guidelines & Legislation / October 2011

1 (11 pages)

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The following signs are to be used for new installations and for replacement of existing signs under normal maintenance:

- NO STOPPING (R5-400) sign, see Figure 1, is used to define the length of roadway where vehicles are absolutely prohibited from stopping (**Note: Symbolic S-slash signs are not to be used under any circumstances in NSW**); and
- NO PARKING (R5-40) sign, see Figure 2, is used to define an additional length of roadway where vehicles are permitted to stop temporarily for the purpose of setting down or picking up passengers and goods.

It should be noted that the diagrams in this *Technical Direction* address the requirements in an ideal situation. For the purposes of operational efficiency and road safety, capacity and site conditions, such as the presence of a crest or a curve, the distances shown may require increasing.

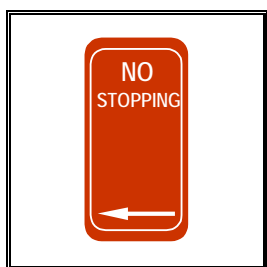


Figure 1
NO STOPPING
(R5-400) sign

- Red background
- White legend border and arrow

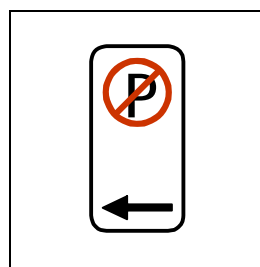


Figure 2
NO PARKING
(R5-40) sign

- White background
- Black legend, border and arrow
- Red annulus and bar

KERB EXTENSIONS

Where kerb extensions (or indented parking bays) are used the nominated distances shown in this *Technical Direction* may be reduced as shown in the Installation Diagrams.

NB: The reduction in distances does not apply to the departure or where kerb blisters are used.

ASSOCIATED TECHNICAL DIRECTIONS

The following Technical Directions should be read in association with this *Technical Direction*:

TD99/21 *No Standing and No Parking Signs*. (SUPERSEDED. Refer to ASI742).

TDT2001/09 *Kerbside Linemarking of Parking Restrictions*. (SUPERSEDED Refer to RTA Delineation manual).

TDT2002/10 *Pedestrian Refuges* (SUPERSEDED Refer to TDT 2011/01a).

SUPERSEDED DOCUMENTS

~~The layouts contained in this *Technical Direction* supersede the following layouts from the *Interim Guide to Signs and Markings*, with regard to regulatory signposting only:~~

~~Marked Pedestrian Crossing (Pg 4.17-10)~~

~~Children's Crossing (Pg 4.17-12)~~

~~Traffic Signal Controlled Pedestrian Crossing at Mid-block Location (Pg 4.17-13)~~

In addition, the distances shown in this Technical Direction supersede the distances given in Figure 6 of Technical Direction TDT 2001/04a Use of *Traffic Calming Devices as Pedestrian Crossings*.

ACTION

The appropriate roads authority is to use this *Technical Direction* when:

- installing signs at new intersections and crossings.
- replacing deteriorated and/or damaged sign posts.

If a sign face requires replacement, ensure that the appropriate signs, in accordance with this *Technical Direction* or ASI742, are used.

If specific site conditions preclude compliance with this *Technical Direction*, seek advice from the RTA representative on the Local Traffic Committee or contact the Email address given on the front page of this Technical Direction.

UPDATES

To ensure that this Technical Direction and any related guidelines remain current and relevant, minor updates may be made from time to time. Any updates may be obtained from the RTA website using the Traffic & Transport Policies & Guidelines Register which can be found at:

www.rta.nsw.gov.au/doingbusinesswithus/guidelines/documentregister/index.html

Printed copies of this Technical Direction are uncontrolled, therefore the Register should always be checked prior to using this *Technical Direction* or any related guidelines.

Approved by

Authorised for use by

SIGNED

SIGNED

Craig J Moran
General Manager
Traffic Management

John Statton
A/Director
Network Services

Installation Diagrams

The following installation diagrams show typical layouts at the various facilities where NO STOPPING and NO PARKING signs are required. The layouts generally correspond with the ARR's

The following facilities should be signposted in accordance with the nominated installation diagram:

Facility	Installation Diagram
Signalised intersection	Figure 1
Mid-block marked foot crossing (i.e. signalised)	Figure 2
Mid-block marked pelican foot crossing (i.e. signalised)	Figure 3
Unsignalised intersection	Figures 4 & 5
Mid-block pedestrian crossing	Figure 6
Children's crossing	Figure 7
Raised (Wombat) pedestrian crossing	As per Figure 6 for pedestrian crossings
Magpie crossing	As per Figure 6 for pedestrian crossings

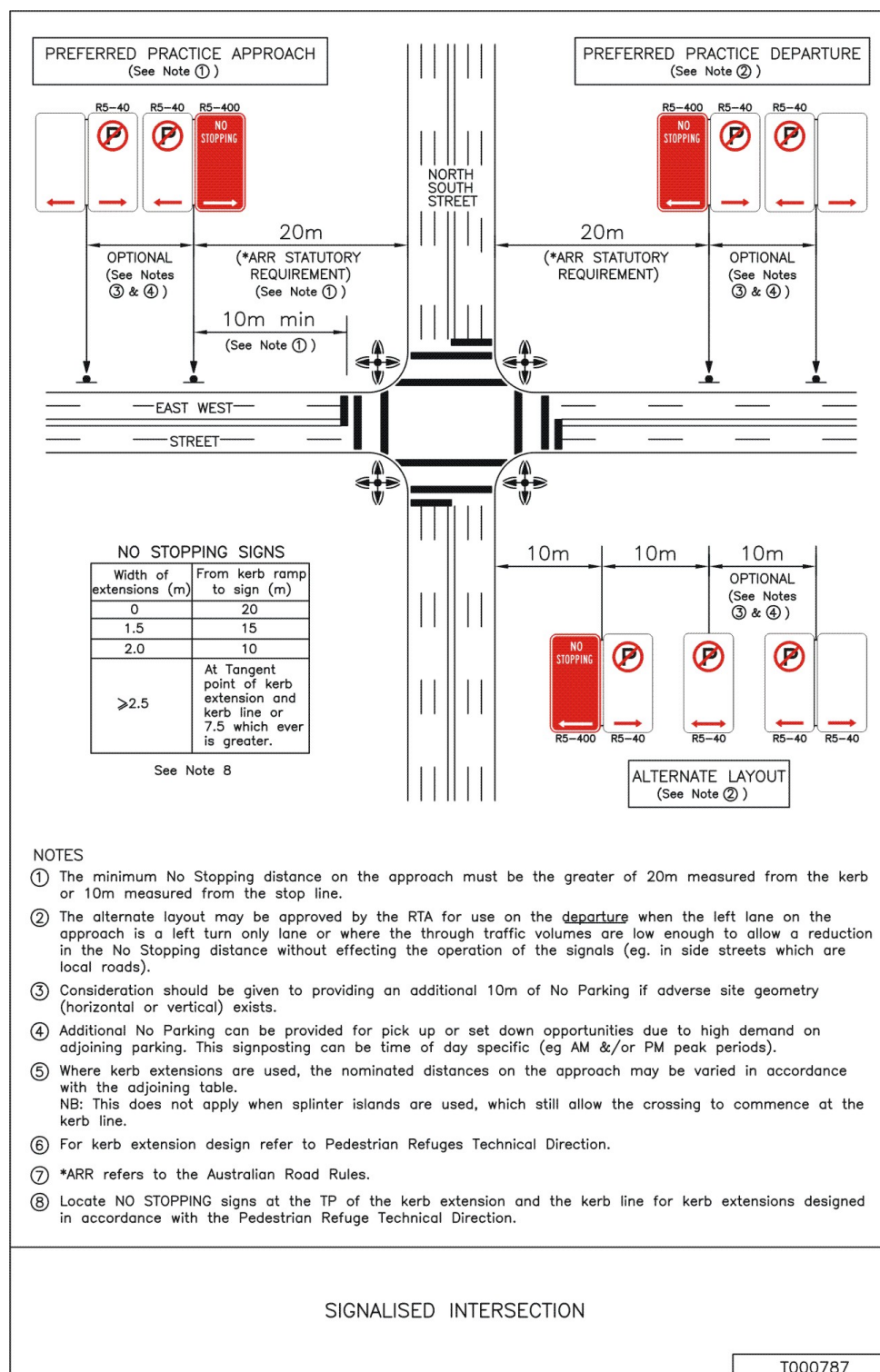


Figure 1

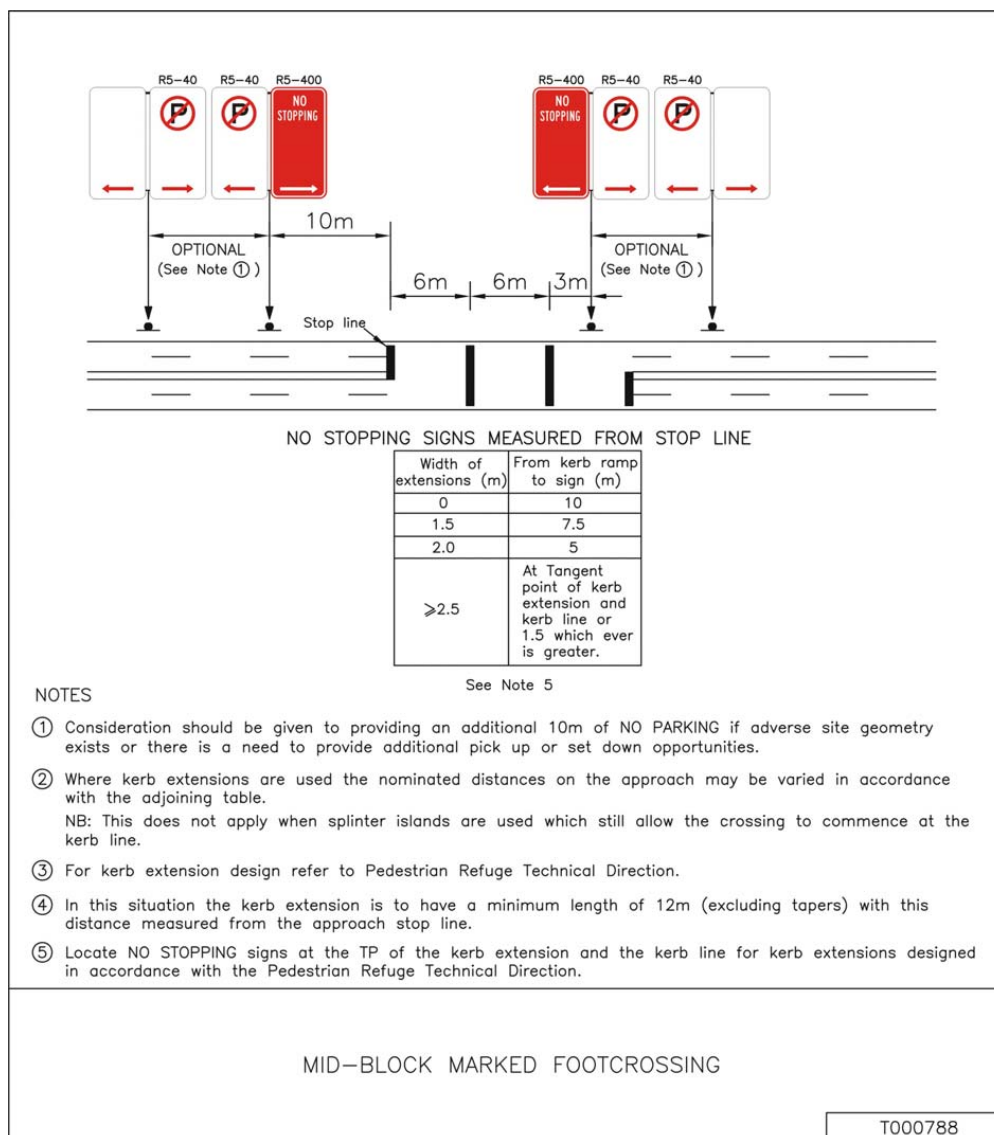


Figure 2

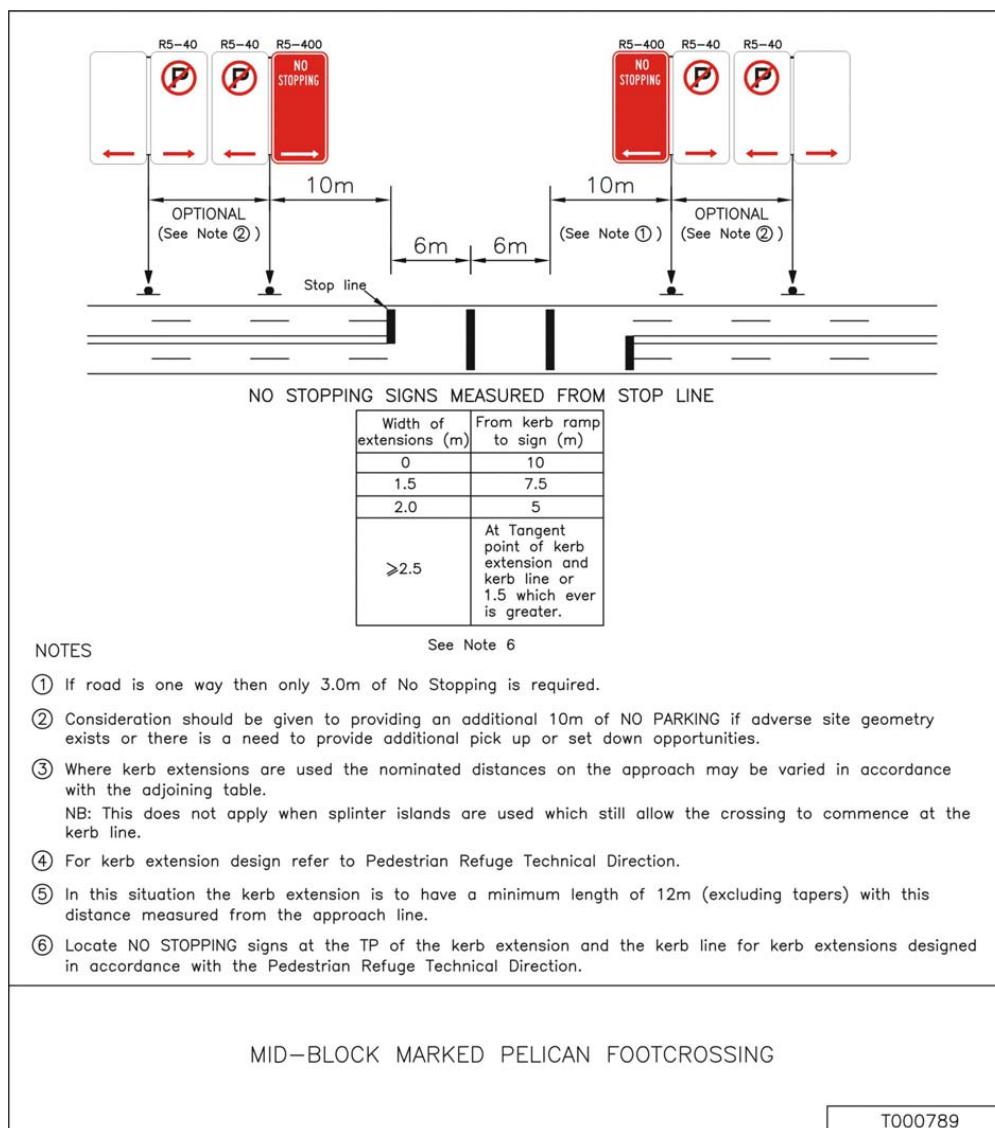


Figure 3

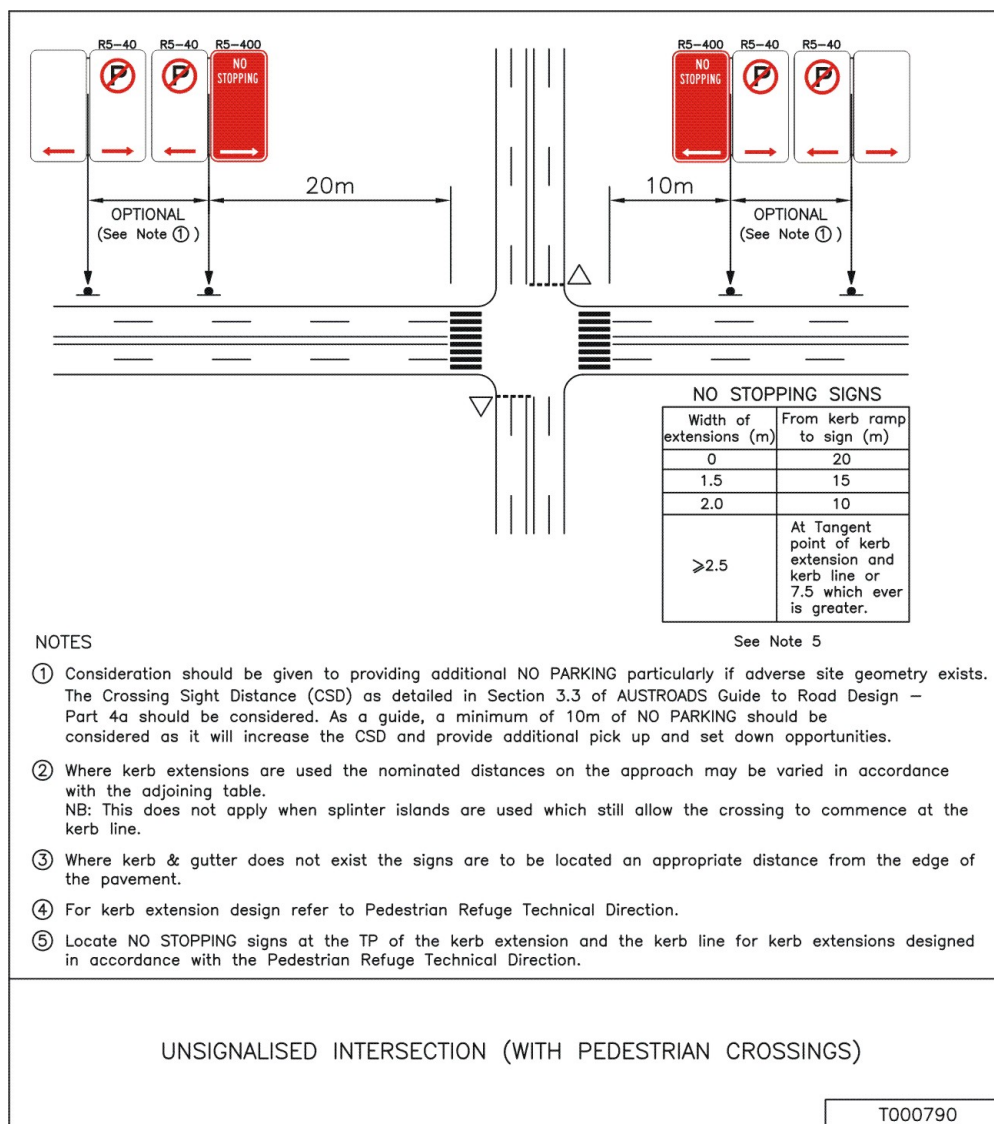


Figure 4

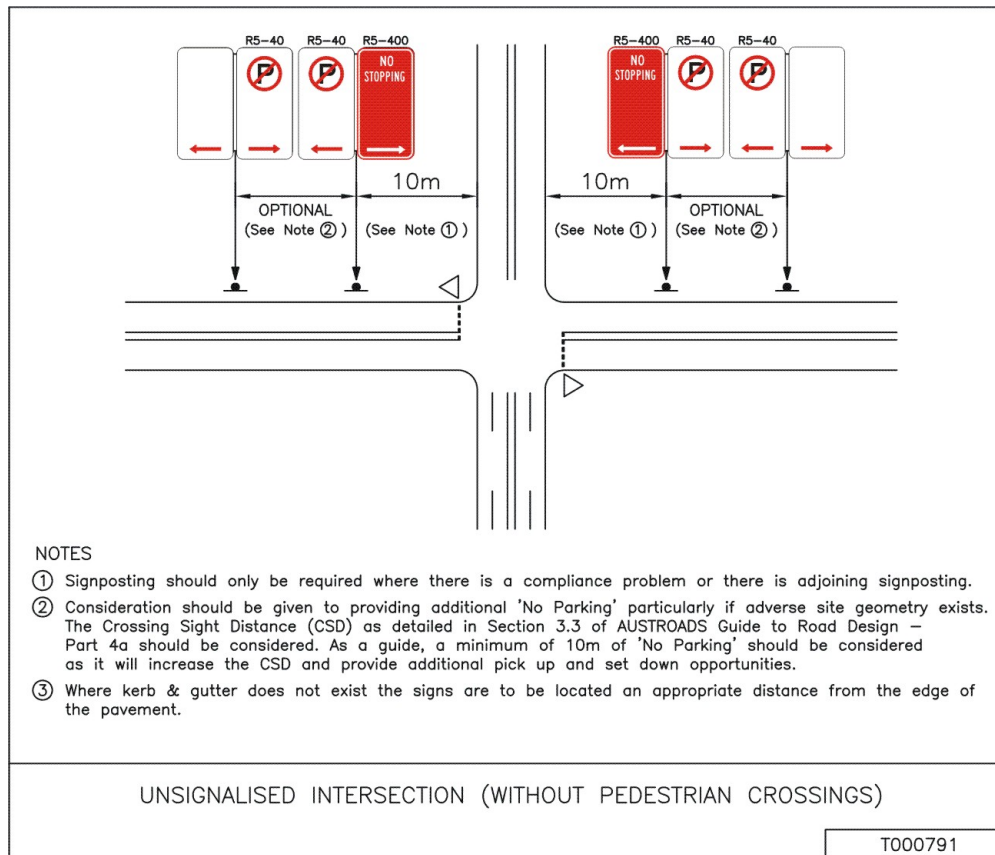


Figure 5

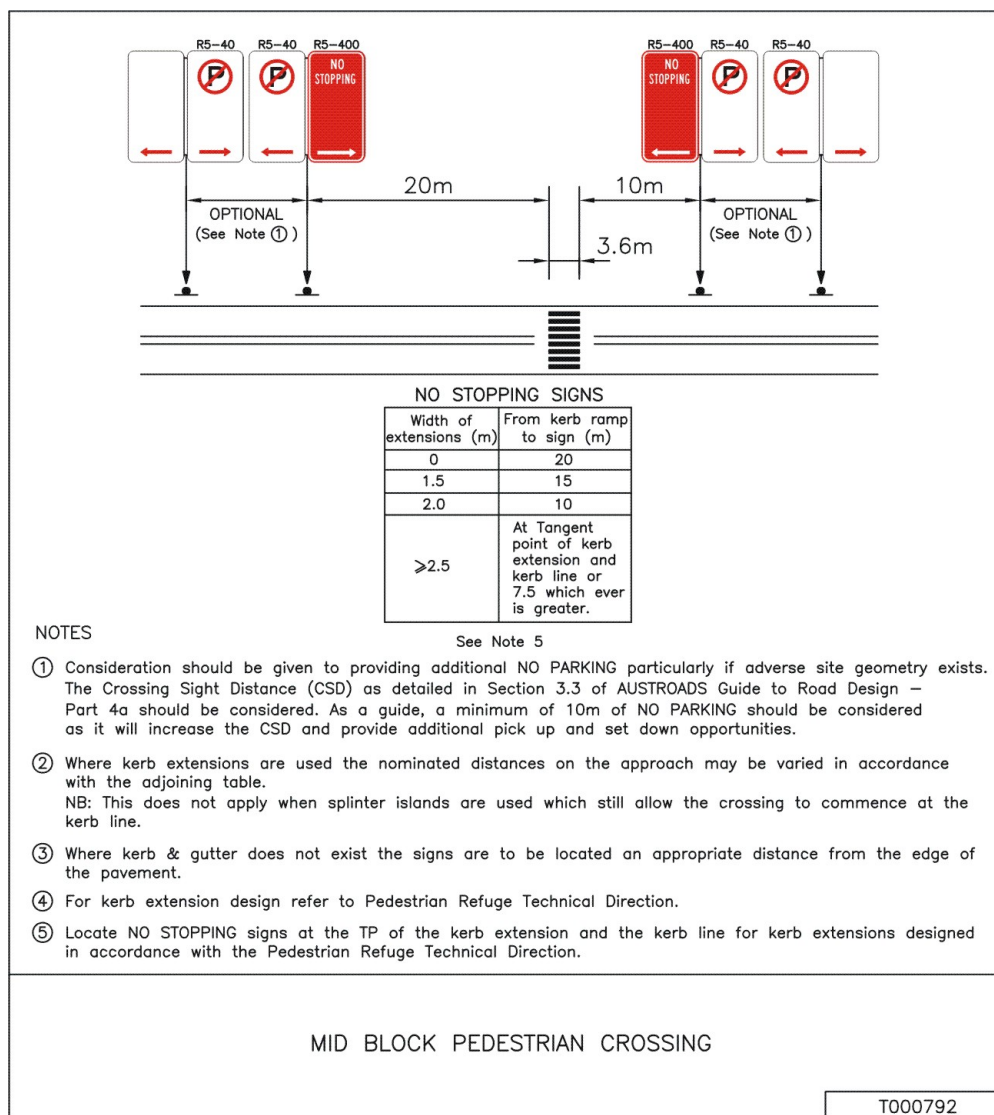


Figure 6

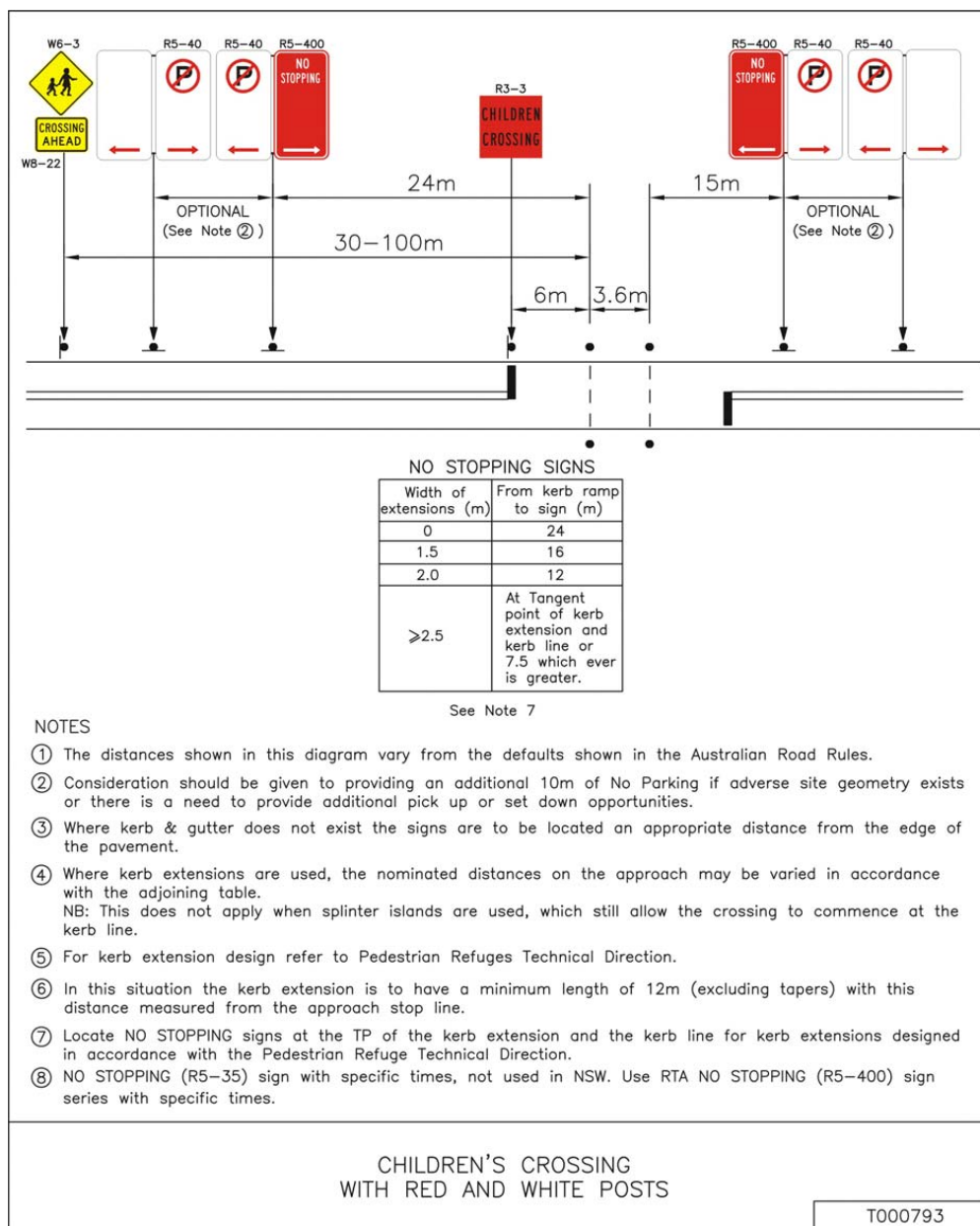
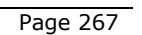
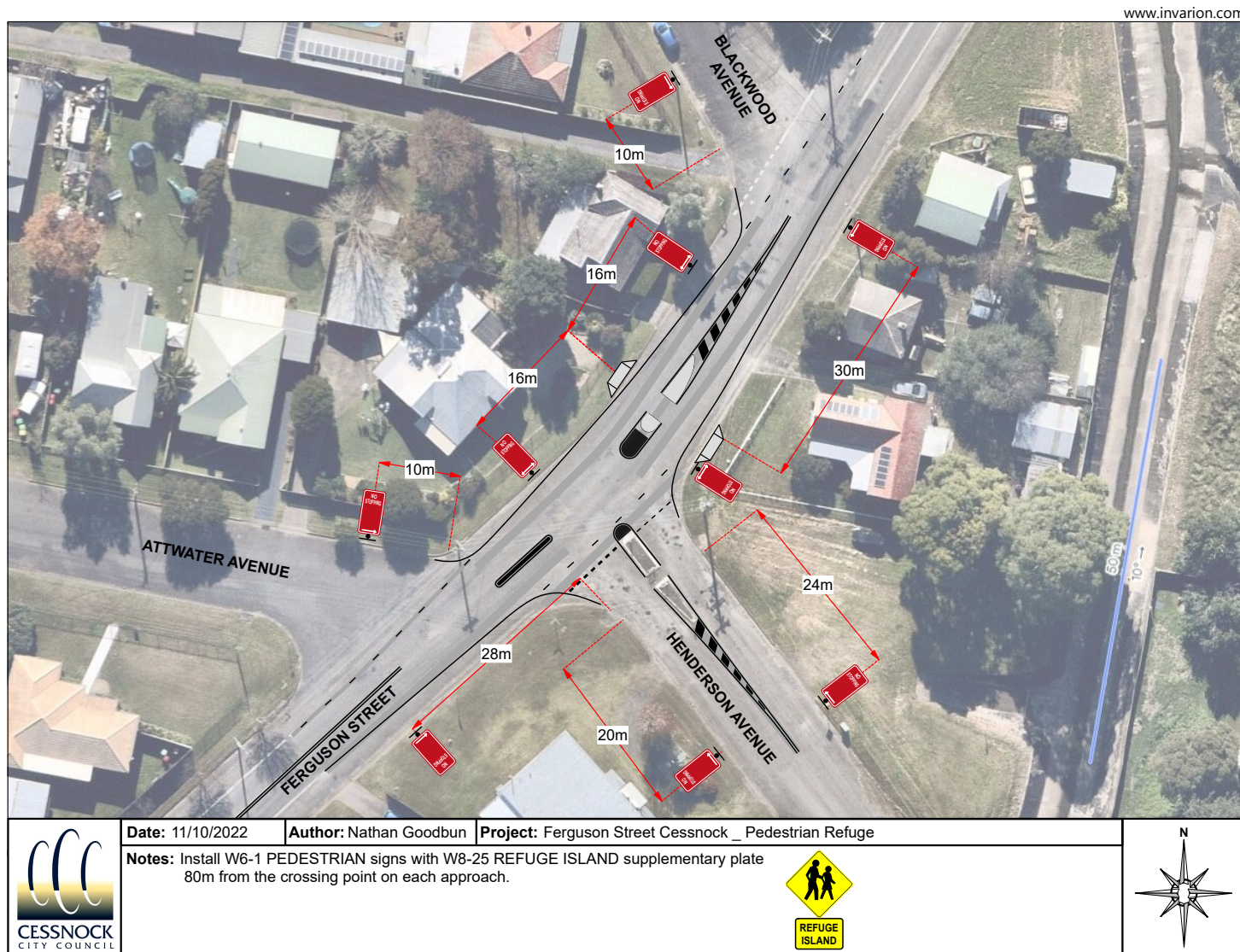
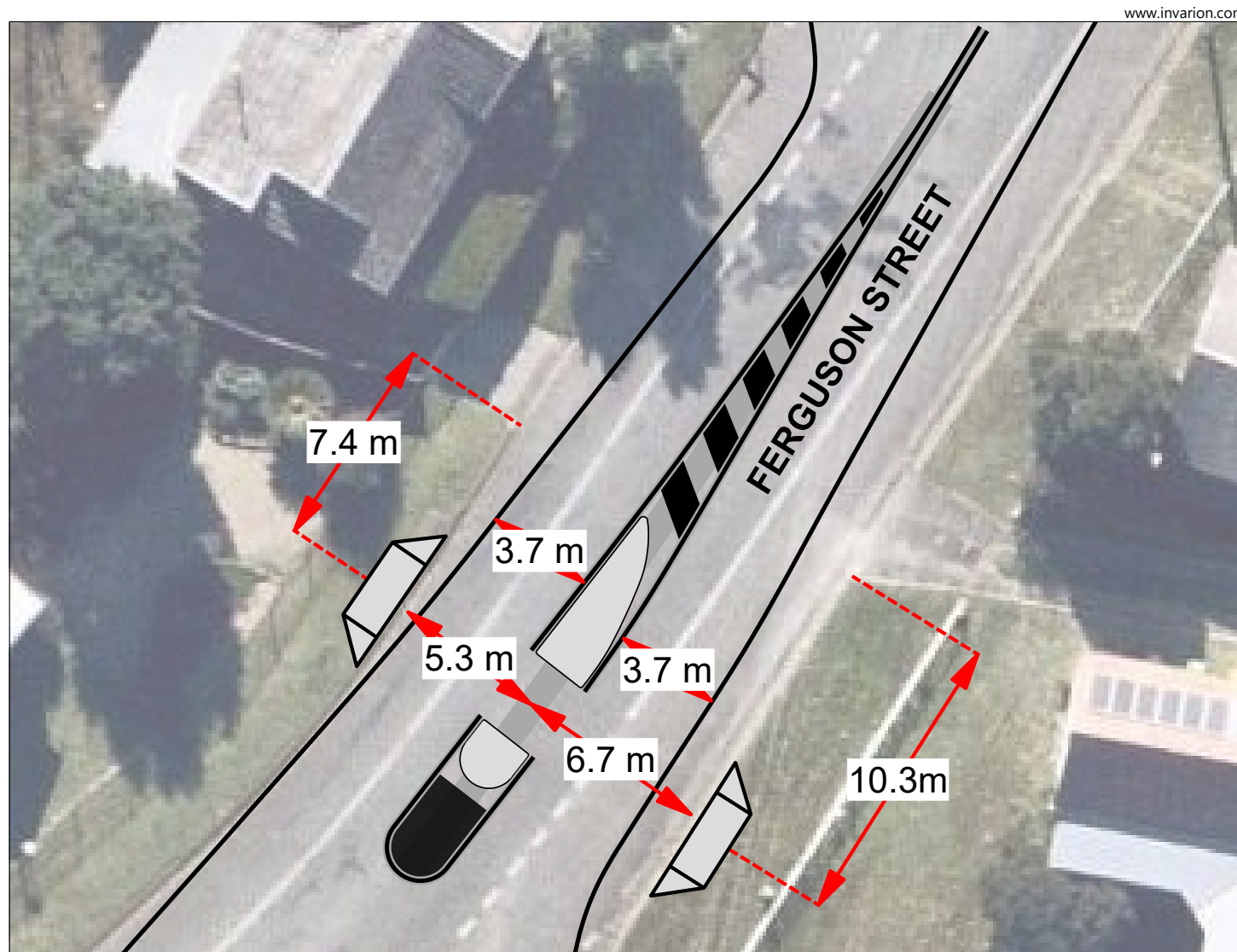


Figure 7







<h1>Technical direction</h1> <p>For traffic and transport practitioners</p> <p>POLICY – GUIDELINES - ADVICE</p>	 Transport Roads & Traffic Authority
Published JUNE 2011 Supersedes/Amends TDT 2011/01	TDT 2011/ 01a

PEDESTRIAN REFUGES

(Supplement for narrowing or widening of roads at Pedestrian Refuges)

BACKGROUND

The provision of safe and effective pedestrian facilities is an integral component of the RTA's commitment to facilitating and encouraging people to walk as a healthy alternative to using cars, especially for short trips.

This *Technical Direction* deals with pedestrian refuge design that incorporates options for road widening or road narrowing (kerb extension) at refuge islands as appropriate and can be applied consistently to a variety of road cross sections across NSW. Separate pedestrian refuge designs have been prepared for two lane two-way and four lane two-way roads.

Details of pedestrian refuges not requiring road widening or road narrowing can be found in Australian Standard AS1742 and the relevant RTA Supplement.

OBJECTIVES

The objectives of this *Technical Direction* are:

- To provide clear guidance for the design of pedestrian refuges with road widening or road narrowing (kerb extension) throughout NSW; and
- To improve consistency in the design and appearance of pedestrian refuges throughout NSW

SCOPE

This *Technical Direction* applies to the design and construction of all new Pedestrian Refuges throughout NSW requiring road widening or road narrowing (kerb extension).

Distribution List:

Director, Infrastructure Services; Director, Commercial Services; Director, NSW Centre for Road Safety; Traffic Management and Road Safety staff; and Traffic Signal design staff.

For further enquiries

www.rta.nsw.gov.au | E technical_directions_publication@rta.nsw.gov.au

Amendment: Usage of TD clarified. Minor corrections made to Figures 2 & 4
Approved: R W O'Keefe Mgr Traffic Policies, Guidelines & Legislation / June 2011
RTA/Pub. 11.190

UNCONTROLLED WHEN PRINTED

I (7 pages)

PRACTICE

All new pedestrian refuges should be designed and constructed in accordance with the following practice as stated

- Pedestrian Refuges with no road widening or road narrowing use RTA supplement for *Australia Standards 1742 – Manual for Uniform Traffic Control Devices* (Part 10), RTA supplement for *Austrroads Guide to Traffic Management* (Part 6) and RTA supplement for *Austrroads Guide to Road Design* (Part 4)
- Pedestrian Refuges with road widening or road narrowing (kerb extension). Figure 1, 2 3 & 4 illustrate options to accommodate the pedestrian refuge as appropriate and Figure 5 illustrates the Island Detail.
- It is recommended that kerb extensions be used to narrow the road at the pedestrian refuge island, whenever possible. The use of kerb extensions reduces the length of crossing for pedestrians, generating increased crossing opportunities and facilitates a reduction in the length of *No Stopping zone* required.
- Kerb ramps are to be constructed in accordance with the RTA's model drawing, MD.R173.B01.A.1 – Kerb Ramps.
- The length of No Stopping zone required to maintain adequate sight distance and swept path through the refuge island may be reduced if kerb extensions and incorporated in conjunction with the pedestrian refuge, see No Stopping Signs Table in Figure 1, 2, 3 & 4.
- To maintain consistency throughout NSW, all sign posting and line marking at pedestrian refuges with road widening or road narrowing (kerb extension) must be installed strictly in accordance with this *Technical Direction*.

ACTION

This *Technical Direction* is to be adopted and applied as the standard design for pedestrian refuges with road widening or narrowing (kerb extension) across NSW.

UPDATES

To ensure that this *Technical Direction* and any related guidelines remain current and relevant, minor updates may be made from time to time. Any updates may be obtained from the RTA website using the Traffic & Transport Policies & Guidelines Register which can be found at:

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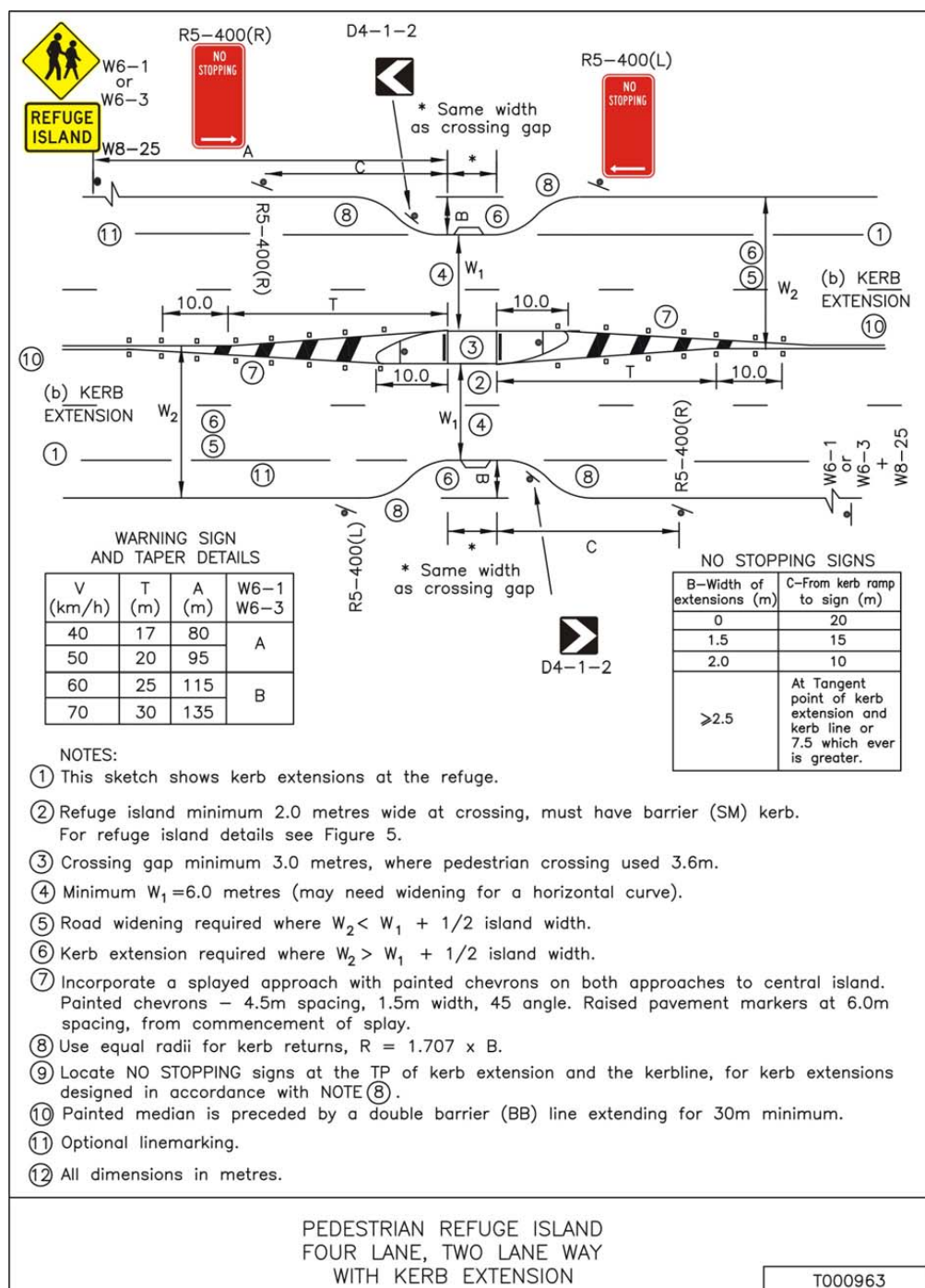


Figure 1

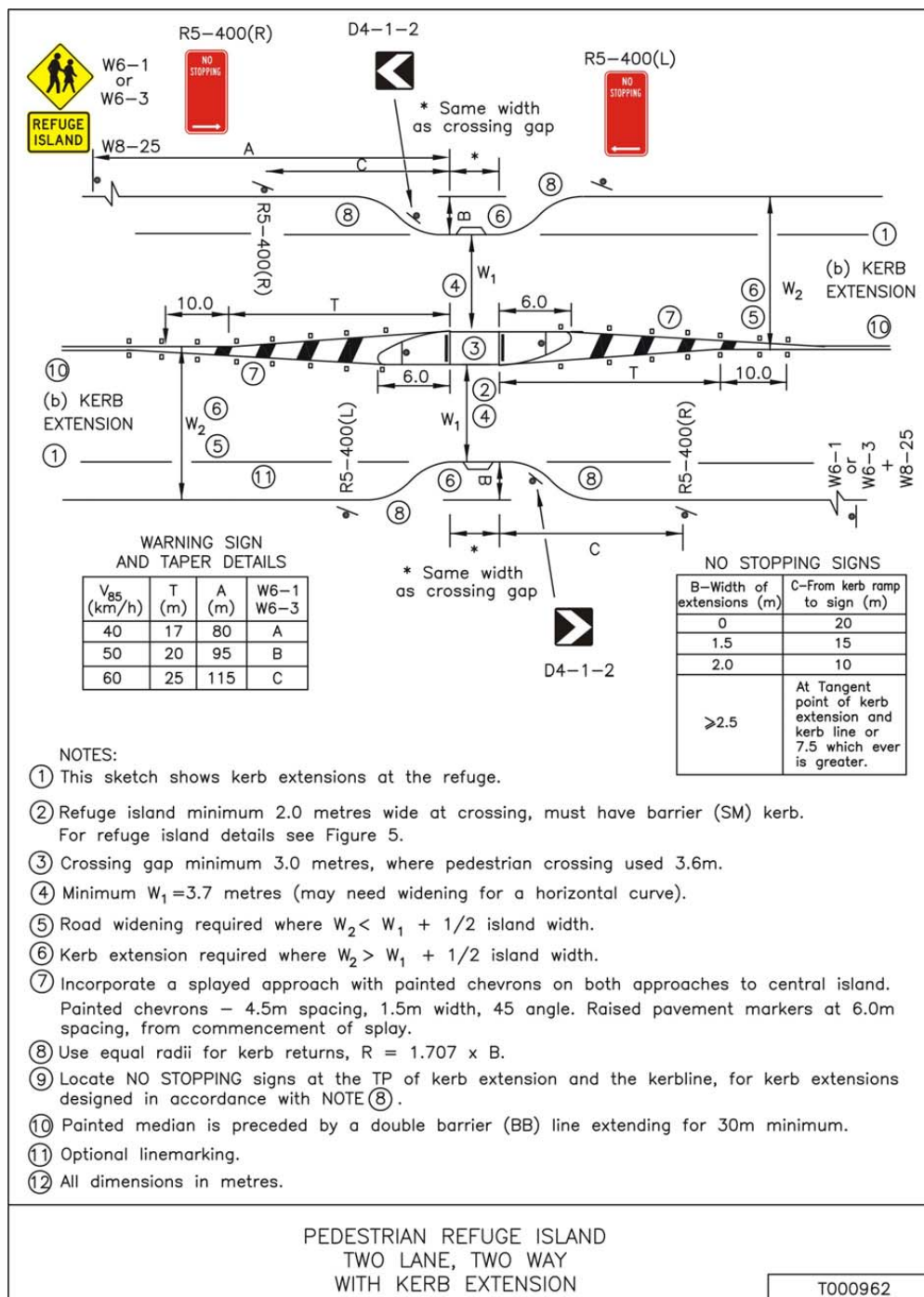


Figure 2

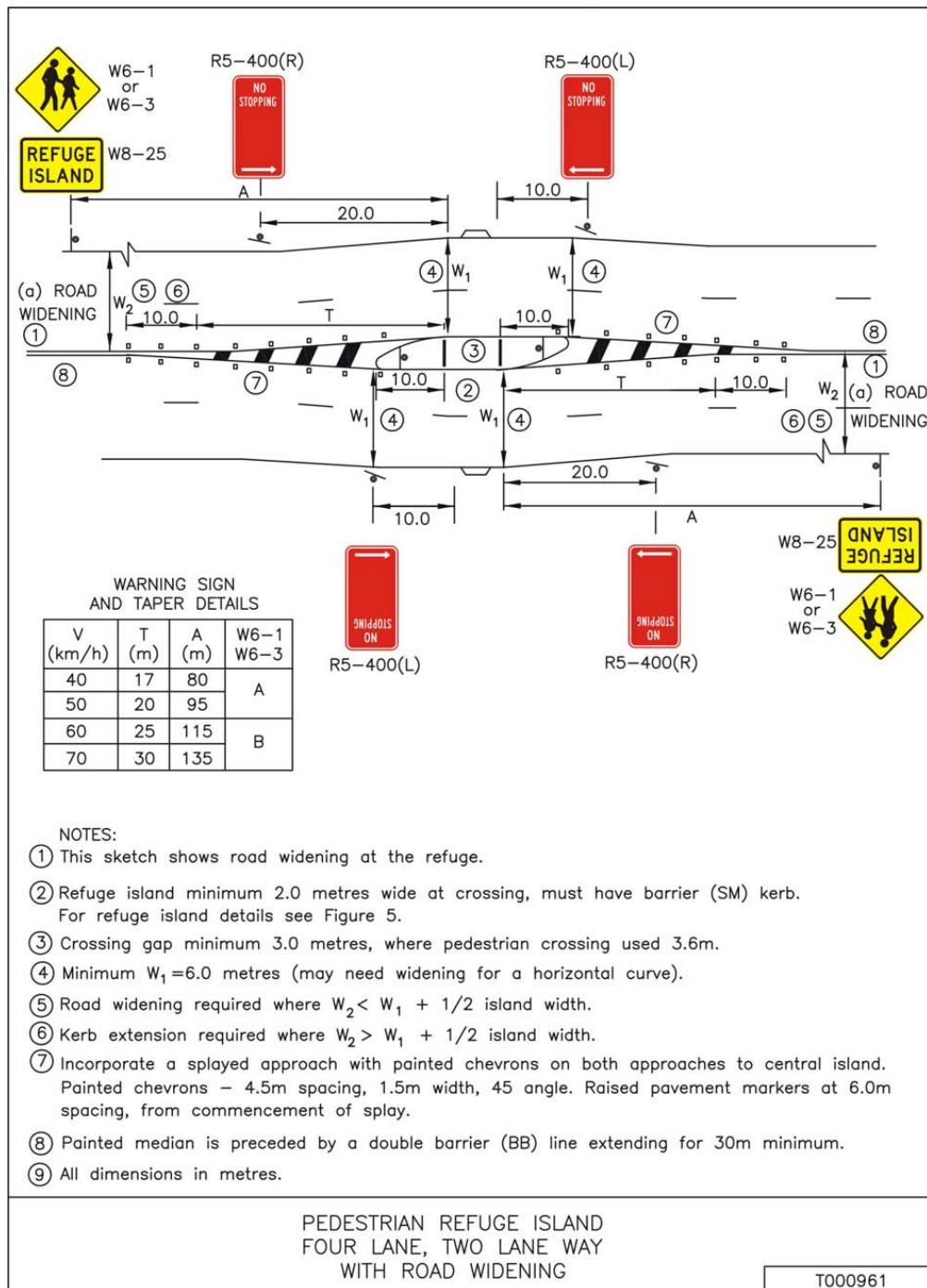


Figure 3

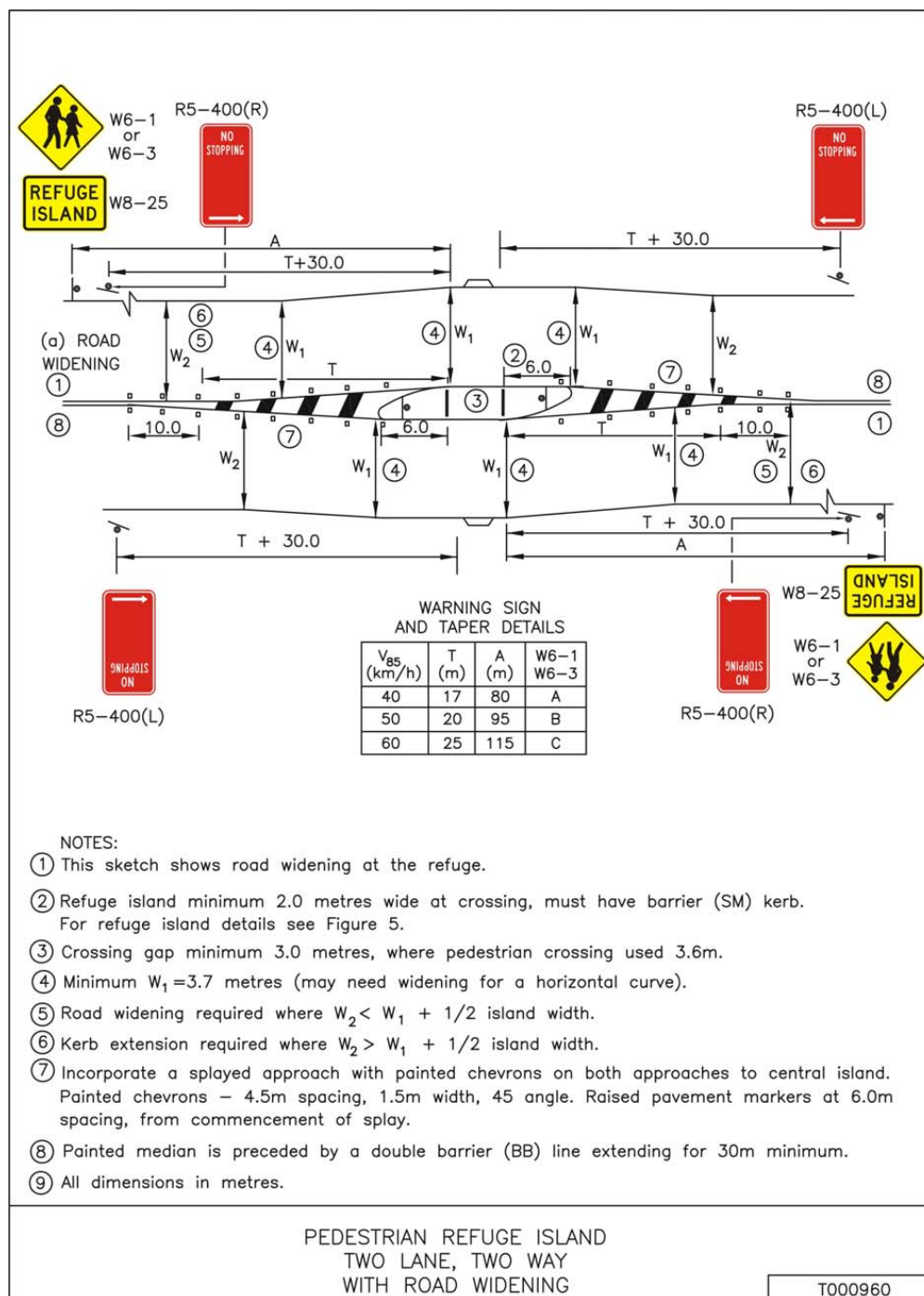


Figure 4

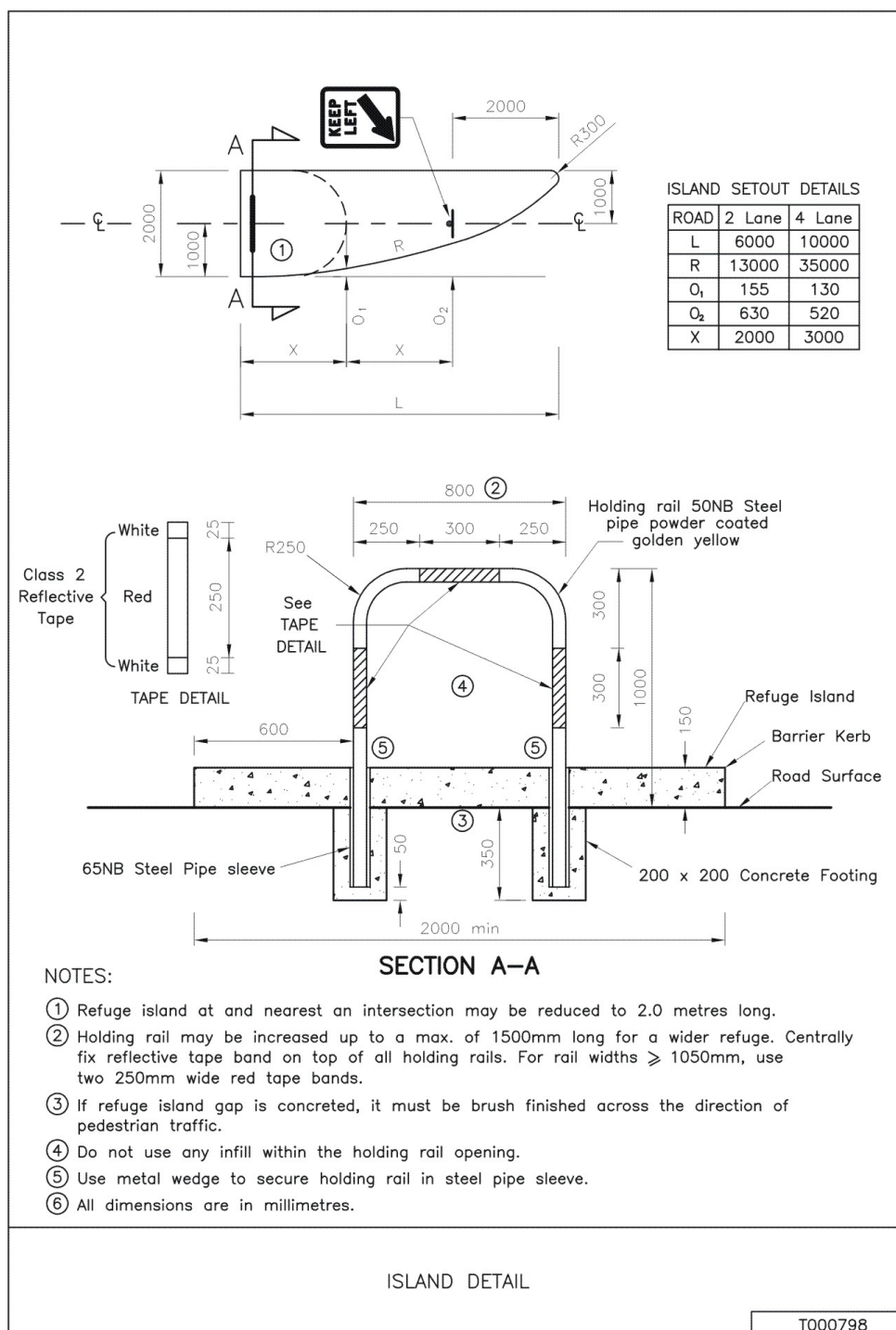
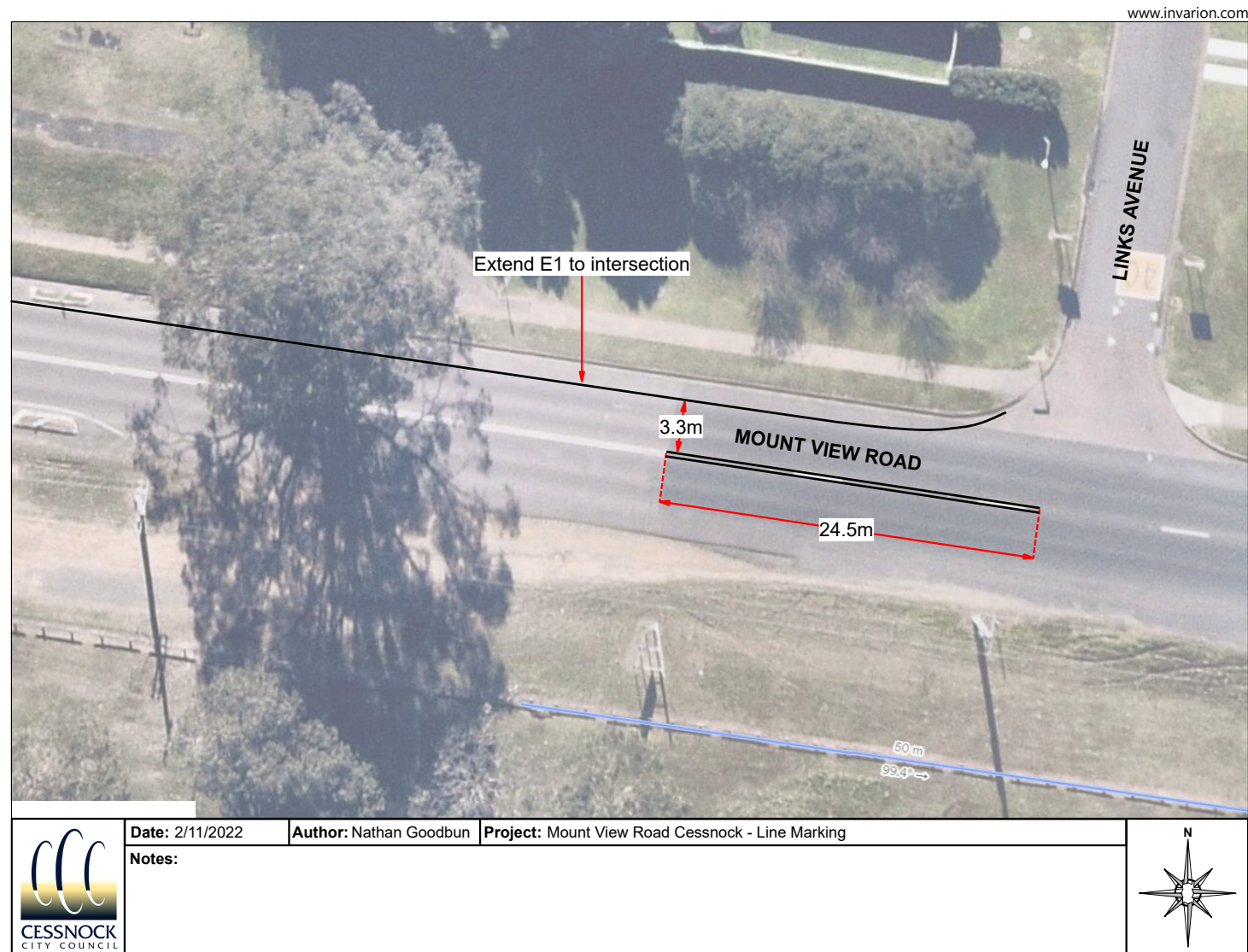
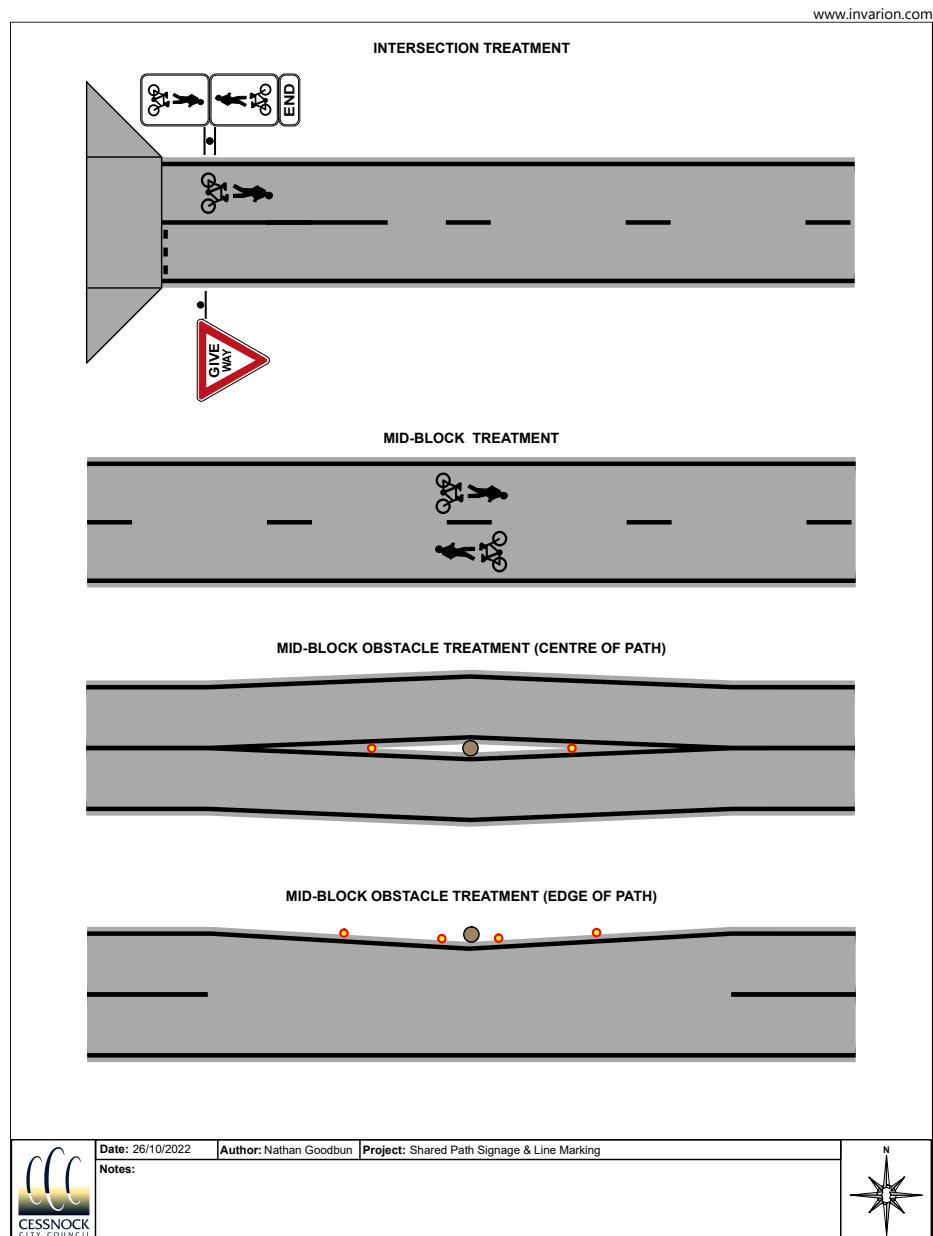
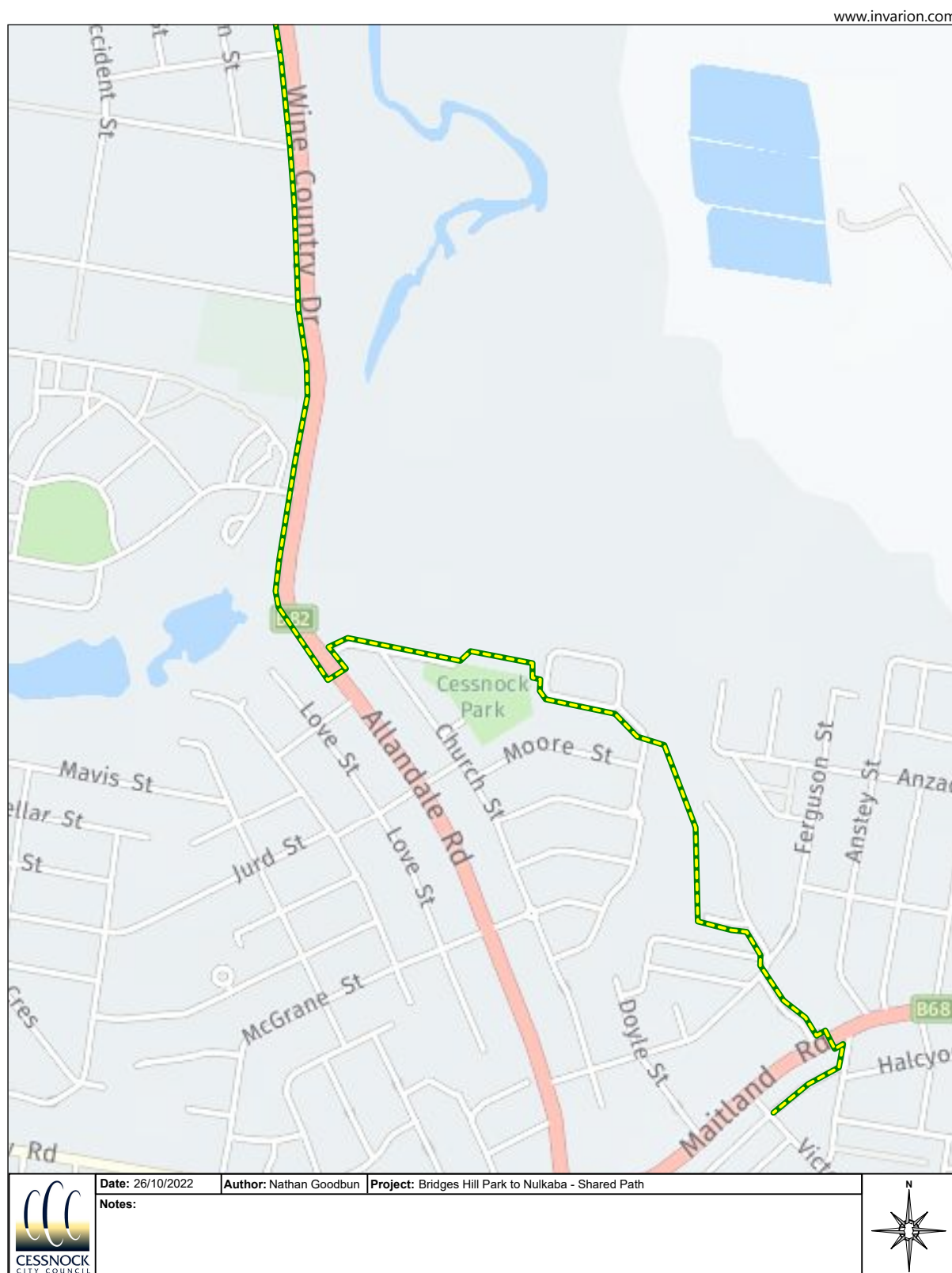


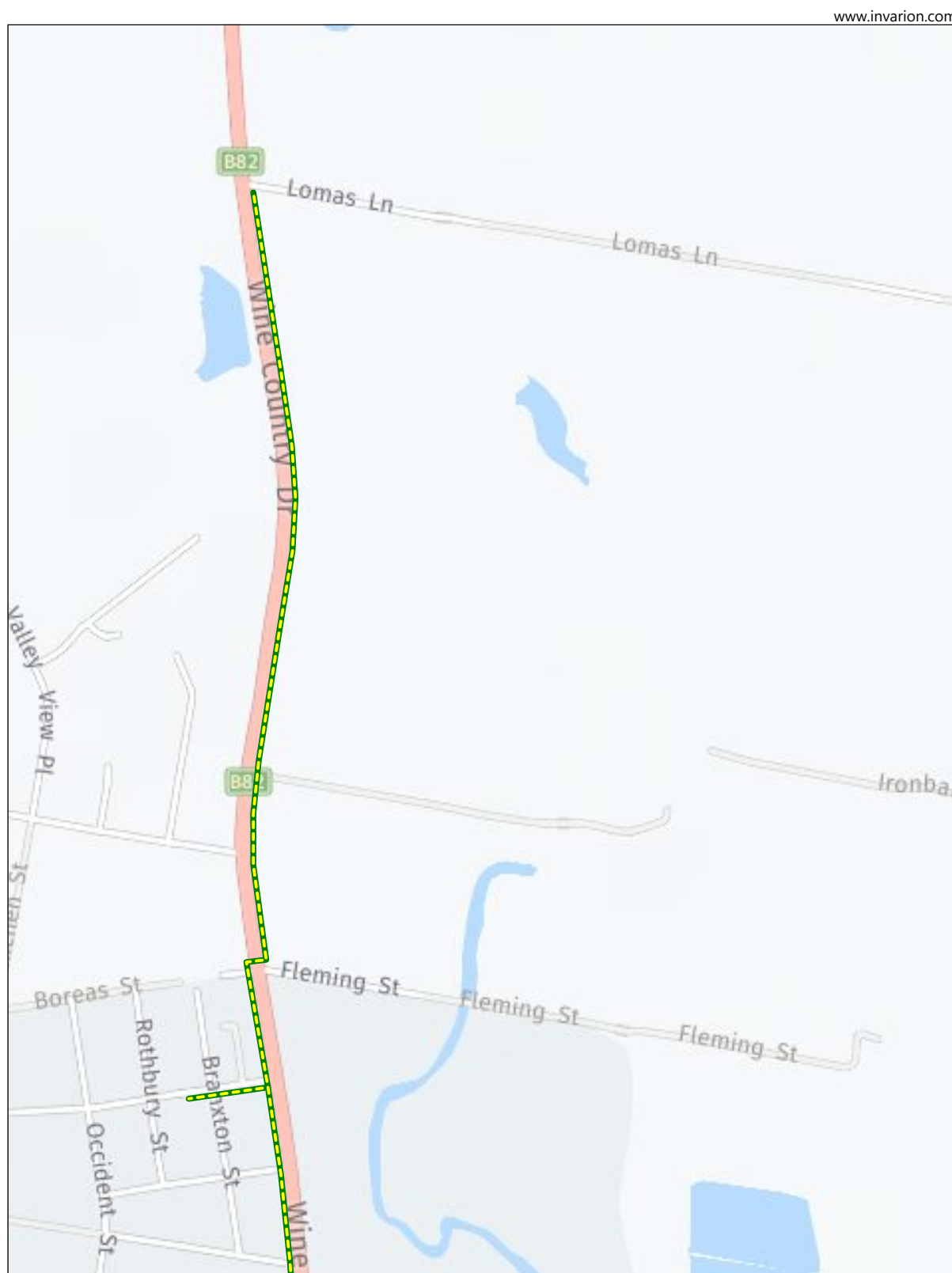
Figure 5





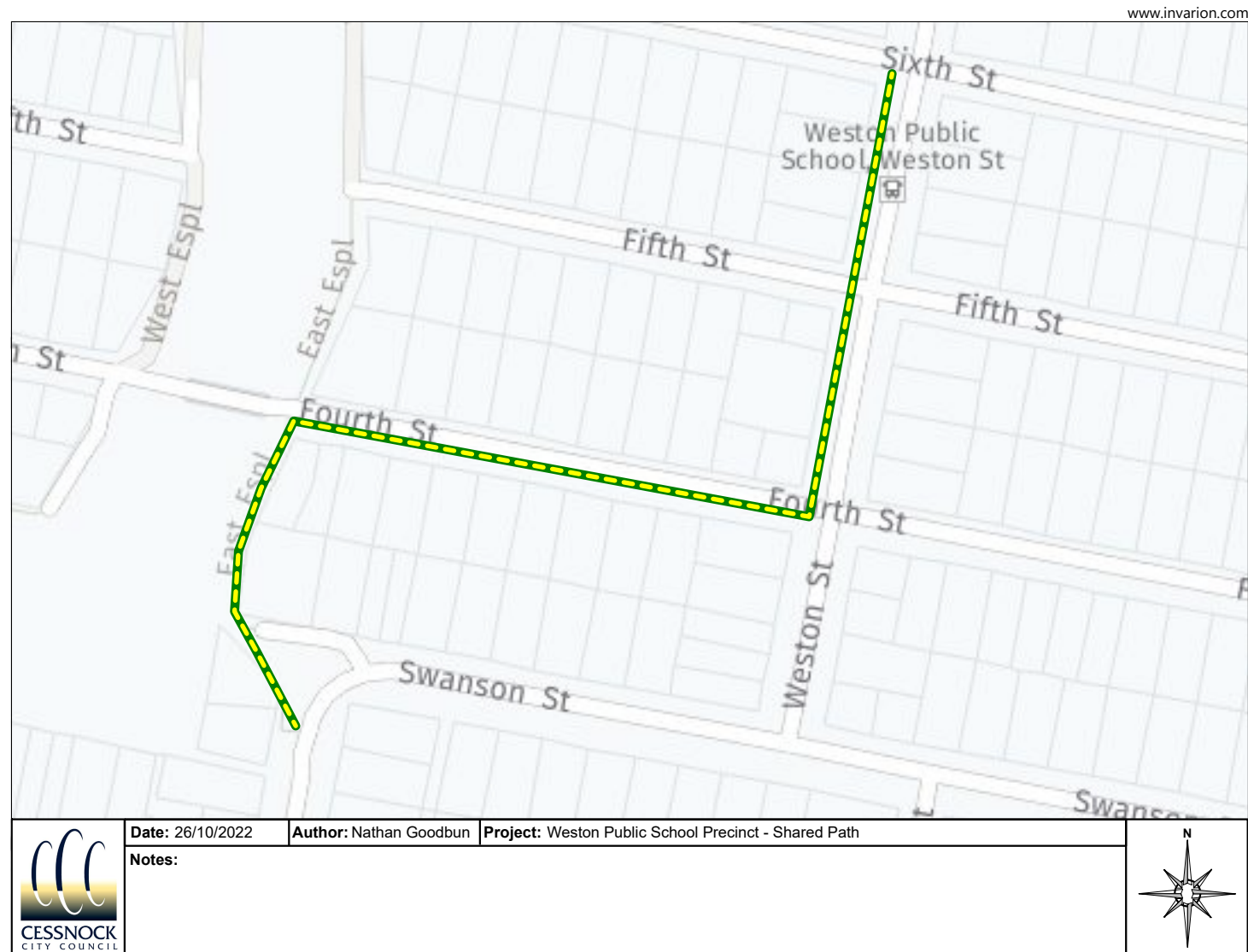


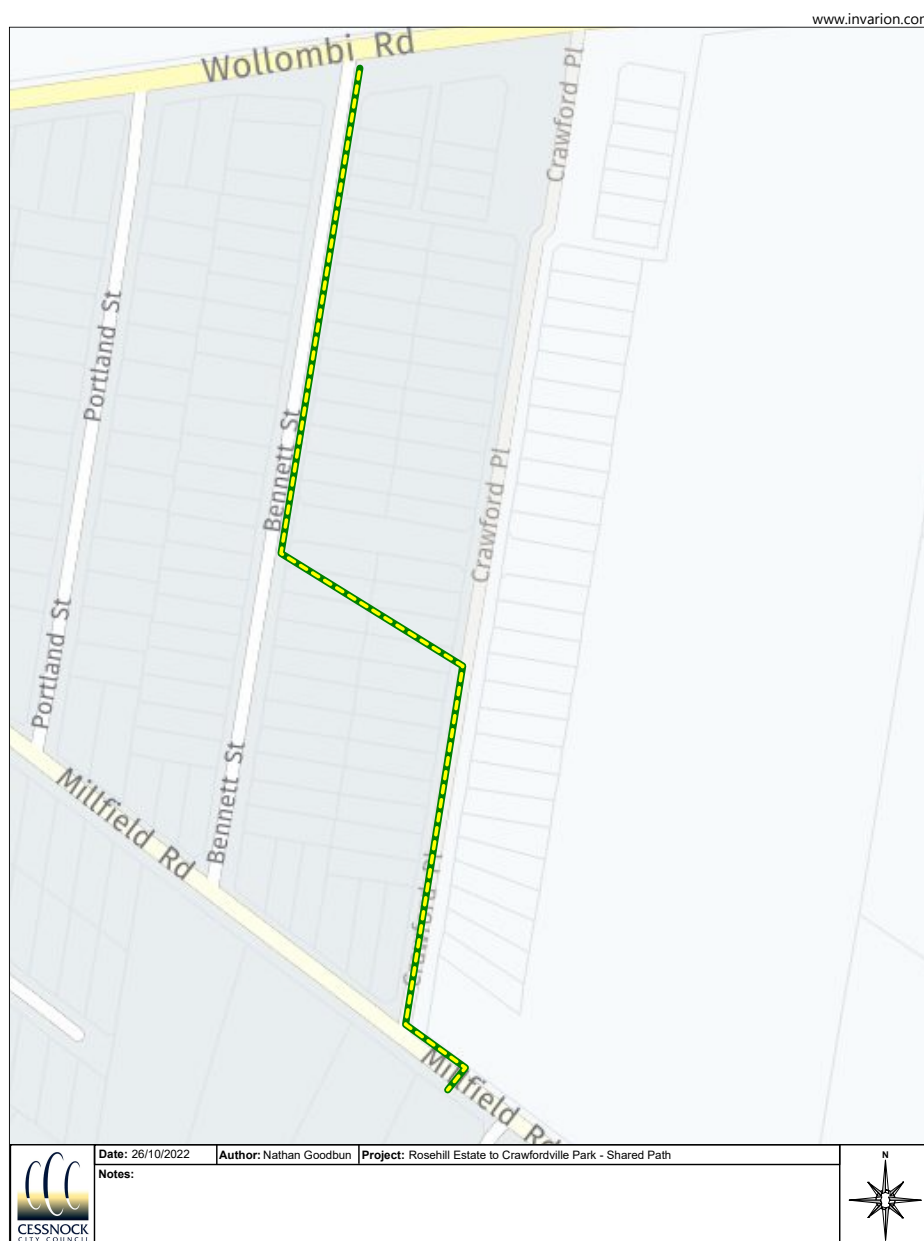


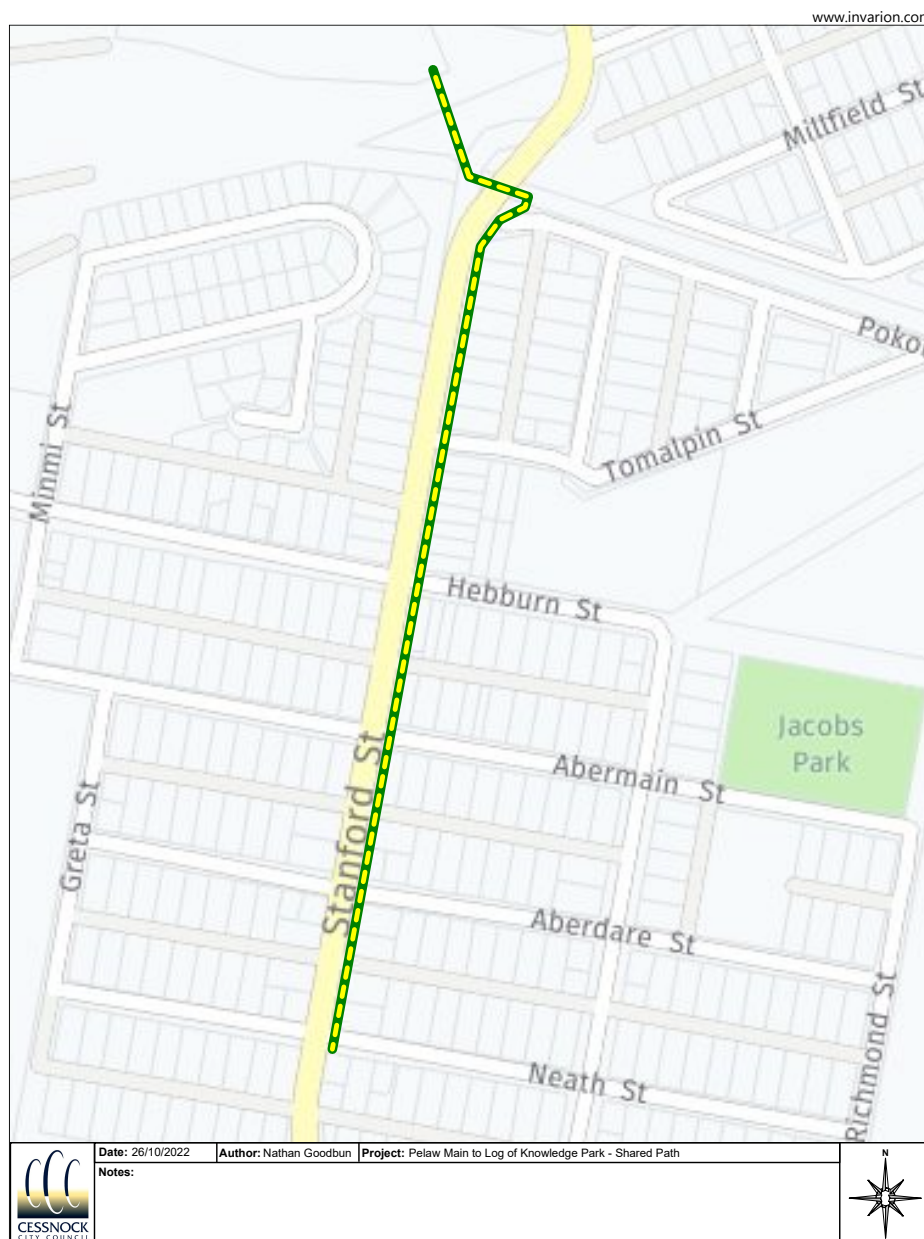


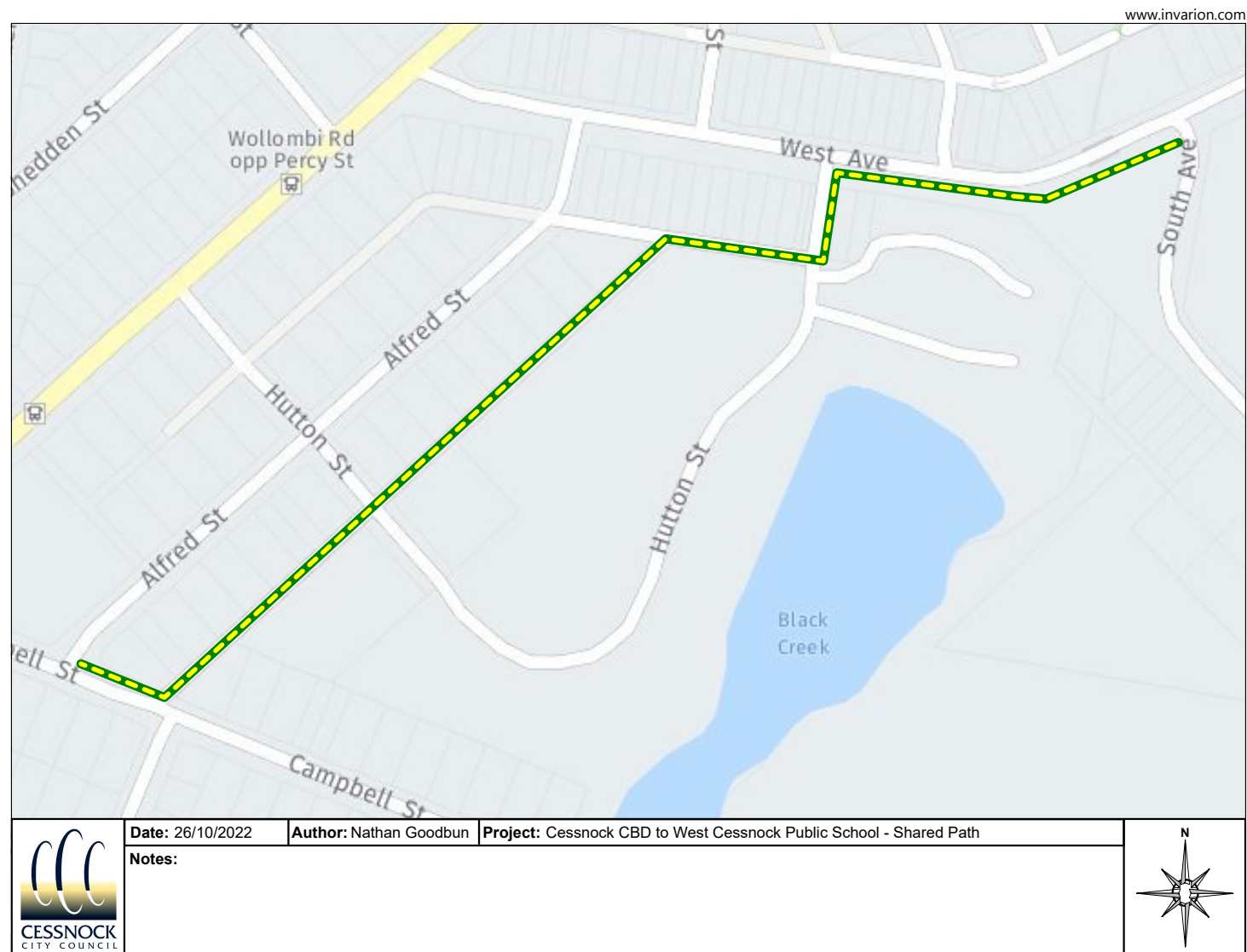


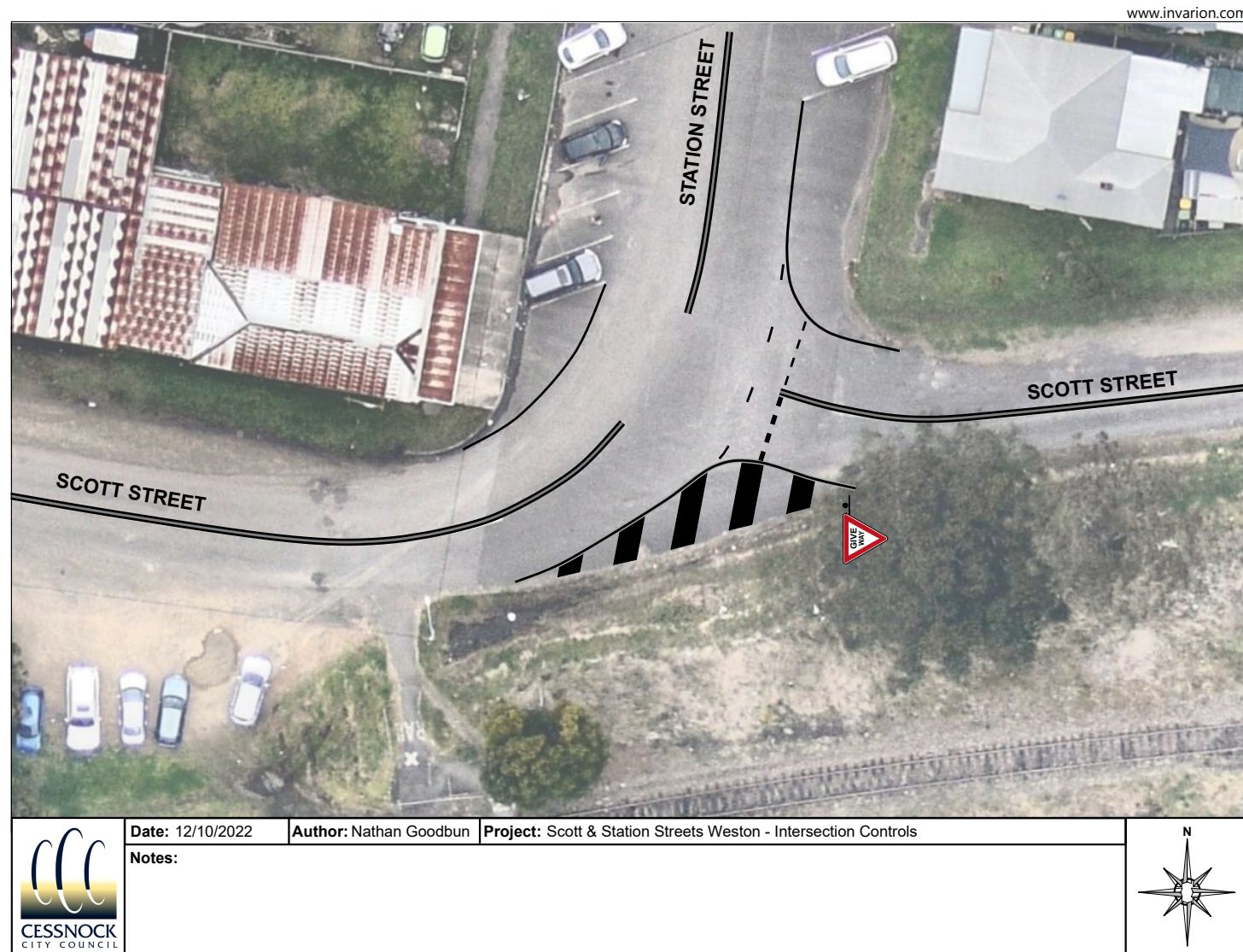














Local Traffic Committee

Terms of Reference

These Terms of Reference are to be read in conjunction with the Roads and Maritime Services *Guide to the delegation to councils for the regulation of traffic*, Version 1.3 March 2009.

All references in this document relate to the guide specified above.

1. Role of the Local Traffic Committee

Ref: Section 5 – Local Traffic Committee

The role of the Local Traffic Committee (LTC) is to consider regulatory traffic control devices and facilities, for which Council has delegated authority. The Council must refer all traffic related matters to the LTC prior to exercising its delegated functions.

Matters related to State Roads or functions that have not been delegated to the elected Council must be referred directly to Roads and Maritime Services or relevant organisation. Such matters must not be referred to the LTC.

The LTC is not a committee within the meaning of the Local Government Act, 1993: it is formed and operates in accordance with the RMS *Delegation to Council for the Regulation of Traffic*. The LTC has no decision-making powers, being primarily a technical review committee. All proposals recommended by the LTC must be formally adopted by the elected Council (or their sub-delegate), in accordance with the RMS delegation.

The objective of the LTC is to consider the technical merits of reports, researched by Council Officers, to ensure that recommendations consider specific site conditions and meet current technical standards and guidelines.

Council may, on occasion, wish to utilise the knowledge and experience of LTC members to consider traffic issues not requiring the exercise of its delegated functions. These items should be dealt with informally, and not as formal items requiring consideration by the LTC.

Delegation of functions:

Ref: Section 3 – Delegation of Functions

Traffic control facilities and prescribed traffic control devices may be authorised for use on a road or road related area, whether a public road or on private land, only by the RTA or Councils. In addition, traffic may be regulated for various purposes by means of notices or barriers erected by a roads authority.

A Council can regulate traffic for the specific reasons set out in Division 1 of Part 8 (Section 115) of the Roads Act, 1993 such as carrying out work on a road, etc. whereas the RTA can regulate traffic for any purpose.

If a Council wishes to regulate traffic for purposes other than those specified in Division 1 of Part 8 (Section 115) of the Roads Act, 1993, (e.g. for amenity reasons) it must seek the advice of its Local Traffic Committee.

The procedures for regulating traffic covering road closures, traffic calming, etc. are detailed in Division 2 of Part 8 (Sections 116 to 119) of the Roads Act, 1993. The delegation of these functions is carried out by the RTA, issuing Councils the RTA document, Delegation to Councils – Regulation of Traffic

The functions delegated to Council in the Delegation are:

1. authorisation of prescribed traffic control devices covered under Division 1 of Part 4 (Sections 50 to 55) of the STMA.;
2. regulation of traffic under Division 2 of Part 8 (Sections 116 to 119) of the Roads Act.;
3. authorisation of special event parking schemes under Division 2 of Part 5 (Clauses 122 and 123) of the STMR on public roads other than classified roads.

Exercising Delegated Functions:

Ref: Section 4 – Exercising delegated functions

Councils may only exercise their delegated functions in accordance with the Delegation.

The Delegation requires Council to seek the advice of the NSW Police and the RTA prior to exercising their delegated functions. This is usually done via the LTC.

In cases where the LTC advice is unanimous, and Council intends to follow that advice, Council may authorise the implementation of the facility or device without further notifying the RTA or the NSW Police.

If the elected Council wishes to exercise a delegated function when the LTC advice is not unanimous, or the elected Council wishes to act contrary to unanimous LTC advice, then Council must notify in writing, both the NSW Police and the RTA representatives on the LTC.

Regional Traffic Committee:

Ref: Section 6 – Regional Traffic Committee

The purpose of the Regional Traffic Committee (RTC) is to deal with appeals from the RTA or the NSW Police members of the LTC on matters delegated to Councils.

The members of the RTC are:

- Independent Chairperson (appointed by the RTA with concurrence from the LGSA)
- LGSA nominee (usually a Local Government Engineer from the region)
- RTA representative (usually the Regional Traffic Manager)

It should be noted the LGSA and RTA representatives merely provide advice as required by the Chairman. In addition, nominees of the NSW Police, Council and the local State MP may attend as observers.

When a notice of appeal and relevant information is lodged with the RTC, the Chairperson will convene a meeting and the appeal matter is discussed. The Chairman shall determine who, if anyone, shall be permitted to address the appeal based on the documented evidence presented by each party prior to the Appeal. Generally the members of the RTC and each party to the appeal attend the meeting only.

The decision of the Chairperson, RTC in regard to such matters is final, except in matters relating to the Roads Act, 1993, wherein Council may further appeal to the Minister for Roads.

2. Membership of the Committee

Ref: Section 5.2 – Members

Members:

The Committee will comprise four formal members:

- One representative of Council;
- One representative of the NSW Police;
- One representative of the Roads & Maritime Services (RMS); and
- The local State Member of Parliament (MP) or their nominee.

The Council's representative may be a Councillor or Council officer. The Council representative may be a sub-delegate if formally approved by Council.

Advisors:

The Council, in consultation with the formal members, may also decide to have additional informal (non-voting) advisors in attendance, which can provide technical input. Advisors may include:

- Council's Infrastructure Manager,
- Council's Road Safety Officer,
- Council's Traffic Engineering Officer,
- Council's Traffic Engineer,
- Transport for NSW representative,
- Emergency Services representatives,
- Transport operator representatives (bus, taxi),
- Transport Workers Union representative, and
- Chambers of Commerce representatives.

Council Officers will consult with Transport for NSW where public passenger transport matters are affected.

Informal advisors are only required to attend the LTC meeting when the items appear on the Agenda which affect their area of expertise or responsibility. The informal advisors of the Committee are not entitled to a vote.

Chair:

The Chair of the LTC is to be the Council representative, as determined by the Council from time to time. In the case of absence, the alternate representative will chair the meeting, or if unavailable, the members may elect an alternate Chair.

Voting:

Ref: Section 5.3.6 - Voting

Although each of the four member organisations may choose to send one or more representative to meetings, the organisation will be limited to one vote only.

As RMS and the NSW Police have the power to appeal certain decisions of the Council, the LTC cannot provide its advice to Council until both the RMS and the NSW Police have provided their vote on the issue.

In order for a recommendation to be valid, there is no requirement to move or second any item presented to the committee for consideration.

A quorum is not required, however technical reports and recommendations must be considered by the four formal members and comments with the results of individual technical review provided for tabling prior to the meeting, or subsequently for inclusion in the Minutes.

Appeals:

Ref: Section 5.4 - Appeals

If Council decides to proceed with a proposal where the advice of the LTC is not unanimous support, or a unanimous decline, then the Council must first advise the RMS and the NSW Police representatives in writing of their intention to approve the proposal. The RMS or the NSW Police may then lodge an appeal to the Regional Traffic Committee (RTC).

Flowcharts of this process are provided in the *Guide to the delegation to councils for the regulation of traffic, Appendix A*.

3. Term of Membership

The term of membership is ongoing or as appointed by the organisation being represented. The term of Chair and Deputy Chair appointed by Council from elected representatives is the term of Council.

4. Coordination

Council's Infrastructure Section will coordinate and facilitate the Committee. The role of the section will be to:

- prepare technical reports with recommendations,
- distribute invitations and the agenda,
- Convene meetings, and facilitate discussion in consultation with the Chair,
- take and distribute minutes to members for concurrence, and
- submit minutes for inclusion in the Council Business Paper for adoption by Council.

5. Meetings and Quorum

Ref: Section 5.3 - Meetings

Meetings will be conducted as required on the third Monday of the month, subject to preparation of technical reports and recommendations.

A quorum is not required, however technical reports and recommendations must be considered by the four formal members and comments with the results of individual technical review provided for tabling prior to the meeting, or subsequently for inclusion in the Minutes.

Acceptable alternative meeting formats include:

- Electronic meetings – where the advice of the members is sought via email or telephone/video conferencing. This allows items to be considered as they arise and may reduce response time.
- A combination of electronic (for minor issues) and face-to-face meetings. This allows minor issues to be addressed between meetings. The response time for minor issues may be reduced using this format and this format can result in shorter face to face meetings. It may even be possible to increase the interval between meetings.

6. Agendas, minutes and reports

Ref: Section 5.3.2 - Agendas, Minutes and reports

The agenda will be distributed to Committee members and attendees one week before the scheduled meeting to allow members to fully consider the issues and determine their response of each item.

The LTC agenda will only consider items which require the Council to exercise its delegated functions, that is Legislative or Regulatory prescribed traffic control devices and facilities. If no action is required, or advice only is being sought, or the issue does not require the exercise of delegated functions, then the issue will not be included in the LTC agenda. Such issues will be dealt with as general traffic advice.

Items that are not on the agenda will only be considered if the Council has referred the issue and Council Officers have been able to prepare a report on the proposal in the normal manner. Items raised without notice/report must be referred to the next LTC meeting (or dealt with separately between meetings) if any member of the Committee requests time to consider the issue.

Under Business Arising from the Previous Minutes, a Council Officer of the Traffic & Transport unit will summarise the final decisions made by the elected Council on the recommendations of the previous meeting.

As the LTC is principally a technical review committee, the Chair will ensure due consideration and debate when considering a proposal.

Draft Committee Meeting Minutes will be distributed for review and concurrence of the members. Once final, Minutes will be submitted in the Business Paper to Council for adoption at the next available Council meeting.

7. Site Visits

Ref: Section 5.3.3 – Site Visits

It is recommended that members of the LTC should undertake a site visit prior considering any proposal, either individually or in a group of all members of the LTC. Where this is not practical due to issues such as time or distance, then it is recommended that modern electronic alternative methods be used.

8. Public Participation

Ref: Section 5.3.4 Public Participation

The LTC considers the technical aspects of any proposal and makes a recommendation to Council. The merits of the scheme, from a public perspective, are the responsibility of the Council and thus the views of residents should be considered by Council rather than the LTC.

However, there is nothing preventing the LTC members from agreeing to allow residents, or other interested stakeholders, to address the committee, if it so chooses. In addition, the LTC members may agree to limit the number of public and/or media presenters on any particular item and/or place time limits on them. Any such constraints should be conveyed to the presenters at the time they are notified of the LTC's agreement for them to address the committee.

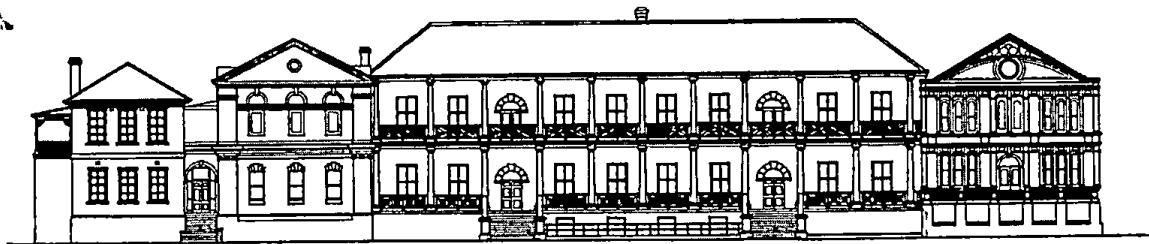
The LTC advice does not bind the council therefore this advice should not be released to the public until Council has agreed to exercise its delegated authority.

If Council has agreed to allow the public to be in attendance at the LTC meetings, the convenor must make it clear to the public attendee that the proposal still required an approval from the Council. This should be done after each item to cater for members of the public who may only attend the meeting for a specific item.

9. Further Information

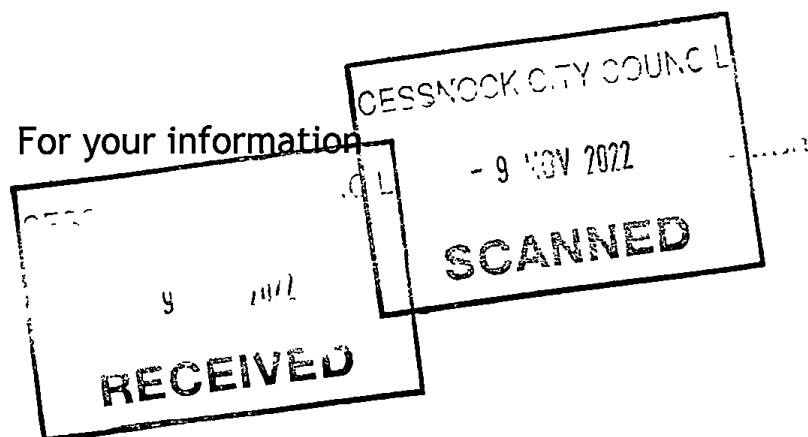
Further information may be obtained by referring to the RMS Guide to the delegation to councils for the regulation of traffic, which can be found at:

http://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-manuals/lcguidev13_i.pdf



8 November 2022

For your information



Forwarded with the Compliments of

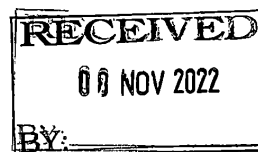

CLAYTON BARR, MP
STATE MEMBER FOR THE
ELECTORATE OF CESSNOCK

Electorate Office:
PO Box 242
Cessnock NSW 2325

Phone: (02) 4991-1466



Geoff Provest MP
Parliamentary Secretary for Police and Emergency Services



IM22/17820
M22/1(219)

Mr Clayton Barr MP
Member for Cessnock
PO Box 242
CESSNOCK NSW 2325

Via: cessnock@parliament.nsw.gov.au

Dear Mr Barr

I refer to your correspondence on behalf of Cessnock City Council to the Minister for Emergency Services and Resilience and Minister for Flood Recovery Steph Cooke, in relation to the accounting treatment of NSW Rural Fire Service (RFS) assets vested in councils. The Minister has asked me to respond on her behalf.

The Minister has previously received correspondence directly from Cessnock Mayor, Cr Jay Suvaal, regarding this matter and I have enclosed my response on her behalf for your information.

I am aware that a number of councils are concerned about this matter and specifically the Auditor-General's recommendations in the *Local Government 2021* report to Parliament. I note Cessnock City Council's resolution not to carry out stocktakes of RFS assets nor record these assets in its financial statements.

The RFS continues to value local government's significant contribution to the State's bush fire management and is committed to working in collaboration with councils in its Rural Fire Districts.

Thank you for taking the time to write to the Minister.

Yours sincerely

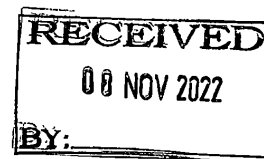
A handwritten signature in black ink, appearing to read 'Provest', written over a horizontal line.

Geoff Provest
Parliamentary Secretary for Police and Emergency Services

Encl: response to Cessnock City Council



Geoff Provest MP
Parliamentary Secretary for Police and Emergency Services



IM22/16651
M22/1(189)

Mr Jay Suvaal
Mayor
Cessnock City Council
PO Box 152
CESSNOCK NSW 2325

Via: council@cessnock.nsw.gov.au

Dear Suvaal

I refer to your correspondence to the Minister for Emergency Services and Resilience and Minister for Flood Recovery, Steph Cooke, in relation to the accounting treatment of NSW Rural Fire Service (RFS) assets vested in Cessnock City Council. The Minister has asked me to respond on her behalf.

At the outset, I can assure you the RFS values local government's significant contribution to the State's bush fire management and is committed to working in collaboration with councils in its Rural Fire Districts.

As you are aware, s119(2) of the *Rural Fires Act 1997* states that "all fire fighting equipment purchased or constructed wholly or partly from money to the credit of the Fund is to be vested in the council of the area for or on behalf of which the fire fighting equipment has been purchased or constructed."

NSW Treasury and the Department of Planning and Environment have reached a consensus that rural fire fighting equipment captured by s119(2) is controlled by councils and should be recognised in their financial statements.

The Auditor-General's *Local Government 2021* report to Parliament notes this position and recommends that councils should perform a full asset stocktake of rural fire fighting equipment, including a condition assessment, for 30 June 2022 financial reporting purposes. It further recommends that, consistent with the Australian Accounting Standards, councils should recognise this equipment as assets in their 30 June 2022 financial statements.

The *Local Government 2021* report also notes that the Audit Office of NSW is currently conducting performance audits of both the RFS (Planning and managing bush fire equipment) and the Office of Local Government (The effectiveness of local government regulation and support).

The RFS is assisting the Audit Office in relation to planning and managing bush fire equipment and I look forward with interest to the Auditor-General's findings and any relevant recommendations arising from these two audits.

GPO Box 5341 Sydney NSW 2001 ■ P: (02) 8574 5220 ■ W: nsw.gov.au/ministercooke

Thank you again for taking the time to bring this matter to the Government's attention.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Geoff Provest', with a large, stylized 'P'.

Geoff Provest
Parliamentary Secretary for Police and Emergency Services



Mayor Jay Suvaal
Cessnock City Council
PO Box 152
Cessnock NSW 2325



Wednesday, 02 November 2022

Dear Mayor Suvaal,

I would like to advise that following representations made on your behalf, a response has now been received from the Minister for Local Government in relation to NSW Rural Fire Service Assets.

I understand from the response that you have received direct correspondence from the Minister on this matter.

I wanted to make sure you received a copy of the Minister's response to my representations, and to invite you to contact my office again should you require any further assistance on this matter.

Thank you for bringing this issue to my attention.

Yours sincerely,

Jamie Parker MP
Member for Balmain

Encl. Response from the Hon. Wendy Tuckerman, Minister for Local Government



The Hon. Wendy Tuckerman MP
Minister for Local Government

OFFICIAL

24 October 2022
Your ref:
Our ref: A830883

Mr Jamie Parker MP
Member for Balmain

Via email: balmain@parliament.nsw.gov.au

Dear Mr Parker

Thank you for your correspondence dated 29 July 2022 regarding the accounting treatment of Rural Fire Services (RFS) red fleet assets.

As you may be aware, Cr Darriea Turley AM, as President of Local Government NSW (LGNSW) wrote to me on this issue. In my response to Cr Turley and to assist councils with their treatment of these assets, I attached a summary, which was prepared by Treasury to assist councils in clarifying this matter. I subsequently wrote to all mayors and general managers with a copy of my response to LGNSW and the Treasury advice. I have attached a copy for your information.

Thank you for taking the time to bring this matter to the attention of the Government.

Yours sincerely

A handwritten signature in black ink, appearing to read "Wendy Tuckerman".

The Hon. Wendy Tuckerman MP
Minister for Local Government

Encl: Letter to Cr Turley and attachment of Treasury advice

OFFICIAL

GPO Box 5341 Sydney NSW 2001 ■ P: (02) 8574 5280 ■ W: nsw.gov.au/ministertuckerman



The Hon. Wendy Tuckerman MP
Minister for Local Government

Your Ref: R21/0015 Out-34193
Our Ref: A815031

Clr Darriea Turley AM
President
Local Government NSW
GPO Box 7003
SYDNEY NSW 2001

Email: executive.assistant@lgnsw.org.au

Dear Clr Turley

Resolutions of the 2022 Local Government NSW Special Conference

Thank you for your letter regarding the resolutions of the 2022 Local Government NSW Special Conference. I was pleased to attend the 2022 conference and found it to be both a productive and successful event.

Attached please find a table addressing each of the resolutions arising from the conference that you have referred to me in my capacity as Minister for Local Government.

I look forward to working with you and your member councils to progress issues of mutual priority in the coming year and beyond. I also look forward to hearing about your plans for the 2022 Annual Conference in the coming months.

Thank you for taking the time to bring your member councils' priorities to the Government's attention. If you have any more questions, you are welcome to contact Melissa Gibbs, Director Policy and Sector Development at the Office of Local Government on 02 4428 4100 or email olg@olg.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Wendy Tuckerman'.

11 OCT 2022

The Hon. Wendy Tuckerman MP
Minister for Local Government

GPO Box 5341 Sydney NSW 2001 ■ P: (02) 8574 5280 ■ W: nsw.gov.au/ministertuckerman

Minister for Local Government's response to resolutions of the 2022 Local Government NSW Annual Conference

Resolution	Portfolio	Response
<p>Resolution 3: LGNSW Board – 2022-23 rate peg determination</p> <p>That Local Government NSW:</p> <ol style="list-style-type: none"> 1. Implores the NSW Government to urgently intervene and overturn IPART's aberrant base line rate peg determination of 0.7% for 2022-23 to ensure that no council is financially disadvantaged. 2. Notes that this shock determination will have a devastating impact and exacerbate the financial impacts on councils and communities of natural disasters and the ongoing COVID pandemic. The total shortfall in rate revenue is estimated to be \$80-\$100 million in 2022-23, with a compounded impact of up to \$134 million over ten years. This issue goes to the very survival of many councils in NSW and the Government is urged in the strongest manner possible to take immediate action to save the sector from financial ruin. 3. Calls on the NSW Government to provide councils across NSW an operating grant equivalent to the revenue difference between a 0.7% rate increase and what a 2.5% rate increase would have been, noting this will still not adequately cover the cost increases being experienced by NSW Councils. <p><i>This issue was also raised by Bellingen Shire, Newcastle City, Murray River, and Bega Valley Shire Councils</i></p>	<p>Minister for Local Government</p> <p><i>This resolution also been sent to the Premier and Treasurer for consideration</i></p>	<p>The NSW Government is serious about ensuring that our councils are financially sustainable so they can continue to deliver the key services and infrastructure communities need.</p> <p>The Office of Local Government and IPART recognise that, due to the delayed council elections and the determination of the 2022-23 rate peg at a lower rate than councils had forecast, councils may not have had sufficient time to prepare special variation application within the normal timeframe. Therefore, an additional round of 2022-23 Special Variation (ASV) applications from councils was made available. Applications were accepted by IPART until 29 April 2022, with outcomes to be notified by 21 June 2022. Information about the ASV process is available from the OLG website – Circular 22-07. IPART has advised that 86 councils applied for an ASV.</p> <p>In addition, IPART will undertake a broader review of its rate peg methodology, including the Local Government Cost Index, with outcomes from the review expected to shape rate peg determinations in future years. The Office of Local Government is currently working with IPART to finalise terms of reference for this review.</p>
<p>Resolution 4: Blacktown City Council – Inadequacy of IPART rate growth formula for growth councils</p> <p>That Local Government NSW calls on the NSW Government to provide an adequate mechanism for growth funding to growth councils to fund the costs of infrastructure and services in new release areas.</p>	<p>Minister for Local Government</p> <p><i>This resolution has also been sent to the Premier and Treasurer for consideration.</i></p>	<p>The Government is strongly committed to ensuring that growing communities have adequate and effective infrastructure needed to support that growth.</p> <p>To that end, in 2021 the Minister for Local Government commissioned IPART to recommend a new rate peg methodology that allows the general income of councils to vary in a way that accounts for population growth. IPART's subsequent review of the rate peg to include population</p>

		<p>growth included a feedback process during which all councils had the opportunity to provide input. The Government accepted the report and recommendations from IPART. The population factor set by IPART ranged from 0 – 4.3%. Councils can apply the population factor from the commencement of the 2022-23 financial year.</p> <p>IPART has indicated that a review of the performance of the population growth methodology will be undertaken within 5 years.</p> <p>In early 2022 the NSW Government asked IPART to undertake a broader review of its rate peg methodology, including the Local Government Cost Index, with outcomes from the review expected to shape rate peg determinations in future years. All councils, including Blacktown City Council, are encouraged to provide feedback as part of this review.</p>
<p>Resolution 9: Hay Shire Council – Cost shifting onto local government</p> <p>That Local Government NSW calls upon the State Government to undertake an urgent review into the cost shifting from the State to local government, particularly in the areas of emergency services, external audit, crown land management, planning, companion animals, underground petroleum storage systems, disaster recovery, waste management and now COVID-19 Health Order compliance.</p> <p><i>This issue was also raised by Bayside, and Armidale Regional Councils</i></p>	<p>Minister for Local Government</p> <p><i>This resolution has also been sent to the Treasurer for consideration.</i></p>	<p>The NSW Government has provided more than \$11 billion to councils since 2011 to deliver and improve local infrastructure, services and facilities for their communities.</p> <p>In October 2019, the NSW Government signed an Inter-Governmental Agreement with the local government sector. This includes mechanisms to address cost shifting.</p> <p>Under the terms of the Agreement, if councils are asked by the Government to take on the cost of providing a service, the financial impact must be assessed and any impact on local government considered.</p> <p>The 2021-22 NSW Government Budget supports the State's 128 local councils to deliver key infrastructure, facilities and services to their local communities. The 2021-22 local government portfolio Budget includes:</p> <ul style="list-style-type: none"> • \$78.5 million to help local councils provide pensioner discounts on rates and charges • \$20 million for councils to undertake coastal and estuary planning projects and implement works under the Coastal and Estuary Grants Program

		<ul style="list-style-type: none"> • \$5.8 million from the Companion Animals Fund for councils to manage pet cats and dogs including pounds/shelters, ranger services, dog exercise areas, and education and awareness programs • \$5.7 million under the Local Infrastructure Renewal Scheme to help councils pay for loans for much-needed upgrades and maintenance of infrastructure • \$4.7 million to support two local councils deliver COVID-safe elections in September • \$4.1 million under the Low-Cost Loans Initiative to help provide low interest loans to councils to invest in infrastructure to address housing affordability • \$500,000 under the Digital Restart Fund towards the design and development of a new database for the NSW Pet Registry. <p>In addition, recent Government funding and reforms include:</p> <ul style="list-style-type: none"> • In the wake of the devastating floods and the ongoing impact of the COVID-19 pandemic, the NSW Government is providing a one-off combined grant payment of \$43 million to help offset an increase in the Emergency Services Levy (ESL) for councils in FY 2022-23. This follows more than \$50 million in funding provided to councils since 2019 to cover increases in ESL contributions. • The NSW Government committed \$4.3 million to establishing the State's 13 joint organisations and \$1.95 million to build their capacity to deliver regional priorities. • The Government has provided a range of support for councils during the COVID-19 pandemic including the Job retention Allowance, funding to support early childhood education, an extension to the TCorp Borrowing Facility and grants to a number of councils to support their communities. • In 2021, the Government provided a \$1 billion Omicron support package. This provides financial
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		<p>assistance, support and tax relief to help businesses across the state impacted by COVID-19.</p> <ul style="list-style-type: none"> • In May 2021, the <i>Local Government Amendment Act 2021</i> introduced reforms to ensure a fair and equitable rating system that is responsive to changing community needs. This implements key elements of the Government's response to IPART's review of the local government rating system. • In the wake of the 2022 floods, the NSW Government is doing its part by rolling out much-needed support to councils and communities. This includes: <ul style="list-style-type: none"> ◦ \$58 million has been directly deposited to disaster-declared councils to assist with immediate responses and recovery efforts. ◦ A \$40 million scheme will help address councils' operational challenges resulting from the floods, overseen under a reconstruction and recovery program. ◦ An \$80 million working capital fund will provide concessional loans to supplement councils where residents are unable to pay their rates, due to hardship from the floods and subsequent recovery. ◦ \$300 million has been allocated to meet clean-up costs in flood affected LGAs. ◦ \$145 million will provide for urgent replacement and repair of critical water and sewer infrastructure. ◦ The allocation of \$350 million over the next three years (FY22-23 to FY 24-25) will enable the procurement and management of up to 2,000 temporary and medium-term housing in approved sites, to support people unable to secure stable, ongoing accommodation as a result of the floods.
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		<ul style="list-style-type: none"> o \$6.5 million has been provided to support 15 Community Recovery officers in councils significantly affected by the floods.
<p>Resolution 10: Bland Shire Council – Emergency Services Levy</p> <p>That Local Government NSW calls on the NSW Government to:</p> <ol style="list-style-type: none"> 1. Postpone further costs to local government entities for the Emergency Services Levy payment increases until clear accountabilities are developed and communicated in accordance with engagement protocols of Resilience NSW Capability Development Framework for NSW Emergency Management Sector. 2. As part of this process, prepare amendments to the Rural Fire Services Act 1997 to remove Section 119's reference which relates to vesting RFS equipment with councils to remove the conflict of "control", specifically in accordance with the definition of an asset in Australian Accounting Standards Board (AASB) Statement of Accounting Concepts 4: Definition and Recognition of the Elements of Financial Statements. 3. Engage all stakeholders with real or perceived responsibilities for Emergency Service Management and Actions to ensure that determinations are clearly articulated, communicated and relevant in accordance with the context of Resilience NSW Capability Development Framework. 	<p>Minister for Local Government</p> <p>Treasurer</p> <p>Minister for Emergency Services and Resilience</p> <p><i>This resolution has also been sent to the Treasurer and the Minister for Emergency Services and Resilience for consideration.</i></p>	<ol style="list-style-type: none"> 1. Over the past three years, the Government has provided more than \$50 million to councils to cover increases in Emergency Services Levy (ESL) contributions. The Government has also recently announced a further one-off combined grant payment of \$43 million to help offset an increase in the ESL for councils in FY 2022-23. 2. The NSW Government's consistent view is that the Rural Fire Service does not control RFS assets vested to councils, and therefore they are not the property of the Government. The Minister wrote to LGNSW on 6 October seeking to clarify this position and support councils to resolve issues around RFS asset reporting. This follows earlier correspondence from the Treasurer to stakeholders on 12 September. The Local Government Minister's letter explains that Treasury has prepared accounting guidance for councils that will allow councils to report RFS assets without any financial impact on their budgets over the 25-year life cycle of the assets. Online workshops will also be provided to councils by Treasury, supported by the RFS and OLG, to explain arrangement for reporting of these assets. 3. Item 3 is a matter for the consideration of the Minister for Emergency Services and Resilience, as noted.
<p>Resolution 11: Northern Sydney Regional Organisation of Councils – Infrastructure contribution reform</p> <p>That Local Government NSW reaffirms its position that councils should not be worse off under infrastructure contribution reforms and that this continue to be pursued vigorously with the NSW Government including:</p> <ol style="list-style-type: none"> 1. Changes to the legislation and policy framework to ensure that councils' capacity to provide infrastructure for their communities is not diminished. 	<p>Minister for Planning</p> <p><i>This resolution has also been sent to the Minister for Planning for consideration.</i></p>	<p>Responsibility for infrastructure contributions rests with the Minister for Planning and Minister for Homes, the Hon. Anthony Roberts MP.</p>

<p>2. Asking that the government demonstrate to each local council how its modelling concludes that that each Council will not be worse off.</p> <p>3. That should the government introduce any state or regional infrastructure levy, that there be a requirement for it to be spent in the area from which it was collected.</p> <p><i>This issue was also raised by Penrith City, Shoalhaven City, Bland Shire, Greater Hume Shire, Liverpool City, Cumberland, and Willoughby City Council</i></p>		
<p>Resolution 14: Murrumbidgee Council – Local government remuneration</p> <p>1. Notes the Remuneration Tribunal is not truly independent. The Tribunal identifies every year in its Annual Report and Determination that it must work within the legislation. A specific section is 242A (Tribunal to give effect to declared government policy on remuneration for public sector staff).</p> <p>2. Delete Section 242A from the Act</p> <p>3. Advocates that a truly independent Tribunal, free from Government and legislative constraints sets remuneration in local government, similarly to the process for other levels of government, whereby councillors and individual councils do not vote on their own remuneration, noting the inherent conflict.</p>	<p>Minister for Local Government</p>	<p>The Local Government Remuneration Tribunal currently operates independently of the Government. The Tribunal is required under the <i>Local Government Act 1993</i> (the Act) to determine remuneration categories for councils based on statutory criteria prescribed in the Act and to annually determine within the respective remuneration categories the maximum and minimum amounts of fees to be paid during the following year to councillors and mayors. The determination of a range of fees that may be paid to councillors and the mayor allows councils the flexibility to fix the fees to be paid within this range to meet their particular needs and the expectations of their communities. Councils are not required under the Act to fix a fee. Where councils do not fix a fee, they pay the minimum fee determined by the Tribunal by default.</p> <p>The requirement for the Local Government Remuneration Tribunal to give effect to the same policies on increases in remuneration that apply to NSW public sector employees is not unique to that Tribunal. The NSW Industrial Relations Commission is required under the <i>Industrial Relations Act 1996</i> to give effect to the same policies when determining the remuneration of NSW public sector employees, as is the Statutory and other Officers Tribunal under the <i>Statutory and Other Offices Remuneration Act 1975</i> when determining the remuneration of NSW public sector chief executive and senior executive office holders and the Parliamentary Remuneration Tribunal under the <i>Parliamentary Remuneration Act 1989</i> when determining the remuneration of members of the NSW Parliament. It</p>

		would be anomalous if the setting of remuneration of elected officials in councils were subject to different standards to those that apply for NSW public sector employees and members of the NSW Parliament.
<p>Resolution 15: Lachlan Shire Council – Amendment to the NSW Local Government Act 1993 clause 248</p> <p>That Local Government NSW advocates to the NSW Government to change the NSW <i>Local Government Act 1993</i>, Chapter 9, Part 2, Division 5, clause 248 as follows;</p> <p>"248 Fixing and payment of annual fees for councillors</p> <ol style="list-style-type: none"> 1. A council must pay each councillor a monthly fee which is calculated as one twelfth of the annual fee. 2. A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal. 3. The annual fee so fixed must be the same for each councillor. 4. A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal. 	Minister for Local Government	<p>It is currently open to councils under section 254A of the <i>Local Government Act 1993</i> to resolve not to pay or to reduce the amount of a councillor's fee for any period of not more than 3 months for which the councillor is absent, with or without leave, from ordinary meetings of the council.</p> <p>Under section 254A, councils must not pay a councillor's fee for any period of more than 3 months the councillor is absent, with or without leave of the council, from ordinary meetings of the council.</p>
<p>Resolution 16: Georges River Council – Ban on developers & real estate agents serving as councillors</p> <ol style="list-style-type: none"> 1. That Local Government NSW calls on the Premier of NSW and the Minister for Local Government to genuinely ban developers and real estate agents (and their relatives and close associates) from serving as councillors by closing the existing loopholes in legislation which are currently used by local councillors to avoid being defined as a developer and/or real estate agent. 2. That the NSW government commit to amending all relevant legislation including for planning panels to ensure that broader and more inclusive activities are included in the definition of developer and/or real estate agent such as (but not limited to): <ol style="list-style-type: none"> a) investors who fund the planning proposal and/or development or developer; b) land owners who contribute property/sites for planning and development applications; 	Minister for Local Government	<ol style="list-style-type: none"> 1. A ban on broad classes of persons from holding elected office in councils such as that proposed in the resolution would potentially see a significant portion of the community disenfranchised. There are existing requirements under the <i>Model Code of Conduct for Local Councils in NSW</i> for councillors to disclose and appropriately manage conflicts of interest they have in matters that come before their council. Councillors with pecuniary or significant non-pecuniary conflicts of interest in matters before the council are not permitted to participate in consideration or decision making on those matters. These requirements are more proportionate to the risks than an outright ban that would see many persons with a marginal association with property development or real estate activities banned from any involvement in their local councils. 2. The definition of "property developer" currently contained in the <i>Electoral Funding Act 2018</i> already includes "close associates" of individuals or

<p>c) persons/trusts/companies who hold options on land which they can trade once land values increase due to planning decisions;</p> <p>d) beneficiaries of family trusts which benefit from planning proposals and/or development related decisions;</p> <p>e) beneficiaries of company trusts or similar corporate arrangements;</p> <p>f) shell companies used by persons, builders, councillors and/or companies that conceal involvement in planning proposals and/or development;</p> <p>g) ongoing involvement/benefits that arise from planning proposals and/or development activities that continue post lodgement/approval/completion of a planning proposal and/or development such as bonuses for additional floor space or dwellings or trailing commissions and interest on investments;</p> <p>h) other similar arrangements which can conceal a person's or councillor's involvement to avoid meeting the current definition of developer or real estate agent; and</p> <p>i) relatives and close associates of any of the examples provided.</p> <p>3. That the penalties for any councillor that makes a false declaration on their candidate nomination form about being a developer or real estate agent (or close associate or relative) be increased to include dismissal, lifetime bans and repaying the costs associated with any subsequent council by-election.</p> <p><i>This issue was also raised by Strathfield, City of Sydney, Newcastle City, Blue Mountains City and City of Parramatta Councils</i></p>		<p>corporations who are property developers and captures many of the classes of persons proposed in the resolution.</p> <p>3. It is already an offence under the <i>Local Government (General) Regulation 2021</i> to make false statements in candidate information sheets. Persons who are convicted of electoral offences under the Regulation are automatically disqualified from holding civic office in councils for two years.</p>
<p>Resolution 17: Northern Beaches Council – Conduct of the 2021 local government election</p> <p>That Local Government NSW:</p> <p>1. Formally expresses its concerns to the Minister for Local Government, the Hon. Wendy Tuckerman MP, for the way in which the 2021 NSW local government election was conducted. Specifically but not limited to:</p> <p>a) Inconsistent and incorrect information on how to vote above and below the line given by officials.</p>	<p>Minister for Local Government</p>	<p>The NSW Government has no role in the administration of council elections.</p> <p>All but two council elections in December 2021 were administered by NSW Electoral Commission. Under the <i>Electoral Act 2017</i>, the NSW Electoral Commission exercises its functions independently of the Government and is not subject to direction in the exercise of those functions</p>

<ul style="list-style-type: none"> b) Inconsistent application of rules at pre poll and election day polling booths. c) The significant changes to the electoral rules and processes and communication of these changes. d) Lack of transparent health advice justifying the measures implemented: <ul style="list-style-type: none"> (i) no 'how to vote' cards handed out within 100m of a booth (ii) setting up corflutes before 7am and not touching them until after 7pm. e) iVote technical issues including its failure on election day; technical issues with the online nomination online management system (NOMS) process of nominations. f) Consistent technical failures during pre-poll. g) Lack of action from the Electoral Commissioner regarding complaints of breaches of the rules. <p>2. Requests the Minister conduct an urgent and independent review of the recent election to:</p> <ul style="list-style-type: none"> a) Ascertain the experiences of councils and candidates during the election, particularly their concerns around staffing, process, technology, and communication. b) Consider the best practices of other jurisdictions in conducting elections, including during the pandemic. c) Produce recommendations or suggestions on how to improve the election processes moving forward, including during pandemics. <p>3. Refers the resolution to the NSW Joint Standing Committee on Electoral Matters.</p>		<p>While the concerns raised by councils about the administration of their elections in December 2021 are acknowledged, it is also noted that those elections were conducted by the Commission in the most challenging of circumstances.</p> <p>The NSW Electoral Commissioner is required under the <i>Local Government (General) Regulation 2021</i> to provide the Minister for Local Government with a written report on the conduct of the elections within six months of the elections. Among other things, the report must include any recommendations by the Electoral Commissioner regarding changes to the Local Government Act or Regulation relating to the conduct of elections. The Government will carefully consider any recommendations for legislative change made by the Commissioner arising from the 2021 local government elections.</p> <p>The Select Committee on the conduct of elections in New South Wales was established on 11 May 2022 to inquire into and report on the conduct of elections in New South Wales, including the local government elections held on 4 December 2021.. It will be open to Local Government NSW and councils to make submissions to the inquiry.</p>
<p>Resolution 19: City of Canterbury-Bankstown – Mayoral representation following LG elections</p> <p>That Local Government NSW lobbies the NSW Government to amend the <i>Local Government Act 1993</i> (NSW) to ensure that mayors elected by councillors continue to hold their position until a new mayor is elected following local government elections.</p>	<p>Minister for Local Government</p>	<p>Section 234 of the <i>Local Government Act 1993</i> was amended in 2016 following extensive consultation, to clarify that the office of mayor becomes vacant upon the person holding the office ceasing to hold civic office as a councillor or on the occurrence of a casual vacancy. The amendment was made to address an existing ambiguity in the Act that had allowed some former mayors to purport to continue to exercise the functions of mayor after they had ceased to hold office as a councillor after an election.</p> <p>The office of mayor carries important responsibilities. Under the Act, it is the role of the mayor to be the leader of</p>

		<p>the council and a leader in the local community. It is the NSW Government's firm view that the functions of mayor should only ever be exercised by someone who has been elected to a civic office in a council and should never be left in the hands of someone who is no longer accountable to the electors.</p> <p>The Government recognises that for some councils there will be a short period between the day of the council's ordinary election and the holding of the mayoral election in which they will be without a mayor. The Office of Local Government issued guidance to councils prior to the 2021 local government elections on the delegation of functions to the general manager during this period. The Office of Local Government also provided guidance to councils that there was nothing to prevent them from authorising the outgoing mayor to continue to exercise the civic and ceremonial functions normally exercised by the mayor during this period should they wish to do so.</p>
<p>Resolution 29: Wollongong City Council – Affordable housing: caravan parks & manufactured home estates</p> <p>1. That Local Government NSW works with the Department of Planning and Environment, NSW Fair Trading, Office of Local Government and the Affiliated Residential Park Residents Association (ARPPRA) to:</p> <ol style="list-style-type: none"> Explore options to ensure and secure that caravan parks and manufactured home estates are recognised as providing affordable housing options for many people, including retirees, pensioners, and people on low incomes; Highlight the need for secure tenancy for long term residents of caravan parks and manufactured home estates; Prioritise the rights of residents of caravan parks and manufactured homes estates against becoming homeless, or the threat of becoming homeless, due to owners who refuse and/or vacillate in the renewal of lease agreements with councils. 	<p>Minister for Planning</p> <p><i>This resolution has also been sent to the Minister for Planning and Homes and the Minister for Fair Trading for consideration.</i></p>	<p>Responsibility for affordable housing strategy rests with the Minister for Planning and Minister for Homes, the Hon. Anthony Roberts MP.</p>

<p>2. NSW councils accept and affirm the need to protect the right for residents currently living in caravan parks and manufactured home estates to be provided with housing security, especially where they have valid leases with park owners and have purchased their homes in goodwill.</p>		
<p>Resolution 44: Blue Mountains City Council – Gender Equity</p> <p>1. That the LGNSW conference notes that representation of women in elected roles and in senior leadership positions in local government remains persistently low. This is despite many years of strong advocacy from the Australian Local Government Women's Association and its NSW Branch to encourage women to join local government and support gender equity;</p> <p>2. That the LGNSW conference notes that setting policy and targets to improve gender representation including public reporting and accountability on outcomes helps drive change. However, only a small number of councils have developed a Gender Equity Strategy (these Councils include City of Sydney, Ryde and Blue Mountains); and</p> <p>3. That the LGNSW calls on the NSW Government to introduce legislation, such as exists in Victoria through its Gender Equity Act 2020, to require the public service and local councils to "plan, implement strategies and report on gender equality in the workplace", and that the NSW Government provides funding to enable local councils to develop their Gender Equity Strategy in consultation with local communities.</p>	<p>Minister for Local Government</p> <p><i>This resolution has also been sent to the Minister for Women for consideration.</i></p>	<p>City of Sydney, Ryde and Blue Mountains Councils are to be congratulated on their commitment to gender equity and the promotion of women in elected roles and senior leadership positions.</p> <p>The NSW acknowledges the great work done by the Australian Local Government Women's Association and its NSW Branch to encourage women to join local government and support gender equity.</p> <p>It is up to each individual council to consider its position on gender equity.</p> <p>The Office of Local Government has supported ALGWA NSW and Women for Election to run workshops for women considering running for council and this has led to a significant increase in women running for and being elected to councils across NSW.</p>
<p>Resolution 54: Blacktown City Council – Enabling funding mechanisms to respond to climate change</p> <p>That Local Government NSW calls on the NSW Government to enable a special purpose 1% increase in local government rates to fund increases in the use of renewable energy, accelerate carbon neutrality and adapt to climate change impacts, especially increases in urban heat.</p>	<p>Minister for Local Government</p> <p><i>This resolution has also been sent to the Treasurer for consideration.</i></p>	<p>The Integrated Planning and Reporting Framework enables councils to plan for the future, be flexible and agile, support local capacity building and partnerships, and achieve alignment between local, regional and state priorities and plans. Through the Community Strategic Plan and Long-Term Financial Plan, councils can identify climate change mitigation activities and prioritise expenditure for these accordingly.</p> <p>The existing Special Rate Variation process enables councils to increase their rates for any particular costs or</p>

		<p>services they want to deliver and that the community supports, and this may include projects or services to support climate change mitigation and adaption.</p> <p>The NSW Government has also recently announced a broader review of IPART's rate peg methodology. The review will be carried out as soon as possible to provide certainty to councils and ensure that future rate peg outcomes reflect the reality of the environment councils operate in. The review will include consideration of possible approaches to set the rate peg methodology to ensure it is reflective of inflation and costs of providing local government goods and services, as well as options for capturing external cost changes.</p> <p>The NSW Government is committed to effective action on climate change. Blacktown City Council is congratulated on its strategic focus contributing to the State's long term environmental health and the aims of the NSW Climate Change Policy framework. All councils are encouraged to work with the processes set out in this framework, and to take up grant funding opportunities to support environmental initiatives and programs of work.</p>
<p>Resolution 55: Ballina Shire Council – Investments - Fossil fuel divestment</p> <p>That Local Government NSW:</p> <ol style="list-style-type: none"> 1. Allow council to place their investments and loans with sustainable investments, 2. requests that the Australian Local Government Association and other state local government associations also adopt this position, and 3. requests TCorp make available the information and options required for councils to invest and borrow in line with this position. 	<p>Minister for Local Government</p> <p><i>This resolution has also been sent to the Treasurer for consideration.</i></p>	<p>The Government is strongly committed to ensuring that NSW councils are enabled to contribute to the achievement of broader Government policies relating to environmental sustainability. Ballina Shire Council should be congratulated for its shared commitment to long term environmental sustainability.</p> <p>The permitted forms of investment for NSW councils are outlined in the Ministerial Investment Order under s625(2) of the <i>Local Government Act 1993</i>. Since 2010, councils have also been provided with operational guidance in the form of OLG Investment Policy Guidelines. These two documents form the basis upon which each council develops their investment policy.</p> <p>A council's investment policy is set within the parameters of the forms of investment listed in the Order and councils are encouraged to prioritise sustainable investments</p>

		provided the investments are in accordance with the Order.
<p>Resolution 59: Bland Shire Council – Biosecurity (noxious weeds)</p> <p>That Local Government NSW:</p> <ol style="list-style-type: none"> 1. Calls on the NSW Minister for Local Government and NSW Minister for Agriculture to increase funding of the NSW Weeds Action Program to allow for greater promotion of landholder responsibilities under the Biosecurity Act 2015. 2. Calls on the NSW Minister for Local Government and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts to liaise with the NSW Aboriginal Lands Council to develop appropriate mechanisms as part of the Joint Management and Co-management for parks or reserves protocols to adequately address identified and emerging biosecurity weeds issues. 	<p>Minister for Agriculture</p> <p><i>This resolution has also been sent to the Minister for Agriculture and Western NSW and the Minister for Aboriginal Affairs for consideration.</i></p>	<p>Responsibility for biosecurity rests with the Minister for Agriculture, the Hon. Dugald Saunders, MP.</p>
<p>Resolution 65: Murray River Council – Animal Welfare Code of Practice</p> <p>That Local Government NSW advocates the NSW Government to strengthen:</p> <ol style="list-style-type: none"> 1. the Code of Practice for Breeding Cats and Dogs and 2. the planning legislation assessment requirements for breeding facilities, so that both align with requirements for puppy farms in Victoria. <p><i>This issue was also raised by Orange City Council</i></p>	<p>Minister for Regional New South Wales</p> <p><i>This resolution has also been sent to the Minister for Planning for consideration.</i></p>	<p>This is a matter for the Minister for Agriculture, the Hon. Dugald Saunders, MP, as part of the broader animal welfare reform being led by the Department of Primary Industries.</p> <p>It is noted that:</p> <ul style="list-style-type: none"> • In October 2020, the then Minister for Agriculture announced the creation of the RSPCA NSW Puppy Factory Taskforce - a dedicated compliance unit within RSPCA NSW - to inspect intensive breeding facilities to make sure they meet this State's robust animal welfare requirements. • In June 2021, the NSW Government increased penalties for animal cruelty offences through the <i>Prevention of Cruelty to Animals Amendment Act 2021</i> (POCTA Amendment Act) to enable effective compliance action against those breeders failing to care for their animals. • In November 2021, the Government released a consultation paper outlining a proposal to introduce a dog breeder licensing scheme. The consultation

		<p>examined which breeders should obtain a licence, and whether additional regulatory change is needed.</p> <ul style="list-style-type: none"> • Submissions and an online questionnaire closed 6 March 2022. This feedback from this process will inform changes to the regulation of companion animals breeding.
<p>Resolution 66: Blacktown City Council – Exemption from un-desexed animal ownership fee</p> <p>That Local Government NSW consults relevant Ministers and authorities as appropriate to amend the requirements for un-desexed animals incurring a fee if un-desexed after the age of 16 weeks, to allow owners to apply to delay the invoicing of the permit fee if the animal is desexed within 3 months of new ownership.</p>	Minister for Local Government	<p>Councils are primarily responsible for enforcing companion animals legislation in NSW. Councils develop their own policies and procedures around enforcement. They are in the best position to assess on a case-by-case basis.</p> <p>The <i>Companion Animals Act 1998</i> [S11B (3)] provides that grace periods apply to the annual permit requirement for cats that are not desexed as follows:</p> <p><i>(3) The following grace periods apply to an offence against this section—</i></p> <p><i>(a) the period of 2 months after a cat reaches 4 months of age,</i></p> <p><i>(b) the period of 2 months (or any other period prescribed by the regulations) after a person acquires ownership of a cat.</i></p> <p>It should also be noted that owners who adopt a cat from an approved rehoming organisation that wasn't desexed until after 4 months of age are exempted from the permit requirement.</p> <p>In addition, S27A(b) of the <i>Companion Animals Regulation 2018</i> provides that cats that cannot be desexed for medical reasons, either temporarily or permanently, are exempt from the annual permit fee. To enable these exemptions, a vet must determine that the animal should not be desexed either:</p> <ol style="list-style-type: none"> 1. until it reaches an age specified (temporary exemption up to 18-months), or 2. at any time of its life because desexing the animal would constitute a serious health risk to the animal (desexing not recommended for life).

		A vet can notify a medical exemption directly on the NSW Pet Registry. Alternately, a certificate can be provided to the owner to give to a council or other registration agent to have them update their animal's record.
<p>Resolution 69: Lachlan Shire Council – Amendment to NSW Local Government Act 1993 clause 234(1)(d)</p> <p>That Local Government NSW advocates to the NSW Government to change the NSW <i>Local Government Act 1993</i>, Chapter 9, Part 2, Division 3, clause 234(1)(d) as follows: "234 When does a vacancy occur in a civic office? (1) A civic office becomes vacant if the holder— ... (d) is absent from 3 ordinary meetings of the council in any calendar year (unless the holder is absent because he or she has been suspended from office under this Act or because the council has been suspended under this Act or as a consequence of a compliance order under section 438HA) without— (i) prior leave of the council, or (ii) leave granted by the council at any of the meetings concerned..."</p>	Minister for Local Government	<p>The Government expects councillors to exercise their functions diligently and, under section 234 of the <i>Local Government Act 1993</i>, a councillor's office will automatically become vacant if they miss three consecutive ordinary council meetings without a leave of absence.</p> <p>Given that councillors are democratically elected to their offices by their community and the cost and inconvenience of filling vacancies through a by-election or countback, the Act necessarily sets a high bar for the creation of automatic vacancies.</p> <p>Outside of the circumstances contemplated under section 234, it remains open to the community to pass judgement on the performance of their local councillors at the ballot box where they fail to exercise their functions diligently.</p>
<p>Resolution 70: Armidale Regional Council – End of Term Report</p> <p>That Local Government NSW urges the NSW Government to continue to require councils to submit the end of term report to the final meeting of the outgoing council.</p>	Minister for Local Government	<p>The Office of Local Government consulted with councils when developing the revised Integrated Planning and Reporting Guidelines and there was wide acknowledgement that the shift of the end of term report from the end of a council's term to the beginning of the next council term would remove the potential for the End of Term Report to be used for political purposes.</p>
<p>Resolution 71: Hay Shire Council – Rural Council Model</p> <p>That Local Government NSW calls upon the State Government to reintroduce the Rural Council Model as proposed under the Fit For The Future process.</p>	Minister for Local Government	<p>The Rural Council model proposed under the Fit for the Future process was not supported by the sector at the time. In response to the strong opposition to the Rural Council model, the Government committed to further developing the Rural Council concept where "one size does not fit all", in consultation with the sector, for possible</p>

		<p>inclusion in amendments made to the Local Government Act in 2016.</p> <p>There was no consensus during the consultation process undertaken for the 2016 Local Government Act amendments on the need for a single "model" for small councils and their communities. Instead, consultation activities demonstrated that the needs of small communities in rural NSW are so diverse that a single solution may not be possible. There was agreement, however, on a range of options that may be suitable for rural councils to adopt to help them with long term sustainability and increase capacity. Some of these options would require legislative change to allow councils to utilise their full potential. Others could be applied under current legislation.</p> <p>The Government remains committed to not imposing a single legislated model on rural councils, as previously agreed with councils, following strong opposition to this approach. It is, however, committed to ensuring rural communities continue to be served by sustainable councils providing the services, infrastructure and value for money that communities deserve.</p> <p>The Government recognises the unique challenges facing rural councils and has continued to work closely in supporting these councils to serve their communities. This includes considering the role of joint organisations in supporting their member councils to achieve community outcomes, including through a formal evaluation of the joint organisations framework that was completed at the end of 2021. An inter-agency forum has now been established by the OLG to implement the recommendations of the review.</p>
<p>Resolution 72: Snowy Valleys Council – Boundaries Commission That Local Government NSW calls on the NSW Government to clarify and expedite the matters relating to the Boundaries</p>	<p>Minister for Local Government</p>	<p>The Independent Review of the Local Government Boundaries Commission announced by the former Minister is proceeding. The Government has recently appointed Dr Juliet Lucy, a practicing barrister with a specialty in administrative law, to conduct the review.</p>

<p>Commission independent statutory review announced on 20 July 2021:</p> <ol style="list-style-type: none"> 1. The Terms of Reference (ToR) for the Boundaries Commission be placed on Public Exhibition and the Minister's intent on the purpose and role be made clear in an attached briefing paper; 2. The Minister include a section in the ToR relating to the evaluation of de-amalgamation under Section 218C and that this be at no cost to the ratepayers of the Council making the request; 3. The Minister expedite the finalisation of the ToR once public exhibition is complete; 4. The Minister immediately seeks expressions of interest for members for the Boundaries Commission and fill any vacancies with persons suitably qualified to fulfill the roles expected under the ToR. 		<p>The independent review will be conducted over the coming months, and it will include rounds of consultation with the Government and the sector.</p> <p>Terms of Reference for the review were published on the OLG website in July 2021. These make reference to the role of the Commission in relation to proposals for de-amalgamation.</p> <p>Section 218CC(6) of the <i>Local Government Act 1993</i> already sets out that the Minister is to ensure that the cost of any de-amalgamation resulting from a business case submitted under that section is fully funded.</p> <p>With regard to membership of the Boundaries Commission, it is noted that Councillor Lesley Furneaux-Cook did not stand for re-election and thus a vacancy has arisen for the balance of the current term. The process under the <i>Local Government Act 1993</i> for appointment of councillor members (s262(1)) is for LGNSW to provide to the Minister a list of 8 possible candidates from which one candidate will be appointed for the balance of the current term.</p>
<p>Resolution 73: Inner West Council – De-amalgamation of LGAs</p> <p>That the NSW Government pay 100% of the costs of de-amalgamation of local government areas forced to amalgamate where a referendum of residents has chosen to reverse the forced amalgamation.</p>	<p>Minister for Local Government</p>	<p>S218CC of the <i>Local Government Act 1993</i> provides for proposals for de-amalgamations. It stipulates that a new council may, within 10 years of the constitution of the new area, submit a written business case to the Minister setting out a proposal for the de-amalgamation and the reasons in support of the proposal.</p> <p>After the review process has been undertaken by the Boundaries Commission, the Minister must determine whether the de-amalgamation proposal is supported or not.</p> <p>Where a proposal is supported, the Act provides that the Minister must ensure that the cost of any de-amalgamation resulting from a business case submitted under the above process is fully funded, by making grants under section 620 or using money otherwise appropriated by Parliament for that purpose.</p>

<p>Resolution 74: Hilltops Council – Increased funding by State Government - Amalgamated councils</p> <p>That Local Government NSW calls on the NSW Government to provide increased funding to amalgamated councils, to counteract initial underfunding for ongoing financial stability of amalgamated councils.</p>	<p>Minister for Local Government</p>	<p>The NSW Government's focus remains on working co-operatively with all 128 councils and 13 joint organisations, including those councils created by merger in 2016, to strengthen the sustainability, performance, transparency, accountability and integrity of local government in NSW.</p> <p>The Government is proud of the support that has been provided to enable councils to be high performing entities, such as the provision of over \$11 billion of funding to councils since 2011, including significant allocations to merged councils.</p> <p>Since 2016, over \$627 million has been distributed through both the New Council Implementation Fund (NCIF) and Stronger Communities Fund (SCF) grants. This includes \$159 million of funding provided via the NCIF to the 20 new councils created in 2016, to be used towards the upfront costs of amalgamation.</p> <p>Merged councils received \$10 million where two councils merged and \$15 million where three councils merged. Merged councils have delivered more than 1,000 projects funded from the community grant and major projects components of their Stronger Communities Fund.</p> <p>Many merged councils are reporting to their communities the benefits of mergers, whether it be increased efficiency, improved services or the ability to upgrade major infrastructure.</p>
<p>Resolution 82: Georges River Council – Asset management - Creating a level playing field (financial statements)</p> <p>That Local Government NSW advocates to the NSW Government (specifically the Audit Office of NSW) to ensure the sustainability, transparency and intergenerational equity of community infrastructure (transport assets, stormwater, buildings, open space) across NSW by establishing consistent guidelines that include but are not limited to:</p> <ul style="list-style-type: none"> a) Standardised and accurate useful lives for community infrastructure, for use by all NSW councils, and; b) Consistent classifications and naming conventions for all classes of infrastructure for use by all NSW councils. 	<p>Minister for Local Government</p>	<p>Councils are expected to demonstrate transparency and accountability in their financial decisions, which must be made in accordance with the principles of sound financial management set out in the <i>Local Government Act 1993</i>.</p> <p>The NSW Audit Office audit councils' financial statements against the AASB Accounting Standards and the Auditing Standards.</p> <p>The Local Government Code of Accounting Practice and Financial Reporting (the Code) published by OLG provides guidance to councils on recognition and measurement of</p>

		<p>assets in order to effectively implement the requirements of the AASB Accounting Standards.</p> <p>In some cases, where the Standards provide options (as with the valuation of infrastructure or physical assets at cost or fair value), the Code will prescribe which option councils must adopt.</p> <p>Within the Code, OLG also draws councils' attention to TPP 21-09 which has been written by the NSW Treasury for public sector agencies. While this is not mandatory for councils, there may be some additional guidance that is helpful for councils in relation to valuation of infrastructure, property, plant and equipment.</p> <p>It is important to recognise that council infrastructure, property, plant and equipment will have differing useful lives across different councils based on a range of factors.</p> <p>The Code prescribes the forms of financial statements approved by OLG and includes aggregated classes of infrastructure.</p> <p>The Your Council website provides standardised performance metrics and comparative data for each council, enabling councils and their communities to review their performance against other councils. In addition, information about council assets is included in the Government's financial performance metrics.</p>
<p>Resolution 85: Cessnock City Council – Review of the NSW Stormwater Management Services Charge</p> <p>That Local Government NSW calls upon the NSW State Government to review the pricing and associated guidelines for the NSW Stormwater Management Services Charge.</p>	Minister for Local Government	<p>While the Local Government Act and Regulation provides the legal framework for councils to raise the NSW Stormwater Management Services Charge (SMSC), it is noted that any changes to the existing cap on the charge or guidelines will need to be informed by the important policy work being undertaken by the Environment Energy and Science group (EES) within the Department of Planning and Environment as part of the NSW Government's <i>2018-2020 NSW Marine Estate Management Strategy</i>.</p> <p>This Strategy, which outlines the NSW Government's commitment and policy to protect and improve the quality</p>

		<p>of waterways, is being led by the Marine Estate Management Authority, in partnership with local government and others, and is supported by over \$45.7 million of government funding.</p> <p>Any review of the pricing and associated guidelines for the SMSC should not be undertaken until the above policy work is complete.</p>
<p>Resolution 86: Clarence Valley Council – Power of entry to construct and maintain flood mitigation works</p> <p>That Local Government NSW lobbies the NSW Government to amend Section 59A and 191A of the Local Government Act to give councils power of entry to construct and maintain flood mitigation works.</p>	Minister for Local Government	<p>The Government understands the important role played by councils in managing flood risk across NSW in accordance with the NSW Government's Flood Prone Land Policy and associated Floodplain Development Manual, guidelines and tools.</p> <p>While the changes proposed in the resolution to the Local Government Act to provide councils power of entry to construct and maintain flood mitigation works may be possible and beneficial to local communities, further investigation by the Environment Energy and Science and Water Groups within the Department of Planning and Environment and the Emergency Services Sector would be needed to assess their costs and risks to councils.</p>
<p>Resolution 88: Blacktown City Council – Leases for telecommunications facilities on community land</p> <p>That Local Government NSW calls on the NSW Government to amend legislation such that:</p> <ol style="list-style-type: none"> The approval process for telecommunications facilities on community land be simplified by only requiring a development application, and not requiring a separate notification of a proposal to lease community land. Councils not be required to tender leases for telecommunications facilities on community land. 	Minister for Local Government	<p>Community land is generally set aside for the public to enjoy. Leasing and other forms of alienation limit the ability of the public to use that land. The <i>Local Government Act 1993</i> contains important restrictions on the ability of council to grant leases, licences and other estates over community land. This is coupled with requirements for public consultation to make sure that a council takes community views into account.</p>
<p>Resolution L1: Cootamundra-Gundagai Regional Council – Deputy Mayor remuneration</p> <p>That Local Government NSW call on the Minister for Local Government to give consideration to remunerate the role of deputy mayor in local councils. The role of deputy mayor currently has no remuneration provision in the Local Government</p>	Minister for Local Government	<p>Section 249(4) of the <i>Local Government Act 1993</i> provides that councils may pay the deputy mayor a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee paid to deputy mayor must be deducted from the mayor's annual fee.</p>

Act. Where two events are held for simultaneous celebrations (events such as Australia Day, ANZAC Day, Remembrance Day) the mayor cannot attend both ceremonies and some are many kilometres apart in regional and rural areas. The role of deputy mayor is increasing and the proposal for the role to be remunerated is not unreasonable.		The Act does not permit the payment of an additional fee to the deputy mayor outside of these circumstances. However, councils may pay the deputy mayor any expenses they incur while undertaking functions such as those contemplated by the resolution in accordance with the council's expenses and facilities policy adopted under section 252 of the Act.
<p>X4 Byron Shire Council – Template governance tools</p> <p>That Local Government NSW advocates to the NSW Government that it works with councils and funds the development of template governance tools to enhance transparency and performance reporting including:</p> <ul style="list-style-type: none"> a) A dashboard summary reporting tool tracking progress against objectives as set out in key planning documents - community strategic plan, financial plan and budget, residential land use and other strategies etc; and b) A consolidated State Government relationship reporting tool tracking all 'live' issues and projects between an LGA and State Government across all portfolio areas including grant applications, policy / project proposals, state government- initiated projects etc. <p>Note: This motion was not debated at the LGNSW Special Conference because it is operational and consistent with LGNSW policy positions.</p>	Minister for Local Government	The NSW Government recognises the merit of the LGNSW resolution and congratulates the sector on identifying this improvement opportunity. However, at this time there is no additional funding available to develop further dashboards or other template governance tools to enhance council reporting.
<p>X8 Armidale Regional Council – Depreciation</p> <ol style="list-style-type: none"> 1. That Local Government NSW urges the NSW Government to review current depreciation rates to accurately reflect the life of council assets. 2. That a model template is developed to translate the official audited accounts into a format that is more easily understood by ordinary people. This could include summaries of recurrent and capital income (including external funding received, but not spent in the reporting year, and funding spent in the reporting year but received in previous years), as well as recurrent and capital expenditure (including employee costs for capital projects) and transfers to and from restricted and unrestricted reserves. 	Minister for Local Government	<p>The NSW Government does not set depreciation rates. Rather, councils are required to set depreciation rates and report depreciation in accordance with the AASB Accounting Standards. The Local Government Code of Accounting Practice and Financial Reporting (the Code) includes guidance about council requirements in relation to setting and reporting depreciation of assets.</p> <p>The Code prescribes the forms of financial statements approved by OLG and includes minimum standard templates for various financial reporting requirements. Over recent years the reporting requirements have been simplified, resulting in more easily understood financial reporting for communities.</p>

<p>Note: This motion was not debated at the LGNSW Special Conference because it is operational and consistent with LGNSW policy positions</p>		<p>Financial information is provided to community members through existing IP&R documentation such as the council's Annual Report and Resourcing Strategy. In addition, the Your Council website provides comparative data for each council, enabling councils and their communities to review their performance against other councils.</p> <p>The Government is always mindful of not imposing additional and unnecessary regulatory burden on the Sector. Given the existing reporting requirements and practices in place, the suggested development of a model template is not considered a priority at this time.</p>
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