



10 July 2023

To All Councillors

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993, that the next Ordinary Meeting of Council will be held in the Council Chambers, on Wednesday, 19 July 2023 at 6.30pm, for the purposes of transacting the undermentioned business.

**AGENDA:**

PAGE NO.

- (1) **ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS**
- (2) **OPENING PRAYER – Pastor Wayne Kembrey, Cessnock City Church**
- (3) **RECEIPT OF APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE**
- (4) **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**  
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- (6) **PETITIONS**
- (7) **PUBLIC ADDRESS**
- (8) **CONSIDERATION AND ADOPTION OF ALL REPORTS BY ENGLOBO**
- (9) **MAYORAL MINUTES**
- (10) **MOTIONS OF URGENCY**  
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- (11) **PLANNING AND ENVIRONMENT**  
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**(15) COUNCILLORS' REPORTS**

‡ - Denotes that Report is for notation only.



## ***Principles for Local Government***

### **Exercise of functions generally**

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

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

### ***Council's Values***

- Integrity
- Accountability
- Respect
- Excellence
- Teamwork

### ***Our Community's Vision***

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

*Cessnock – thriving, attractive and welcoming.*

### ***Our Community's Desired Outcomes***

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



## ***Council Code of Conduct***

Council adopted its current Code of Conduct on 1 November 2022. This Code provides details of statutory requirements and gives guidance in respect of the way in which pecuniary and conflict of interest issues must be disclosed. Councillors took an oath or affirmation at the commencement of their term of office under section 233A of the *Local Government Act 1993* (NSW) and are therefore obligated under Council's Code of Conduct to disclose and appropriately manage their conflicts of interest.

Generally, the Code outlines the following issues:

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



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**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 21 JUNE 2023, COMMENCING AT  
6.30PM**

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

**IN ATTENDANCE:** General Manager  
Director Planning and Environment  
Director Corporate and Community Services  
Director Works and Infrastructure  
Chief Financial Officer  
Development Services Manager  
Communications and Engagement Manager  
Help Desk Support Officer  
Community Engagement Officer  
Council Services Senior Admin Officer  
Acting, Executive Assistant Corporate and Community Services

**Council Prayer:**

Council Prayer was led by Pastor Amanda Francis, New Vine Church Branxton.

The Mayor expressed his sincere condolences to the families and friends of those that sadly lost their lives as a result of the tragic bus accident.

A minutes silence was held as a mark of respect.

**APOLOGY:**

**MOTION**

**Moved:** Councillor Sander

**Seconded:** Councillor Hill

502

**RESOLVED**

That the apologies tendered on behalf of Councillors Burke and Watton, for unavoidable absence, be accepted and that the leave of absence previously granted for Councillor Paynter be noted.

**FOR**

**AGAINST**

Councillor Jackson

Councillor Dunn

Councillor Moores

Councillor Grine

Councillor Sander

Councillor Hill

Councillor Hawkins

Councillor Olsen

Councillor Jurd

Councillor Suvaal

**Total (10)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**MINUTES:**

**MOTION**

**Moved:** Councillor Hill  
Councillor Moores

**Seconded:**

503

**RESOLVED**

That the Minutes of the Ordinary Meeting of Council held on 17 May 2023, as circulated, be taken as read and confirmed as a correct record.

**FOR**

**AGAINST**

Councillor Jackson  
Councillor Dunn  
Councillor Moores  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Olsen  
Councillor Jurd  
Councillor Suvaal

**Total (10)**

**Total (0)**

**CARRIED UNANIMOUSLY**

**DISCLOSURES OF INTEREST**

**DISCLOSURES OF INTEREST NO. DI5/2023**

**SUBJECT: DISCLOSURES OF INTEREST**

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**RECOMMENDATION**

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

**MM3/2023 Food Waste Reduction Grants**

Councillor Grine declared a Non Pecuniary Interest + Significant conflict for the reason that she is related to the charity organiser. Councillor Grine advised that she would leave the Chamber and take no part in discussion and voting.

**CC32/2023 Tender T012324HUN Road Resurfacing**

Councillor Olsen declared a Non Pecuniary Interest + Significant conflict for the reason that his grandson works for one of the companies that submitted a successful tender. Councillor Olsen advised that he would leave the Chamber and take no part in discussion and voting.

## PETITIONS

Nil

### ADDRESS BY INVITED SPEAKERS

The following people addressed the meeting of Council:

Speakers	Company	For / Against	Report	Page No.	Duration
Judith Knott		For	PE22/2023 - Development Application No. 8/2022/1130/1 proposing a Camping Ground comprising 60 camp sites, construction of an amenities building and associated car park 281 Watagan Creek Road, Laguna	65	3 mins
Cong Yi	3D Works NSW	Against	PE22/2023 - Development Application No. 8/2022/1130/1 proposing a Camping Ground comprising 60 camp sites, construction of an amenities building and associated car park 281 Watagan Creek Road, Laguna	65	3 mins

#### EXTENSION OF TIME

*Moved:*

Councillor Hawkins

*Seconded:*

Councillor Sander

504

#### RESOLVED

That an extension of one minute be given to Judith Knott to complete her presentation.

#### FOR

Councillor Jackson  
Councillor Dunn  
Councillor Moores  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Jurd  
Councillor Suvaal

**Total (9)**

#### AGAINST

Councillor Olsen

**Total (1)**

#### CARRIED



**PLANNING AND ENVIRONMENT NO. PE22/2023**

**SUBJECT: DEVELOPMENT APPLICATION NO. 8/2022/1130/1 PROPOSING A CAMPING GROUND COMPRISING 60 CAMP SITES, CONSTRUCTION OF AN AMENITIES BUILDING AND ASSOCIATED CAR PARK**

**281 WATAGAN CREEK ROAD, LAGUNA**

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**MOTION**  
505  
**RESOLVED**

**Moved:** Councillor Dunn

**Seconded:** Councillor Hawkins

**1. That:**

- (i) Development Application No. 8/2022/1130/1 proposing a camping ground comprising 60 camp sites, construction of an amenities building and associated car park at 281 Watagan Creek Road Laguna, be refused pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, for the reasons contained in this report.
- (ii) The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:
  - a. The proposal fails to satisfy the underlying aims and objectives of *State Environmental Planning Policy (Primary Production) 2021* (pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*), in respect to:
    - I. It does not facilitate the orderly and economic use of land.
    - II. It does not assist in the proper management, development and protection of rural lands.
    - III. It fails to introduce suitable measures designed to reduce land use conflicts.
  - b. The proposal fails to satisfy the following provisions of the *Cessnock Local Environmental Plan 2011* (pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*):
    - I. The objectives of the RU2 Rural Landscape Zone, in terms of incompatibility with rural landscape character, incompatibility with existing uses, the intensity of the development is unsuitable, the site disturbance is unclear and the visual impact is unclear.
    - II. Clause 5.21 in that the development will be unable to provide for the safe and efficient evacuation of people in the event of a flood.
    - III. Clause 7.2 in that insufficient information has been provided on earthworks to determine the likely environmental impacts of the development.
    - IV. Clause 7.14 in that insufficient information has been provided to determine if essential services are able to be provided to support the development.

- c. The proposal fails to satisfy the following provisions of the Cessnock Development Control Plan 2010 (pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979):
- I. Chapter C.1 (Parking and Access) in that the development fails to identify the provision of adequate parking on the site to service the development.
  - II. Chapter C.4 (Land Use Conflict and Buffer Zones) in that the proposal is likely to result in land use conflict with surrounding rural and residential land uses.
  - III. Chapter C.5 (Waste Management and Minimisation) in that no provision has been made for waste management generated by the development.
  - IV. Chapter C.9 (Development on Flood Prone Land) in that the development will be unable to provide suitable and efficient flood free access for emergency evacuation in the event of a flood.
  - V. Chapter C.8 (Social Impact Assessment and Crime Prevention Through Environmental Design) in that a Social Impact Assessment has not been provided in support of the development to determine the likely social impacts associated with the development.
- d. The proposal will result in unacceptable impacts in relation to the risk to life in the event of a flood (pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*).
- e. Insufficient information has been provided to determine the likely impacts of the development in relation to traffic generation, noise, ecology, bushfire, earthworks, social implications, crime prevention, waste water disposal, visual impact and waste management (pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*).
- f. The subject site is not considered suitable for the development due to the flood affectation of the land and the inability to provide for flood free access (pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*).
- g. The proposal is not considered to be in the public interest (pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*).

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

- The development is not suitable for the site given that flood free access is not available to the property.
- The development is not considered to be compatible with the character of the surrounding rural environment.

- **Insufficient and conflicting information has been provided, therefore it is not possible to determine the likely impacts of the development on the environmental qualities of the site and amenity of the surrounding neighbourhood.**
  - **The application has not demonstrated that adequate essential services can be made available to service the development.**
- (iv) **The details contained above be publicly notified pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*.**

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

## **REASONS FOR REFUSAL**

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1. The proposal fails to satisfy the underlying aims and objectives of *State Environmental Planning Policy (Primary Production) 2021* (pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*), in respect to:
  - I. It does not facilitate the orderly and economic use of land.
  - II. It does not assist in the proper management, development and protection of rural lands.
  - III. It fails to introduce suitable measures designed to reduce land use conflicts.
2. The proposal fails to satisfy the following provisions of the *Cessnock Local Environmental Plan 2011* (pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*):
  - I. The objectives of the RU2 Rural Landscape Zone, in terms of incompatibility with rural landscape character, incompatibility with existing uses, the intensity of the development is unsuitable, the site disturbance is unclear and the visual impact is unclear.
  - II. Clause 5.21 in that the development will be unable to provide for the safe and efficient evacuation of people in the event of a flood.
  - III. Clause 7.2 in that insufficient information has been provided on earthworks to determine the likely environmental impacts of the development.
  - IV. Clause 7.14 in that insufficient information has been provided to determine if essential services are able to be provided to support the development.
3. The proposal fails to satisfy the following provisions of the *Cessnock Development Control Plan 2010* (pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*):
  - I. Chapter C.1 (Parking and Access) in that the development fails to identify the provision of adequate parking on the site to service the development.
  - II. Chapter C.4 (Land Use Conflict and Buffer Zones) in that the proposal is likely to result in land use conflict with surrounding rural and residential land uses.
  - III. Chapter C.5 (Waste Management and Minimisation) in that no provision has been made for waste management generated by the development.

- IV. Chapter C.9 (Development on Flood Prone Land) in that the development will be unable to provide suitable and efficient flood free access for emergency evacuation in the event of a flood.
  - V. Chapter C.8 (Social Impact Assessment and Crime Prevention Through Environmental Design) in that a Social Impact Assessment has not been provided in support of the development to determine the likely social impacts associated with the development.
4. The proposal will result in unacceptable impacts in relation to the risk to life in the event of a flood (pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*).
  5. Insufficient information has been provided to determine the likely impacts of the development in relation to traffic generation, noise, ecology, bushfire, earthworks, social implications, crime prevention, waste water disposal, visual impact and waste management (pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*).
  6. The subject site is not considered suitable for the development due to the flood affectation of the land and the inability to provide for flood free access (pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*).
  7. The proposal is not considered to be in the public interest (pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*).

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Dunn	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

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

**MOTION**            **Moved:**    Councillor Dunn            **Seconded:**    Councillor Hill  
506  
**RESOLVED**

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

GMU4/2023	Minutes of the Audit and Risk Committee Meeting held 9 May 2023 .....	57
PE23/2023	Development Application Performance Monitoring Report _ March 2023 .....	104
CC31/2023	Tender T022324HUN Ready Mixed Concrete .....	109
CC33/2023	Tender T2023-03 Electrical Maintenance .....	124
CC37/2023	Minutes of the Strategic Property & Community Facilities Committee Meeting held 31 May 2023 .....	145
CC38/2023	Investment Report - May 2023 .....	148
CC39/2023	Resolutions Tracking Report .....	155
WI19/2023	Community Sponsorship and Fee Waiving Policy Review.....	156
WI20/2023	Minutes of the Local Traffic Committee Meeting held 15 May 2023 .....	159
WI21/2023	Minutes of the Local Traffic Committee Extra Ordinary Meeting held 2 June 2023 .....	171

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Dunn	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **MAYORAL MINUTES**

### **MAYORAL MINUTES NO. MM2/2023**

**SUBJECT: WINE COUNTRY DRIVE BUS TRAGEDY**

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

507

**RESOLVED**

1. That Council express its sincere condolences to the families and friends of those that sadly lost their lives as a result of the tragic bus accident.
2. That Council recognises the bus passengers who survived the crash for their bravery in providing crucial first aid and support immediately after the crash, and expresses our support for them during their recovery.
3. That Council acknowledge and thank all first responders including, NSW Police, Ambulance NSW, Fire and Rescue NSW, NSW Rural Fire Services, NSW State Emergency Services, Cessnock District VRA Rescue Squad, NSW Health Workers, Transport for NSW, Council Officers and the broader community for their tremendous support and efforts managing this major incident.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Dunn	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**MAYORAL MINUTES NO. MM3/2023**

**SUBJECT: FOOD WASTE REDUCTION GRANTS**

---

Councillor Grine declared a Non Pecuniary Interest + Significant conflict for the reason that she is related to the charity organiser. Councillor Grine advised that she would leave the Chamber and take no part in discussion and voting.

**MOTION**            **Moved:**    Councillor Suvaal  
508

**RESOLVED**

**That Council sponsor OzHarvest and local food recycling providers, to utilise unspent funds available from the Better Waste and Recycling Fund program, in accordance with the current grant funding guidelines by 30 June 2023.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Dunn	
Councillor Moores	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (9)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

Councillor Grine left the meeting, the time being 6.58pm

Councillor Grine returned to the meeting, the time being 7.01pm

**MOTIONS OF URGENCY**

**MOTIONS OF URGENCY NO. MOU5/2023**

**SUBJECT: MOTIONS OF URGENCY**

---

**Nil**



# GENERAL MANAGER'S UNIT

## GENERAL MANAGER'S UNIT NO. GMU4/2023

**SUBJECT: MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD 9 MAY 2023**

---

**MOTION**            **Moved:**    Councillor Dunn            **Seconded:**    Councillor Hill  
509  
**RESOLVED**

1. That the Minutes of the Audit and Risk Committee Meeting held 9 May 2023 be adopted as a resolution of the Ordinary Council.
2. That Council adopts the Project Authorisation and Revotes Policy.
3. That Council adopts the Investment Policy.
4. That Council writes to:
  - The Hon Christopher Minns, Premier of NSW
  - The Hon Daniel Mookhey, Treasurer for NSW
  - The Hon Jihad Dib, Minister for Emergency Services
  - The Hon Ron Hoenig, Minister for Local Government, and
  - The Chair of the NSW Parliamentary Public Accounts Committee

With the correspondence to note that at least 42 Councils (34% of all Councils) have qualified financial statements for the year ended 30 June 2022 in relation to the non-recognition of Rural Fire Service assets despite:

- All councils have made an accounting policy that is in accordance with the Local Government Code of Accounting Practice and financial reporting
- All councils have an accounting policy that is in accordance with the Office of Local Government's own independent accounting advice
- The NSW Treasury and NSW Rural Fire Service have provided no independent third-party accounting advice that states categorically why Councils control RFS assets
- The NSW Audit Office have provided no tangible evidence, or third-party independent advice, as to why the Audit Office have adopted the NSW Treasury viewpoint that has resulted in 42 qualified financial statements

And that council calls on the NSW Government:

- To investigate the basis behind all RFS related qualified financial statements for the year ended 30 June 2022 despite there being no change in past accounting treatments
- To investigate statutory remedies that enshrine in legislation that NSW Rural Fire Service assets are controlled by the NSW Rural Fire Service

**FOR****AGAINST**

Councillor Jackson  
Councillor Dunn  
Councillor Moores  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Olsen  
Councillor Jurd  
Councillor Suvaal  
**Total (10)**

**Total (0)**

***CARRIED UNANIMOUSLY***

## **PLANNING AND ENVIRONMENT**

### **PLANNING AND ENVIRONMENT NO. PE23/2023**

**SUBJECT: DEVELOPMENT APPLICATION PERFORMANCE MONITORING  
REPORT \_ MARCH 2023**

---

**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Hill  
510  
**RESOLVED**

**That Council receives and notes the Development Performance Monitoring Report for the March quarter 2022/23.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Dunn	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **CORPORATE AND COMMUNITY**

### **CORPORATE AND COMMUNITY NO. CC31/2023**

**SUBJECT: TENDER T022324HUN READY MIXED CONCRETE**

---

**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Hill

511

#### **RESOLVED**

1. That Council accepts the Regional Procurement Tender for the Supply and Delivery of Ready Mixed Concrete (T022324HUN).
  2. That Council accept the Panel of suppliers in no order of preference;
    - Boral Resources (Country) Pty Ltd
    - Hanson Construction Materials Pty Ltd
    - Hunter Readymixed Concrete Pty Limited
    - Maitland Ready Mixed Concrete Pty Ltd
    - Premier NSW Pty Ltd t/a Premier Concrete
    - Redicrete Pty Ltd
- as the preferred suppliers for Council under the Regional Procurement Tender
3. That Council note the contract term for Tender Supply and Delivery of Ready Mixed Concrete (T022324HUN) is from 1 July 2023 to 30 June 2026 with an option for two 12-month contract extension based on satisfactory supplier performance through to 30 June 2027.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Dunn	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC32/2023**

**SUBJECT: TENDER T012324HUN ROAD RESURFACING**

---

Councillor Olsen declared a Non Pecuniary Interest + Significant conflict for the reason that his grandson works for one of the companies that submitted a successful tender. Councillor Olsen advised that he would leave the Chamber and take no part in discussion and voting.

---

**MOTION**            **Moved:**    Councillor Hill                    **Seconded:**    Councillor Hawkins  
512

**RESOLVED**

1.    **That Council accepts the Regional Procurement Panel Tender for the Provision of Road Resurfacing (T012324HUN).**
2.    **That Council accept the Panel of suppliers in the following categories in no order of preference;**
  - **Cat 1 Bitumen Spray Seal;**  
**Bitupave Ltd t/a Boral Asphalt/ Colas New South Wales Pty Ltd/ Fulton Hogan Industries Pty Ltd/ Stabilised Pavements of Australia Pty Ltd**
  - **Cat 2 Asphaltic Concrete**  
**Bitupave Ltd t/a Boral Asphalt/ Colas New South Wales Pty Ltd/ Fulton Hogan Industries Pty Ltd/ Accurate Asphalt & Road Repairs Pty Ltd/ ANA Industries Pty Ltd/ Fenworx Pty Ltd t/a Newpave Asphalt/ Downer EDI Works Pty Ltd.**
  - **Cat 3 Mill and Re sheet**  
**Bitupave Ltd t/a Boral Asphalt/ Colas New South Wales Pty Ltd/ Fulton Hogan Industries Pty Ltd/ Accurate Asphalt & Road Repairs Pty Ltd/ ANA Industries Pty Ltd/ Fenworx Pty Ltd t/a Newpave Asphalt/ Downer EDI Works Pty Ltd.**
  - **Cat 4 Crack Sealing**  
**The Trustee for Supersealing Unit Trust t/a Supersealing**
  - **Cat 5 Heavy Patch**  
**Bitupave Ltd t/a Boral Asphalt/ Colas New South Wales Pty Ltd/ Fulton Hogan Industries Pty Ltd/ Accurate Asphalt & Road Repairs Pty Ltd/ ANA Industries Pty Ltd/ Fenworx Pty Ltd t/a Newpave Asphalt/ Downer EDI Works Pty Ltd**
3.    **That Council note the contract term for Tender for the Provision of Road Resurfacing (T012324HUN) is from 1 July 2023 to 30 June 2026 (36 Months). A 12-month option may be taken up based on satisfactory performance by the contractor/s.**

**FOR****AGAINST**

Councillor Jackson  
Councillor Dunn  
Councillor Moores  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Jurd  
Councillor Suvaal  
**Total (9)**

**Total (0)**

***CARRIED UNANIMOUSLY***

Councillor Olsen left the meeting, the time being 7.01 pm

Councillor Olsen returned to the meeting, the time being 7.02 pm

**CORPORATE AND COMMUNITY NO. CC33/2023**

**SUBJECT: TENDER T2023-03 ELECTRICAL MAINTENANCE**

---

**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Hill  
513  
**RESOLVED**

**That Council accepts the following suppliers for tender T2023-03 Electrical Maintenance;**

- **Specific Programmed Maintenance (Schedule 2a)**
  - Hartcher Hall Pty Ltd
- **Reactive Type Maintenance (Schedule 2b)**
  - Hartcher Hall Pty Ltd
  - Platinum Electricians NLM
- **New Electrical Installations**
  - Hartcher Hall Pty Ltd
  - Platinum Electricians NLM
  - Prophase Electrical Solutions Pty Ltd
- **The term of the contract shall be three years commencing 1 July 2023 to 30 June 2026 plus two one-year options based on satisfactory tenderer performance.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Dunn	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC34/2023**

**SUBJECT: ADOPTION OF THE OPERATIONAL PLAN 2023-2024  
INCORPORATING THE BUDGET, REVENUE POLICY AND FEES &  
CHARGES.**

---

**MOTION**      **Moved:** Councillor Hill      **Seconded:** Councillor Dunn

That Council having considered all submissions received from the community following public exhibition of the draft documents adopts the:

- Operational Plan 2023-2024, including the budget and Revenue Policy, with the removal of the \$499,000 Election expenses line item.
- Fees and Charges for 2023-2024

**AMENDMENT**      **Moved:** Councillor Olsen      **Seconded:** Councillor Jurd

That Council having considered all submissions received from the community following public exhibition of the draft documents adopts the:

- Operational Plan 2023-2024, including the budget and Revenue Policy, with the removal of the \$499,000 Election expenses line item.
- Fees and Charges for 2023-2024 with changes relating to aquatic programs and bookings.

**FOR**

Councillor Olsen  
Councillor Jurd

**Total (2)**

**AGAINST**

Councillor Jackson  
Councillor Dunn  
Councillor Moores  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Suvaal

**Total (8)**

The amendment was PUT and LOST

**The motion was then PUT and CARRIED**



**MOTION**  
514

**Moved:** Councillor Hill

**Seconded:** Councillor Dunn

**RESOLVED**

That Council having considered all submissions received from the community following public exhibition of the draft documents adopts the:

- Operational Plan 2023-2024, including the budget and Revenue Policy, with the removal of the \$499,000 Election expenses line item.
- Fees and Charges for 2023-2024

**FOR**

Councillor Jackson  
Councillor Dunn  
Councillor Moores  
Councillor Grine  
Councillor Sander  
Councillor Hill  
Councillor Hawkins  
Councillor Suvaal

**Total (8)**

**AGAINST**

Councillor Olsen  
Councillor Jurd

**Total (2)**

**CARRIED**

**CORPORATE AND COMMUNITY NO. CC35/2023**

**SUBJECT: MAKING THE RATE 2023-24**

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**MOTION**      **Moved:**    Councillor Hill                      **Seconded:**    Councillor Dunn  
515  
**RESOLVED**

**That Council make the following rates and charges for the year commencing 1 July 2023 to 30 June 2024:**

**1. Ordinary Rates**

The following Ordinary Rates now be made for the year commencing 1 July 2023.

Category	Sub Category	Ad-valorem Amount Cents in \$	Base Amount \$	Base Yield % of Total Rate
Residential		0.225438	430.00	32.70%
Residential	Rural	0.170496	430.00	19.68%
Farmland		0.134616	430.00	15.10%
Farmland	Mixed Use	0.354150	535.00	6.55%
Farmland	Business Rural	0.352255	535.00	8.92%
Business		1.059287	535.00	12.18%
Mining		4.275466	1,500.00	0.49%

**2. Waste Charges**

Council do hereby prescribe and order under Section 496 of the *Local Government Act 1993* for rateable land categorised for rating purposes as residential or farmland and situated within the area in which a Domestic Waste Management Service is able to be provided, that the following waste charges be now made for the year commencing 1 July 2023.

Domestic Waste Management Service Charge

Domestic Waste Management Availability Charge <sup>1</sup>	\$79.00
Domestic Waste Management Service Charge <sup>2</sup>	\$670.00
Additional Domestic Waste Management Service Charge <sup>3</sup>	\$670.00
Additional Domestic Waste Management Service Charge – Recycling	\$88.50
Additional Domestic Waste Management Service Charge – Organics	\$88.50

1. Charge applies to vacant rateable land situated within the area in which a Domestic Waste Management Service is able to be provided.
2. Each premise is entitled to one approved mobile waste bin mixed waste service per week, one fortnightly collection of recyclable material and one fortnightly collection of organic material for each Domestic Waste Management Service Charge.
3. Each premise is entitled to one approved mobile waste bin mixed waste service per week for each Additional Domestic Waste Management Service Charge.

Council do hereby prescribe and order under Section 501 of the *Local Government Act 1993*, for land not categorised for rating purposes as residential or farmland and situated within the area in which a Waste Management Service is able to be provided, that the following waste charges be now made for the year commencing 1 July 2023.

### Waste Management Service Charge

Commercial Waste Management Service Charge <sup>1</sup>	\$817.00
Additional Waste Management Service Charge <sup>2</sup>	\$817.00
Additional Waste Management Service Charge - Recycling	\$88.50
Additional Waste Management Service Charge - Organics	\$88.50

1. Each premise is entitled to one approved mobile waste bin mixed waste service per week and one fortnightly collection of recyclable material for each Waste Management Service Charge. Each premise is also entitled to one fortnightly collection of organic material for each Waste Management Service Charge upon request and justification of needs.
2. Each premise is entitled to one approved mobile waste bin mixed waste service per week for each Additional Waste Management Service Charge.

### **3. Stormwater Management Services Charges**

Council do hereby prescribe and order under Section 496A of the *Local Government Act 1993*, for land situated within the designated stormwater area, that the following stormwater charges be now made for the year commencing 1 July 2023.

#### Stormwater Management Service Charge

Stormwater Management Service Charge - Residential	\$25.00
Stormwater Management Service Charge - Residential Strata	\$12.50
Stormwater Management Service Charge - Business	\$25.00 per 350m <sup>2</sup> (or part thereof) to a maximum \$500

### **4. Interest on Overdue rates and Charges**

Council do hereby determine and order, in accordance with Section 566 of the *Local Government Act 1993*, that if rates and charges are unpaid at the due date, the amount shall be increased by a sum calculated at:

- nine per cent (9%) per annum, simple interest, calculated daily for the period 1 July 2023 to 30 June 2024.

### **5. Hunter Local Land Services**

Council, in accordance with Clauses 36 and 40, Part 4, of the *Local Land Services Regulation 2014*, prescribes that the rate for the year commencing 1 July 2023 shall be the rate gazetted by the Minister for the Hunter Catchment Contribution for the period 1 July 2023 to 30 June 2024 inclusive being 0.01046 cents per dollar of rateable land value.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	Councillor Olsen
Councillor Dunn	Councillor Jurd
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Suvaal	
<b>Total (8)</b>	<b>Total (2)</b>

**CARRIED**

**CORPORATE AND COMMUNITY NO. CC36/2023**

**SUBJECT: MINUTES OF THE ABORIGINAL AND TORRES STRAIT ISLANDER COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL HELD 12 MAY 2023**

---

**MOTION**      **Moved:** Councillor Grine      **Seconded:** Councillor Hill  
516  
**RESOLVED**

1. That the Minutes of the Aboriginal and Torres Strait Islander Committee meeting held on 12 May 2023 be adopted as a resolution of Ordinary Council.
2. That the General Manager appoint two people from the Aboriginal and Torres Strait Islander Committee comprising a staff representative and a community representative for membership to the Newcastle from the Heart Committee.

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	Councillor Olsen
Councillor Dunn	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Suvaal	
<b>Total (8)</b>	<b>Total (1)</b>

**CARRIED**

Councillor Jurd left the meeting, the time being 7.32 pm

Councillor Jurd returned to the meeting, the time being 7.35 pm

**CORPORATE AND COMMUNITY NO. CC37/2023**

**SUBJECT: MINUTES OF THE STRATEGIC PROPERTY & COMMUNITY FACILITIES COMMITTEE MEETING HELD 31 MAY 2023**

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**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Hill  
517

**RESOLVED**

**That the Minutes of the Strategic Property and Community Facilities Committee meeting of 31 May 2023 be adopted as a resolution of the Ordinary Council.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Dunn	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC38/2023**

**SUBJECT: INVESTMENT REPORT - MAY 2023**

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**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Hill  
518  
**RESOLVED**

**That Council receives the Investment Report for May 2023 and notes that:**

- **Investments are held in accordance with Council’s Investment Policy, which is in accordance with the Ministerial Investment Order.**
- **Council’s month end cash and investments balance was \$71,934,417.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Dunn	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

**CORPORATE AND COMMUNITY NO. CC39/2023**

**SUBJECT: RESOLUTIONS TRACKING REPORT**

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**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Hill  
519  
**RESOLVED**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Dunn	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **WORKS AND INFRASTRUCTURE**

### **WORKS AND INFRASTRUCTURE NO. WI19/2023**

**SUBJECT: COMMUNITY SPONSORSHIP AND FEE WAIVING POLICY REVIEW**

---

**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Hill  
520  
**RESOLVED**

- 1. That Council place the Community Sponsorship and Fee Waiving Policy on public exhibition for a period of 28 days**
- 2. If there are no significant public submissions received that the Policy be automatically adopted at the end of the exhibition period.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Dunn	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**



## **WORKS AND INFRASTRUCTURE NO. WI20/2023**

**SUBJECT: MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD 15 MAY 2023**

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**MOTION**      **Moved:**    Councillor Dunn      **Seconded:**    Councillor Hill  
521

**RESOLVED**

That the Minutes of the Cessnock Local Traffic Committee Meeting of 15 May 2023 be adopted as a resolution of the Ordinary Council.

- **TC24/2023** - That Council notes the installation of regulatory parking signage and line marking on Lang Street, Kurri Kurri between Alexandra Street & Allworth Street in accordance with the Lang Street Kurri Kurri \_ Signage & Line Marking Diagram.
- **TC25/2023** - That Council notes the installation of a children's crossing, kerb extensions, and associated signage and line marking on Anderson Avenue, Paxton in accordance with the Anderson Avenue Paxton \_ Signage & Line Marking Diagram.
- **TC26/2023** - That Council notes the installation of a regulatory parking controls and associated signage and line marking on Rothbury Street, Nulkaba in accordance with the Rothbury Street Nulkaba \_ Signage & Line Marking Diagram.
- **TC27/2023** - That Council notes the installation of centre line marking on Deakin Street and Wermol Street, Kurri Kurri in accordance with the Deakin Street Kurri Kurri \_ Line Marking Diagram.
- **TC28/2023** - That Council notes the installation of intersection controls including associated signage and line marking on Charlton & Fisher Streets, Bellbird in accordance with the Charlton Street Bellbird \_ Signage & Line Marking Diagram.
- **TC29/2023** - That Council notes installation of regulatory controls on Coulter Street within Huntlee, in accordance with Coulter Street North Rothbury \_ Signage & Line Marking Diagram.
- **TC30/2023** - That Council declines support for the proposed intersection treatment on Old Buttai Road Buttai, as shown in the Old Buttai Road Buttai \_ Proposed Intersection Diagram, and authorises Council officers to undertake investigation and consultation with all parties to facilitate a land swap as shown in the Old Buttai Road Buttai, Alternate Intersection Diagram.
- **TC31/2023** - That Council note the advice of the Local Traffic Committee regarding the Technical Review of a proposed Channelised Right Turn Treatment, and associated zebra crossing relocation, at Maitland Road, Cessnock as shown in the Maitland Road Cessnock \_ Proposed Intersection Diagram.

**FOR****AGAINST**

Councillor Jackson

Councillor Dunn

Councillor Moores

Councillor Grine

Councillor Sander

Councillor Hill

Councillor Hawkins

Councillor Olsen

Councillor Jurd

Councillor Suvaal

**Total (10)****Total (0)*****CARRIED UNANIMOUSLY***

**WORKS AND INFRASTRUCTURE NO. WI21/2023**

**SUBJECT: MINUTES OF THE LOCAL TRAFFIC COMMITTEE EXTRA ORDINARY MEETING HELD 2 JUNE 2023**

---

**MOTION**      **Moved:** Councillor Dunn      **Seconded:** Councillor Hill  
522

**RESOLVED**

**That the Minutes of the Cessnock Local Traffic Committee Extra Ordinary Meeting of 2 June 2023 be adopted as a resolution of the Ordinary Council.**

<b>FOR</b>	<b>AGAINST</b>
Councillor Jackson	
Councillor Dunn	
Councillor Moores	
Councillor Grine	
Councillor Sander	
Councillor Hill	
Councillor Hawkins	
Councillor Olsen	
Councillor Jurd	
Councillor Suvaal	
<b>Total (10)</b>	<b>Total (0)</b>

**CARRIED UNANIMOUSLY**

## **COUNCILLORS REPORTS**

### **Councillor Jurd – Local Roads Congress**

On the 5<sup>th</sup> of June 2023, I attend the Local Roads Congress. I heard from councillors on other councils, that this conference, is a great way to learn how roads operate and how the government looks after the councils for adequacy for residents.

Will Barton open the conference with a welcoming, and spoke about sustainably investments and how to deliver and how it effect the roads and its safety.

### **Cr Darriea Turley**

Her welcome, talked about the partnership that helps gets action, how working together will achieve this. She said the congress has been a platform for building networks and policy that we can take away and can help us with our council. The she talked about the weather, how its effected everyone. How we need to make sure our roads assets, are looked at and documented, we need to know how much they cost. She talked about the rate peg, that everything has gone up and yet it was capped. That the state levy with the emergency services, how now its costing us. That we already done the operation plans prior to state giving the emergency service levy and how it's a major problem.

### **The Hon. Jenny Aitchison MP**

She used to work in the tour industry, worldwide. This is why she is regional roads minister, as she knows the system. Prior to holding this pro folio she had a tourism one. She talked about the roads and the issues around the emergency's and the regional roads. She has changed the grant programs, because she said there was issues with it with the prior people. Saying 50 million was for pot holes funding, 280 million then for regional. Which was only then 1 in 5 who got funding. She said her team have put more into it which was about 600 million.

Local government is council roads

State roads, is state roads

She said to contact her, she loves to talk to anyone about it all.

### **The Hon. John Graham, MLC**

He spoke about damaged roads from 2022, repairing roads and minimises the flooding issues. Talked about Sydney issues and then talks about COVID 19 patterns how its changed how we work and live. He talked about the tolls in Sydney being another thing that has been hard on the Sydney people. With the cost of food and living going up, the tolls are another thing that is making it hard on them. It was all about Sydney.

### **The Hon. Natalie Ward MLC**

Talked about how its important what we do for our community's. She spoke about the minister and said she looks forward to working with him, he didn't even look up. Talked about the roads and safety issues and the connectivity, she was the previous roads minister. Talked about local roads and the quality, how its brought community together. Then about COVID 19 and green space etc. encouraging people not to have to travel etc. Left a 76 billion dollar pipeline for roads as a parting gift, to do a motorway. Talked about the planning, how it is part of jobs, it creates job, the infrastructure is about jobs.

What they did well, 5 new motorways for the next 5 years, lowest road deaths

What they could of done better, I missed that part or she never said one.

12 years they were in there. (Libs)

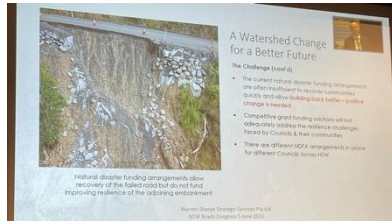
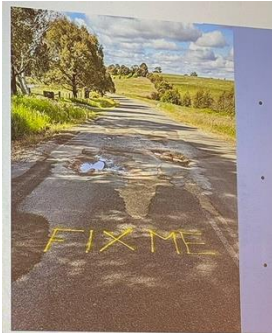
### **The Hon. Sam Farraway MLC**

Talked about the importance of the local government, to be able to help state. Especially when he went to Lismore with the flooding. Talked about the timber bridges and how they changed them. Betterem funding, regional roads fund, to build reliance. Better infrastructure and then about the government apparently you cant control the weather.

Panel discussion – ministers  
Funding, vision to deal with flooding and pipeline

**Warren Sharpe OAM**

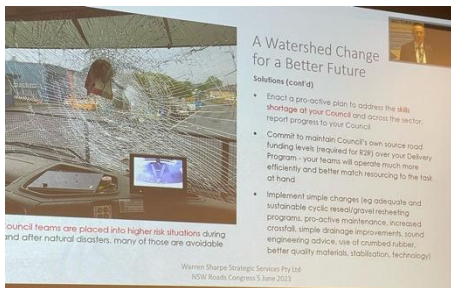
Talking about towards a resilience future.  
Road map to build back better



**Steve Verity**

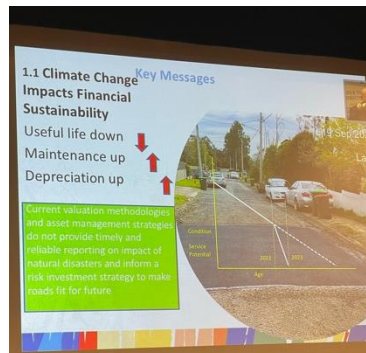
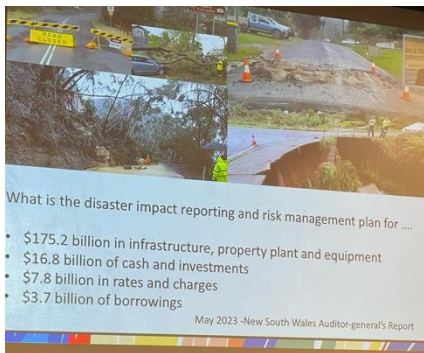
Road asset benchmarking

Identifies the shortfall in funding to ensure roads and bridges assets are maintained at the lowest lifecycle cost and provides the evidence for sustainable and affordable road funding.



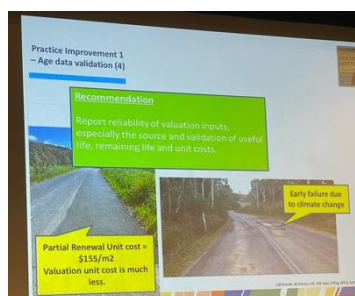
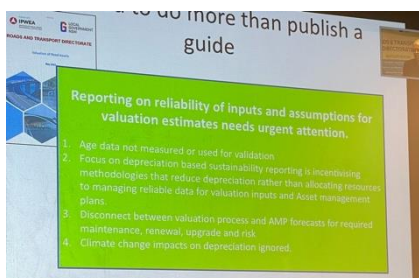
**Jeff Roorda**

Valuation of road infrastructure after natural disasters



Talked about the guidelines about how to fix roads and how its not always the right way to do it and how they should change them.

‘Next time we have a climate change storm.’



These were my notes from the congress, and feel like it was a great day for learning.

**Councillor Jackson – Australian Local Government Association, 2023 National Government Assembly**

Australian Local Government Association  
2023 National Government Assembly  
Our Communities Our Future  
13-16 June 2023

I wish I could condense this into a few paragraphs but after 4 days of activity I can't because we were introduced to so much information which was absolutely fantastic and useful.

The ALGA welcomed a record crowd of over 1100 local government leaders, delegates and elected representatives to Canberra's National Convention Centre, of which 178 were voting delegates.

Based on the NGA theme "Our Communities, Our Future", delegates will discuss how Australia's 537 local governments can best partner with the Federal Government to deliver a better future for our communities.

Considering the last conference was held a decade ago, it ran smoothly and seamlessly. You could not help but think they had been running these events annually.

Tuesday's Regional Forum had a record 450 delegates registered. That evening from 5:00pm to 7:00 pm was the Welcome Reception & Exhibition Opening. It was an ideal time to network with fellow Mayors, Deputy Mayors and Councilors from across the country as well as meet the exhibitors.

Wednesday was an event packed day starting off with the Australian Local Government Women's Association breakfast of which many men participated. The keynote speaker was Tracey Roberts talking about "Women in leadership, the journey to get there and empowering other women".

Next we had the opening ceremony with a Welcome to Country by Aunty Violet Sheridan which included an address from His Excellency General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia.

After a Minister address from The Hon. Catherine King MP, Minister for Infrastructure, Transport, Regional Development and Local Government, we heard from the President's Address from Cr Linda Scott, ALGA President. Our Guest Speaker was His Excellency Vasyl Myroshnychenko, Ambassador of Ukraine. Our next speaker was The Honourable Peter Dutton MP, Leader of the Opposition. Jimmy Rees made the Keynote Address.

After lunch we heard a panel addressing The Future of Local Government and a panel Addressing Building a Stronger Workforce. All speakers had valuable points to put forward. None were more important than the other. What resonated with me was the Young Mayors Program Foundation which I feel would make an invaluable impact on Cessnock City Council for getting young people involved in their community. <https://www.fya.org.au/program/young-mayors/>

In the afternoon, we debated and voted on half of the 145 motions submitted by councils across the country. It was decided to englobe the first 21 motions. Of the remaining motions, we only discussed whole numbers. Any motion with a .1, .2, .3, etc. was discarded.

This proved to be an excellent and efficient way to handle the proceedings as we managed to finish on time if not earlier.

Thursday started off with a panel about “A conversation about the Voice”. I was incredibly interested in this panel. I was hoping to get information from both the “yes” and “no” camp.

All speakers were very passionate and eloquent, but it was all one-sided for the “yes” vote. By the end, I still did not understand how or why Aboriginals are not recognised under the Constitution. Doesn't the Australian Constitution recognise ALL Australians?

The most impactful keynote speaker, (in my opinion), was Jennifer Michelmore, Chief Executive, Studio THI. I felt she has the most practical solutions/answers to help lead communities through change. She had an extensive presentation about managing growth to leading transformational change through a change in our thinking and practice. There needs to be an **awareness** of the need for change, a **desire** to participate in and support change, **knowledge** of how to change, the **ability** to implement the change on a day to day basis and **reinforcement** to keep the change in place. I need to create a separate report solely on her presentation and thought process to do it justice.

After morning tea was a panel on Cyclones, Fires and Floods. Our speakers were Brendan Moon AM (Coordinator General National Emergency Management Agency), Mayor Peter Freshney (Latrobe Council), and Mayor Samantha O'Toole (Balonne Shire). They fielded a great many questions from the audience. Next was a Keynote address by Saul Griffith.

After lunch we had two more panels where the audience asked many questions. They were on Australia's Affordable Housing Crisis and Cyber Security and Local Government; both very hot topics.

We debated and voted on the rest of the motions after afternoon tea and managed to get through them all in a very timely manner. There were no surprises in which motions were carried or not. There were only two which were a bit controversial in the closeness of the vote.

#### Motion number 93 Gunnedah Shire Council NSW

This National General Assembly calls on the Australian Government to remove restrictions preventing the development of Nuclear Energy as a viable option in the production of base load electricity following the decommissioning of coal fired power stations throughout Australia.

Failed For 88 Against 90

#### Motion number 95 Brimbank City Council VIC

This National General Assembly acknowledges the Australian Government's support of constitutional recognition for Aboriginal and Torres Strait Islanders through a Voice to Parliament and recognises what the Uluru Statement and the Voice to Parliament will mean for Australia's First Nations peoples and the broader Australian community.

Carried (I don't remember the numbers but it was close)

Friday was the historic return of the Australian Council of Local Government (ACLG). The agenda for this event, featured panel sessions and speaking appearance from key Federal Ministers. Returning for the first time in a decade, the ACLG allowed mayors to join the Prime Minister, Cabinet Ministers and Government to meet and create better ways to work together. The ACLG will follow and be informed by discussions at this year's NGA.

The day started with an extensive Welcome to Country by Paul Girrawah House along with the participation of two audience members. After a Welcome Address by The Hon. Anthony Albanese MP our first panel was on The Future of Local Government.

The panel was The Hon. Catherine King MP (Minister for Infrastructure, Transport, Regional Development and Local Government), The Hon. Stephen Jones MP (Assistant Treasurer; Minister for Financial Services), and Mayor Matt Burnett (Vice President of the Australian Local Government Association).

Panel #2: Our Industries and Economies - Achieving Economics and Industry Growth chaired by The Hon. Chris Bowen MP (Minister for Climate Change and Energy), Senator the Hon. Don Farrell (Minister for Trade and Tourism; Special Minister of State), and The Hon. Ed Husic MP (Minister for Industry and Science).

Panel #3: Our People - Local Government as a Trusted Delivery Partner chaired by The Hon. Jason Clare MP (Minister for Education), The Hon. Julie Collins MP (Minister for Housing; Minister for Homelessness; Minister for Small Business), and The Hon. Patrick Gorman MP (Assistant Minister to the Prime Minister; Assistant Minister for the Public Service).

Panel #4: Our Places - Resilience and Our Regions chaired by The Hon. Emma McBride MP (Assistant Minister for Mental Health and Suicide Prevention; Assistant Minister for Rural and Regional Health), The Hon. Bill Shorten MP (Minister for the National Disability Insurance Scheme; Minister for Government Services), and Senator the Hon. Murray Watt (Minister for Agriculture, Fisheries and Forestry; Minister for Emergency Management).

After the fourth panel, we broke out into two different panels; Regional and Urban. Obviously, I chose the Regional Panel which was chaired by The Hon. Andrew Giles MP (Minister for Immigration, Citizenship and Multicultural Affairs), Ms. Liz Ritchie (CEO, Regional Australian Institute), and Cr Rebecca Vonhoff (Toowoomba Regional Council).

Panel #5: Our Services - Live-ability and Local Government chaired by The Hon. Michelle Rowland MP (Minister for Communications), Mr. David Mackay (Deputy Secretary, Department of Infrastructure, Transport, Regional Development, Communications and the Arts), and Dr. Erin Brady (Deputy Director- General, Environment, Planning and Sustainable Development Directorate).

Closing remarks were made by The Hon. Kristy McBain MP (Minister for Regional Development, Local Government and Territories).

All panels fielded many questions from the audience. There was not enough time for everyone who lined up to the microphones. And the questions were very intelligent with equally intelligent answers from the respective speakers.

The best precis I can provide is that the common consensus is that the Federal Government is appreciative of the value of what Local Government provides. At a local level, we are the eyes on the ground who are better equipped to provide feedback to the Federal Government.

*The Meeting Was Declared Closed at 7.36pm*

**CONFIRMED AND SIGNED** at the meeting held on 19 JULY 2023

.....**CHAIRPERSON**

.....**GENERAL MANAGER**



Disclosures Of Interest

Report No. DI6/2023

Corporate and Community Services



**SUBJECT:** *DISCLOSURES OF INTEREST*

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

**RECOMMENDATION**

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

**SUMMARY**

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

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

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

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

**ENCLOSURES**

There are no enclosures for this report.

Motions of Urgency

Report No. MOU6/2023

Corporate and Community Services

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**SUBJECT:** *MOTIONS OF URGENCY*

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

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**RECOMMENDATION**

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

**SUMMARY**

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

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

**ENCLOSURES**

There are no enclosures for this report.



**SUBJECT:** *DEVELOPMENT APPLICATION NO. 8/2022/904/1  
 PROPOSING A BOUNDARY ADJUSTMENT, REMOVAL OF  
 FOUR TREES, CONSTRUCTION OF AN ATTACHED TWO-  
 STOREY DUAL OCCUPANCY FOLLOWED BY A STRATA  
 TITLE SUBDIVISION INTO TWO LOTS.*

*21 – 23 CARROLL AVENUE, CESSNOCK*

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

<b>APPLICATION NUMBER:</b>	8/2022/904/1
<b>PROPOSAL:</b>	Boundary adjustment, removal of four (4) trees, construction of an attached two-storey dual occupancy followed by a strata title subdivision into two (2) lots
<b>PROPERTY DESCRIPTION:</b>	Lots 2 and 4, DP 580045
<b>PROPERTY ADDRESS:</b>	21 – 23 Carroll Avenue, Cessnock
<b>ZONE:</b>	R3 Medium Density Residential
<b>OWNER:</b>	Farzana Khan
<b>APPLICANT:</b>	Land Development

## RECOMMENDATION

1. That:
  - (i) (Development Application No. 8/2022/904/1 proposing a boundary adjustment, removal of four (4) trees, construction of an attached two-storey dual occupancy followed by a strata title subdivision into two (2) lots at 21 – 23 Carroll Avenue Cessnock, be approved pursuant to Sections 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979*, subject to the conditions contained in Enclosure 2.
  - (ii) The reasons for the decision (having regard to any statutory requirements applying to the decision), are as follows:
    - The proposal is a permitted land use in the R3 Medium Density zone under the *Cessnock Local Environmental Plan 2011*,



- The proposal is consistent with the objectives of the R3 Medium Density zone under the *Cessnock Local Environmental Plan 2011*,
  - The proposal is consistent with the relevant provisions contained within the relevant State Environmental Planning Policies,
  - The proposal is generally compliant with the provisions of the Cessnock Development Control Plan 2010, and any variations are considered minor and justified,
  - The proposal incorporates adequate measures to ensure the development will not result in any adverse impacts on the natural and built environments,
  - The proposal incorporates adequate measures to ensure the development will not result in any adverse impacts on the social and economic locality,
  - The proposal is considered to be consistent with the public interest.
- (iii) In considering community views, the following is relevant:
- The development proposed will have an acceptable impact on the amenity of the area,
  - The proposed development will provide additional housing stock within the locality, and
  - Some of the concerns in respect to the proposed development can be addressed via the imposition of conditions of consent.
- (iv) The details contained above be publicly notified pursuant to Section 2.22 and Clause 20(2) of Schedule 1 of the *Environmental Planning and Assessment Act 1979*
2. That Council notify in writing the persons who made a submission with regard to the proposed development, of Council's decision.

## REASON FOR REPORT

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Development Application No. 8/2022/904/1 is being referred to Council for determination because it has been called-up by three (3) Councillors.

Planning and Environment

Report No. PE24/2023

Planning and Environment



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## EXECUTIVE SUMMARY

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Council is in receipt of Development Application No. 8/2022/904/1, seeking approval for a boundary adjustment between two (2) allotments of land, the removal of four (4) trees, the construction of an attached two-storey dual occupancy, followed by a strata subdivision into two (2) lots at 21 – 23 Carroll Avenue, Cessnock.

The Development Application has been assessed against the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulations 2021*, relevant Environmental Planning Instruments and Council policies. The outcome of this assessment is detailed further in this report.

The Development Application was publicly exhibited and one (1) submission objecting to the proposal was received. The issues and concerns raised in the submission are addressed in the attached assessment report.

The development has been assessed as being consistent with the objectives of the R3 Medium Density zone under the *Cessnock Local Environmental Plan 2011 (CLEP 2011)*, and it is considered that the proposal will result in the provision of additional housing within the locality.

The proposal will not result in any significant adverse impacts on the surrounding natural or built environment, and suitable conditions of consent have been recommended to protect the amenity of adjoining properties. The site is considered suitable for the proposed development and is not contrary to the public interest.

A detailed assessment of the Development Application has been undertaken and is attached to this report as Enclosure 1.

Based on the assessment, it is recommended that the Development Application be approved, subject to the conditions of consent contained in Enclosure 2.

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## ENCLOSURES

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- 1 Assessment report
- 2 Draft notice of determination
- 3 Development Plans
- 4 Submissions - *This matter is considered to be confidential under Section 10A(2) (j) of the Local Government Act, as it deals with Council Policy. (Submissions contain personal information. )*

Planning and Environment

Report No. PE25/2023

Planning and Environment



**SUBJECT:** ***DRAFT HUNTER POWER PROJECT (KURRI KURRI POWER STATION) PLANNING AGREEMENT***

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

### **SUMMARY**

The purpose of this report is to seek Council's endorsement to place the Draft Hunter Power Project (Kurri Kurri Power Station) Planning Agreement (Enclosure 2) on public exhibition for a minimum period of 28 days. The Draft Planning Agreement requires the Developer to provide a monetary contribution of \$880,000 to Council to be used to acquire and/or embellish part of the former South Maitland Railway (SMR) spur line at Loxford for the purpose of a district cycleway.

### **RECOMMENDATION**

- 1. That Council publicly notify the Draft Hunter Power Project (Kurri Kurri Power Station) Planning Agreement for a minimum period of 28 days in accordance with the provisions of the *Environmental Planning and Assessment Act 1979*.**
- 2. That Council delegate authority to the General Manager to execute the Planning Agreement unless unresolved written objections are received during the exhibition period.**

### **BACKGROUND**

On 12 December 2020, the Kurri Kurri Gas-Fired Power Station was declared a critical State Significant Infrastructure project by order under *State Environmental Planning Policy (State and Regional Development) 2011*. The Infrastructure Approval for the Kurri Kurri Gas-Fired Power Station was subsequently granted by the Minister for Planning and Public Spaces on 17 December 2021. The Developer of the Kurri Kurri Gas-Fired Power Station is Snowy Hydro Limited.

The Infrastructure Approval requires Council and the Developer to enter into a Planning Agreement within 6 months of the date of commencement of the development, or such later date as agreed by the Secretary. The Planning Agreement is to be in accordance with the *Environmental Planning and Assessment Act 1979* ('the EP&A Act') and the terms of the Developer's offer set out in Appendix 3 to the Infrastructure Approval. Appendix 3 to the Infrastructure Approval sets out the payment of a monetary contribution to Council of \$880,000 for projects agreed between Council and the Developer that have a community benefit and demonstrated link to the development.

The date for entering into the Planning Agreement has been extended by the Secretary to 31 August 2023. In the event a Planning Agreement is not entered into within the timeframe specified in the Infrastructure Approval, and no further extension of time is granted, the Developer is required to make a monetary contribution to Council of \$880,000 in accordance with Section 7.12 of the EP&A Act.

**Planning and Environment**

**Report No. PE25/2023**

**Planning and Environment**



***REPORT/PROPOSAL***

Negotiation has occurred with the developer over several months to identify a project that meets the Planning Agreement Terms set out in Appendix 3 of the Infrastructure Approval and is acceptable to both parties. Several options have been considered by Council staff and the Developer, including funding additional public domain works within the Kurri Kurri Commercial Centre, the provision of one or more electric vehicle (EV) charging stations, or funding the acquisition and/or embellishment the former SMR spur line at Loxford for the purpose of a district cycleway.

Council staff and the Developer agree that the monetary contribution should be used to assist with the acquisition and/or embellishment of part of the former SMR spur line at Loxford for the purpose of a district cycleway. The project is listed in Council's endorsed Cycling Strategy 2016 and will benefit the community within the Kurri Kurri to Maitland growth area by providing active transport opportunities. The acquisition of part of the SMR spur line to enable a district cycleway is also an outcome of the Planning Proposal for the former Hydro Aluminum site.

The other options were considered problematic as there are no singular projects in the Kurri Kurri Commercial Centre Masterplan that might be funded with the monetary contribution and the provision of EV charging station(s) is likely to benefit only a small proportion of the local community, but may result in ongoing operational costs for Council.

A map identifying the location of the former SMR spur line at Loxford is attached, see **Enclosure 1**.

***OPTIONS***

1. Council resolve to support the recommendations of this report, prepare and publicly notify the Draft Hunter Power Project (Kurri Kurri Power Station) Planning Agreement for a minimum of 28 days. This is the recommended option.
2. Request changes to the Draft Hunter Power Project (Kurri Kurri Power Station) Planning Agreement and seek further discussion with the Developer. This option is not recommended.
3. Not adopt the recommendation and take no further action. This will result in the Developer making a monetary contribution to Council of \$880,000 in accordance with Section 7.12 of the EP&A Act.

***CONSULTATION***

The Draft Hunter Power Project (Kurri Kurri Power Station) Planning Agreement was considered at the Development Contributions Steering Group meeting held on 21 June 2023. No objections to the Draft Planning Agreement were raised by the Steering Group.

Consultation has also occurred with Council's Strategic Property Team in relation to the content of this report and the proposed acquisition of part of the former SMR spur line.

SMR were consulted in relation to the proposed acquisition and embellishment of the spur line during the assessment of the Hydro Planning Proposal. SMR have not objected to Council's intentions for the land.

## **STRATEGIC LINKS**

### **a. Delivery Program**

The Draft Hunter Power Project (Kurri Kurri Power Station) Planning Agreement will contribute positively to the desired outcomes of the Community Strategic Plan and Delivery Programs aligning with the following objectives of the Cessnock 2036 Community Strategic Plan:

- 1.1 – Promoting social connections and wellbeing;
- 1.2 – Strengthening community culture;
- 2.3 – Increasing tourism opportunities and visitation in the area;
- 3.2 – Better utilisation of existing open space; and
- 4.1 – Better transport links.

### **b. Other Plans**

The Draft Planning Agreement is consistent with Council's endorsed Cycling Strategy 2016, which proposes a district off-road cycleway within the SMR spur line corridor at Loxford. The Draft Planning Agreement is also consistent with the *Cessnock Local Environmental Plan 2011*, which identifies Council's intention to acquire part of the SMR spur line.

## **IMPLICATIONS**

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

The aims of the Planning Agreement are ensuring the timely provision of services and infrastructure, planning for suitable access and adequate provision for community/recreational services and facilities. The draft Planning Agreement will become effective upon execution by the General Manager.

### **b. Financial Implications**

The Draft Planning Agreement requires the Developer to provide a monetary contribution to Council of \$880,000, to be used to acquire and/or embellish part of the former SMR spur line at Loxford for the purpose of a district cycleway.

It is estimated that the monetary contribution set out in the Draft Planning Agreement will fund the majority, if not all, of the cost to acquire the relevant part of the former SMR spur line. The cost to construct the district cycleway within the rail corridor, together with any funding shortfall to acquire the former spur line, will be addressed in the Works Schedule appended to Council's City Wide Infrastructure Contributions Plan 2020 and/or within Council's capital works budget. The Works Schedule is currently being reviewed by Council staff and will be reported to Council separately.

The Draft Planning Agreement makes provision for Council to be reimbursed for costs incurred in preparing, negotiating and executing the Draft Planning Agreement, up to a cap of \$5,000.



**Planning and Environment**

**Report No. PE25/2023**

**Planning and Environment**



**c. Legislative Implications**

This Report and the Draft Hunter Power Project (Kurri Kurri Power Station) Planning Agreement have been prepared with regard to the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

**d. Risk Implications**

Nil

**e. Environmental Implications**

Entering into the Draft Planning Agreement will have no environmental impact. A Review of Environmental Factors (REF) will be necessary at the detailed design phase of the district cycleway in accordance with the EP&A Act. The REF will identify and, if necessary, provide measures to mitigate or prevent environmental impacts resulting from the cycleway infrastructure.

**f. Other Implications**

Nil

**CONCLUSION**

The Infrastructure Approval for the Hunter Power Project (Kurri Kurri Gas-Fired Power Station) requires Council and the Developer to enter into a Planning Agreement in accordance with the EP&A Act and the terms of the Developer's offer. The Developer's offer comprises a monetary contribution to Council of \$880,000.

As a result of negotiation over several months, Council staff and the Developer agree that the monetary contribution should be used to assist with the acquisition and/or embellishment of part of the former SMR spur line at Loxford for the purpose of a district cycleway. The district cycleway will benefit the community within the Kurri Kurri to Maitland growth area, including future population within the former Hydro Aluminium site.

It is recommended that Council publicly notify the Draft Hunter Power Project (Kurri Kurri Power Station) Planning Agreement for a minimum period of 28 days in accordance with the EP&A Act. In addition, it is recommended that Council delegate authority to the General Manager to execute the Planning Agreement unless unresolved written objections are received during the exhibition period.

**ENCLOSURES**

- 1** Part of SMR Spur Line at Loxford to be Acquired
- 2** Draft Hunter Power Project (Kurri Kurri Power Station) Planning Agreement

Planning and Environment

Report No. PE26/2023

Planning and Environment



**SUBJECT:** *COMPREHENSIVE DCP REVIEW - TOURIST ACCOMMODATION ON RURAL AND ENVIRONMENTAL LANDS - DRAFT FOR EXHIBITION*

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

### **SUMMARY**

This report describes an amendment to the Cessnock Development Control Plan to support small-scale tourist accommodation in the RU2 Rural Landscape and the C3 Environmental Management land-use zones.

### **RECOMMENDATION**

1. That Council exhibits the draft DCP Chapter: 'Tourist and Visitor Accommodation in Rural and Environmental Lands' in accordance with clause 13 of the Environmental Planning and Assessment Regulation 2021 and for a period of 28 days.
2. That if any unresolvable objections are received during the exhibition period, a report will be brought back to Council for further consideration.
3. That if no unresolvable objections are received during the exhibition period, Council approve the draft DCP in accordance with clause 14 of the Environmental Planning and Assessment regulation 2021.

### **BACKGROUND**

Council is undertaking a comprehensive review of the Cessnock Local Environmental Plan (CLEP) 2011 and Development Control Plan (DCP). This is being undertaken in stages and generally in themes.

The draft DCP chapter, 'Tourist and Visitor Accommodation in Rural and Environmental Lands' is the latest chapter to be reviewed and coincides with finalisation of the Rural Lands LEP amendment. When adopted, the draft chapter will replace the existing DCP Chapter titled 'Purpose Built Rural Tourist Accommodation'.

### **REPORT/PROPOSAL**

Cessnock's rural landscape and environmental lands make an important contribution to the amenity and character of the area and support a diverse and important rural sector that contributes substantially to the local and regional economy.

Small-scale tourism uses, including accommodation provide opportunities to supplement farm income, to support the restoration and maintenance of environmental assets and to showcase the Cessnock region. However, to maintain the integrity of rural landscape and to continue to support agriculture, it is important that these tourism operations do not undermine the qualities and function of rural and environmental lands.

Planning and Environment

Report No. PE26/2023

Planning and Environment



The draft DCP includes provisions on:

1. Site analysis
2. Rural character
3. Land-use conflict
4. Safety, access and parking
5. Environmental Impacts
6. Eco-tourist facilities.

Serviced apartments

'Serviced apartments' are a type of 'Tourist and Visitor Accommodation' in the CLEP. The land-use definition for 'serviced apartments' has been used occasionally to approve some small-scale tourist accommodation in rural areas such as tourist cabins. While the definition of 'serviced apartments' could be used to describe accommodation like tourist cabins, it infers a very different built form such as a multi-story building. Also, there has been recent legal interpretation that a 'serviced apartment' requires regular servicing. This is not typically provided in a tourist cabin or alike.

The rural lands LEP amendment that is currently being finalised will remove 'serviced apartments' from the RU2 Rural Landscape zone. However, Council remains committed to supporting appropriate small-scale tourist accommodation in the rural and certain environmental zones. To achieve this, small-scale tourist accommodation will be assessed as the parent term, 'Tourist and Visitor Accommodation'.

Small-scale tourist accommodation

To reinforce this position and to provide certainty to the community, the DCP includes a definition of small-scaled tourist accommodation and provides controls to limit the size of a development.

**Small scale tourist accommodation** means "a building or buildings containing a maximum of 4 bedrooms that provide temporary or short-term accommodation to tourists or visitors on a commercial basis."

To limit the size of the development the following density control applies:

"The maximum density of *small-scale tourist accommodation* is 2 bedrooms per 1 hectare of the property up to a maximum of 30 bedrooms, contained in no more than 10 buildings."

The remaining controls in the DCP aim to ensure that any development approved under these controls protects the rural amenity of the area, the agricultural uses on adjoining properties and the environment.

**CONSULTATION**

The draft DCP will be placed on exhibition for a period of 28-days in accordance with the Council's Community Participation Plan.

Planning and Environment

Report No. PE26/2023

Planning and Environment

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### **STRATEGIC LINKS**

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

The proposal is consistent with the following objective of the Community Strategic Plan 2036.

A Sustainable and Healthy Environment: Objective 3.1 Protecting and Enhancing the Natural Environment and the Rural Character of the Area.

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

The proposal is consistent with the following planning priorities of the Local Strategic Planning Statement.

Planning Priority 8: Our rural land is protected from incompatible development.

Planning Priority 17: Our lands of environmental value are protected and enhanced.

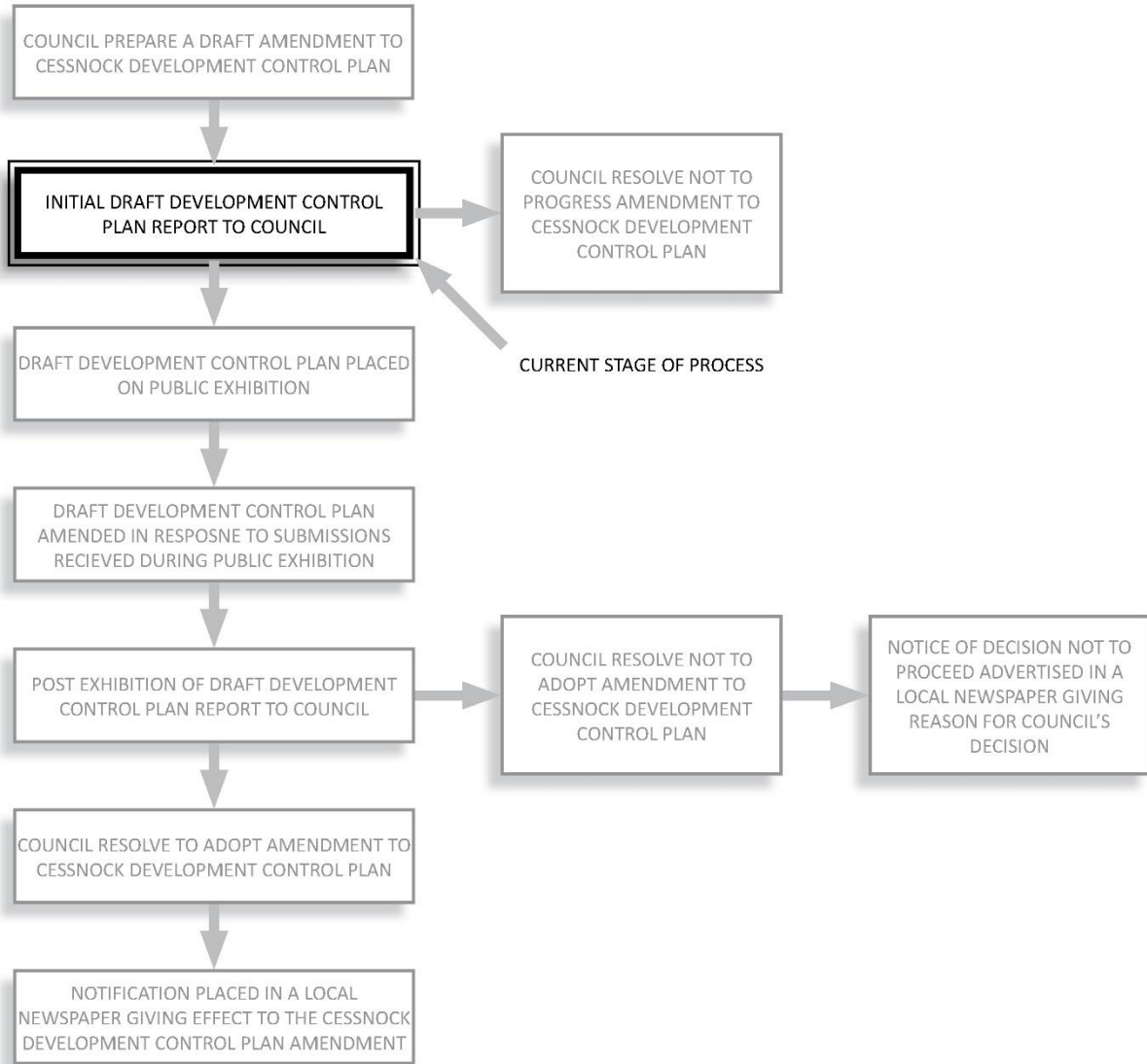
Planning Priority 21: Developments minimise environmental impacts and respond to site environmental characteristics and natural hazards.



**IMPLICATIONS**

**a. Policy and Procedural Implications**

PROCESS - CESSNOCK DEVELOPMENT CONTROL PLAN



**b. Financial Implications**

NIL

**c. Legislative Implications**

The amendment will be processed in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and the Regulation.

Planning and Environment

Report No. PE26/2023

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**d. Risk Implications**

NIL

**e. Environmental Implications**

NIL

**f. Other Implications**

NIL

**CONCLUSION**

Council is committed to support appropriate small-scale tourist accommodation in rural and certain environmental areas. These provisions set limits to the scale and density of that development and other controls to ensure that tourism accommodation does not adversely affect these sensitive environments.

The DCP also clearly states how Council will define and process applications for small-scale tourist accommodation.

**ENCLOSURES**

- 1** Comprehensive DCP Chapter \_ Tourist Accommodation in Rural and Environmental Zones

Corporate and Community

Report No. CC40/2023

Corporate and Community Services



**SUBJECT:** *LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2023  
- REQUEST FOR ATTENDANCE AND MOTIONS*

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

### **SUMMARY**

The Local Government NSW (LGNSW) Annual Conference 2023 is scheduled to be held at the Rosehill Gardens racecourse from Sunday 12 November to Tuesday 14 November 2023. The purpose of this report is to provide the opportunity for Councillors to make an application to attend as per Council policy, and to consider motions to be submitted to the Conference.

### **RECOMMENDATION**

1. That Councillors wishing to attend the Local Government NSW Annual Conference 2023 make an application to attend the conference to the General Manager by 1 August 2023 so that Council can determine attendees at the meeting of 16 August 2023.
2. That Councillors consider possible motions for the conference and that they be provided to the General Manager by 1 August 2023 for consideration/endorsement by Council at the meeting of 16 August 2023.

### **BACKGROUND**

Council needs to determine attendees and voting delegates to the LGNSW Annual Conference 2023. Councillors wishing to attend need to make application to attend with applications to be determined at a later Council meeting.

Registration opens 24 July 2023, with early bird rates applying until 28 September 2023, after which standard registration will apply until the closing date of 27 October 2023. Nominations for the LGNSW Board election close 13 October 2023. LGNSW has also requested that motions for the conference be submitted by 15 September 2023.

### **REPORT/PROPOSAL**

LGNSW have provided information on the Conference hosted by the City of Parramatta to be held at Rosehill Garden Racecourse from 12-14 November 2023, to set advocacy priorities for the year ahead and to conduct Board elections.

Details about the conference are available at [2023 Home | LGNSW](#)

### **Request to Attend**

In accordance with Council Policy, Councillors wishing to attend the conference are requested to make application to the General Manager by a specified date so that Council could determine the attendees and voting delegates at a subsequent Council meeting.

**Corporate and Community**

**Report No. CC40/2023**

**Corporate and Community Services**



Early bird registration opened late July 2023 and a number of places have been tentatively booked to take advantage of the discount available, with delegate details to be updated once Council determines attendees. Accommodation has also been tentatively booked. At this stage final registration fees have not been set, but based on prior years it is anticipated that approximate costs would be, standard registration \$1,600, early bird registration \$1,200 and Conference Dinner ticket (optional) \$300, plus accommodation costs.

The application to attend conference form is available at **Enclosure 1**.

**Motions**

LGNSW has also sought to have motions for consideration at the Conference submitted by 15 September 2023. Councillors are requested to notify the General Manager of any suggested motions by 1 August 2023 so that Council could determine the motions to be referred to the Association at the meeting of 16 August 2023.

The Local Government NSW Board is seeking ways to ensure that the motions debate at the Conference centres on advancing section wide policy agenda. This means proposed motions should seek to be strategic, affect members state-wide and introduce new or emerging policy issues and actions.

An online portal is available for submission of motions. Those motions only will be included in the conference business paper where they:

1. are consistent with the objects of the Association;
2. relate to Local Government in NSW and/or across Australia;
3. concern or are likely to concern Local Government as a sector;
4. seek to advance Local Government policy agenda of the Association and/or improve governance of the Association;
5. have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws);
6. are clearly worded and unambiguous in nature; and
7. do not express preference for one or several members over one or several other members.

**Board Elections**

Councillors wishing to be involved in setting strategic direction and Policy position of LGNSW can nominate for a position on the LGNSW Board. Nominations open 19 September 2023 and close 13 October 2023. Information is available on the LGNSW website.

**CONSULTATION**

General Manager



## **STRATEGIC LINKS**

### **a. Delivery Program**

This report is linked to the Community's Desired Outcome Objective 5 "Civic Leadership and Effective Governance".

## **IMPLICATIONS**

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

Application for attendance at the Local Government NSW Annual Conference is in accordance with Council Policy.

### **b. Financial Implications**

Funding is available for attendance in the Councillors conference budget vote. The approximate cost per delegate is estimated to be \$2,500. This includes accommodation, conference/workshop registration and meals.

### **c. Legislative Implications**

N/A

### **d. Risk Implications**

N/A

### **e. Other Implications**

N/A

## **CONCLUSION**

This report provides information on the upcoming LG NSW Annual Conference and provides Council with the opportunity to consider any motions to be submitted to the conference and for Councillors to apply to attend.

## **ENCLOSURES**

- [1](#) Councillor Request to Attend Conference Form

Corporate and Community

Report No. CC41/2023

Corporate and Community Services



**SUBJECT:** *AMENDMENT TO THE INSTRUMENT OF DELEGATION TO THE GENERAL MANAGER*

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

### **SUMMARY**

To adopt an amended Instrument of Delegation to the General Manager to include delegations from Transport for NSW for certain aspects of the control of traffic on local roads to local councils. This amendment will not affect how matters are reported to and considered by the Cessnock Local Traffic Committee (CLTC), but will provide improved efficiency in the process.

### **RECOMMENDATION**

**That Council adopts the amended Instrument of Delegation to the General Manager.**

### **BACKGROUND**

Transport for NSW (TfNSW) is responsible for the control of traffic on all roads in NSW. TfNSW delegates certain aspects of the control of traffic on local roads to local councils. Generally, the delegation to local councils limits the types of prescribed traffic control devices and traffic control facilities that may be authorised, and requires councils to comply with certain conditions when doing so.

One of these conditions requires councils to obtain the advice of TfNSW and NSW Police prior to proceeding with proposals through the establishment of a Cessnock Local Traffic Committee (CLTC). The committee is primarily a technical review committee that is required to advise the Council on traffic related matters referred to it by Council. Local Traffic Committees are comprised of four formal members including a representative from the local council, NSW Police, TfNSW and the local State Member of Parliament or their nominee. Councillor Hawkins is the Councillor representative and chairperson of CLTC.

In 2023, a new delegation was issued to give councils an option for greater flexibility and an alternative pathway to implement certain outdoor dining works, road safety improvements, and improvements for pedestrians. Consequently, the delegated functions and limitations from TfNSW have been reviewed and it is recommended that some functions currently sitting with the elected Council be delegated to the General Manager to implement on the advice of the CLTC.



**REPORT/PROPOSAL**

It is proposed that some of the functions currently sitting with the elected Council be delegated to the General Manager. Sub-delegation of the functions will allow the General Manager to approve the installation or removal of regulatory signage and line marking, including regulatory parking controls on Council managed roads, based on the unanimous recommendation of the CLTC. The sub-delegation of these functions is expected to reduce the timeframes for achieving an approval for some CLTC matters by approximately four weeks.

<b>TfNSW Function</b>	<b>Current status</b>	<b>Proposed</b>	<b>Limitation</b>
Authorisation of prescribed traffic control devices pursuant to Division 2 of Part 5.3 of the <i>Road Transport Act 2013</i> (NSW)	Retained by Council – not sub-delegated.	Sub-delegate to General Manager.	Prior to exercising the function, Council is required to seek the advice of the CLTC.
Regulation of traffic under Division 2 of Part 8 (Sections 116 to 119) of the <i>Roads Act</i> (NSW)	Retained by Council – not sub-delegated.	These functions cannot be sub-delegated. This means that recommendations from the CLTC in relation to these matters continue to require determination by the elected Council. In addition to complying with these provisions, Council must also comply with the relevant requirements of Division 5.1 in Part 5 of the <i>Environmental Planning and Assessment Act 1979</i> .	
Authorisation of special event parking schemes pursuant to Division 3 of Part 8 of the <i>Road Transport (General) Regulation 2021</i> (NSW) on public roads other than classified roads.	Retained by Council – not sub-delegated.	Sub-delegate to General Manager.	Prior to exercising the function, Council is required to seek the advice of the CLTC.
The functions and powers of Transport for NSW under section 115(2) of the <i>Roads Act 1993</i> (NSW) to regulate traffic on a public road for purposes other than those set out in section 115(3).	Retained by Council – not sub-delegated.	Sub-delegate to General Manager.	Prior to exercising the function, Council is required to seek the advice of the CLTC.

**OPTIONS**

N/A

## CONSULTATION

No external consultation is required as adopting an Instrument of Delegation is a statutory process. However, Council has considered most recent delegations from TfNSW and references their delegation advice including:

- TfNSW Delegation to Councils (2011) [trafficdelegation2011.pdf \(nsw.gov.au\)](#)
- TfNSW Delegation to councils for the regulation of traffic: [A Guide to the delegation to councils for the regulation of traffic Including the operation of Traffic Committees \(nsw.gov.au\)](#)
- TfNSW Temporary Instrument of Delegation and Authorisation to councils 2023: [Traffic Management and Pedestrian Works](#)
- TfNSW Guide to councils 2023: [Traffic Management and pedestrian works temporary delegation](#)

## STRATEGIC LINKS

### a. Delivery Program 2022 - 2026

The recommendation of this report is consistent with the following strategic objectives;

Community Strategic Plan: Civic leadership and effective governance

Operational Plan 2023/24: Objective 5.3: Ensuring Council is accountable and responsive to the community

- Our Council's processes are efficient and transparent

### b. Other Plans

The recommendation supports the achievement of the following strategic objectives:

#### Cessnock City Council - Road Safety Strategic Plan 2020-2024:

- 4.1.2 Ensure Council's road infrastructure works comply with Austroads Design Guidelines, Australian Standards and Transport for NSW Technical Directions
- 5.2.1 Ensure compliant road design that delivers safe and efficient road and transport infrastructure that meets demand;
- 5.2.2 Ensure design and construction of new or upgraded road and transport infrastructure associated with development is processed through Local Traffic Committee and Local Development Committee (Traffic) to facilitate mandatory compliance with Austroads Design Guidelines, Australian Standards and Transport for NSW Technical Directions; and
- 5.3.1 Review, assess and respond to road safety concerns brought to Council's notice from members of the community.

## **IMPLICATIONS**

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

Currently all minutes of the Local Traffic Committee are referred to Council to adopt the recommendations contained therein. If Council the adopts amendments to the Instrument of Delegation to the General Manager, this process will be updated to reflect the changes. This means that Councillors will continue to receive copy of the agenda and minutes of the Cessnock Local Traffic Committee, however reports will only be referred to Council that require a decision, as set out in the table above.

### **b. Financial Implications**

N/A

### **c. Legislative Implications**

The *Local Government Act 1993* (NSW) (Act) provides that Council can delegate any of the functions of Council, except those detailed in section 377, which must be exercised by the elected Council.

The proposed Instrument of Delegation to the General Manager complies with relevant legislation and allows for functions to be carried out in an effective and timely manner. The proposed Instrument of Delegation will become effective immediately, if adopted.

### **d. Risk Implications**

Delegation of these functions to the General Manager ensures recommendations of the CLTC are implemented in a timely and effective manner. This reduces risks associated with extended timeframes for approval of matters relating to public safety.

### **e. Environmental Implications**

N/A

### **f. Other Implications**

N/A

## **CONCLUSION**

The sub-delegation of allowable functions to the General Manager regarding the regulation of traffic will reduce timeframes for some approvals relating to permanent regulatory traffic controls.

## **ENCLOSURES**

- [1](#) Amendment to the Instrument of Delegation to the General Manager

**SUBJECT:** *INVESTMENT REPORT - JUNE 2023*  
**RESPONSIBLE OFFICER:** *Chief Financial Officer - Matthew Plumridge*

### **SUMMARY**

Section 625 of the *Local Government Act 1993*, Clause 212 of the *Local Government (General) Regulation 2021* and Council's Investment Policy requires a monthly report to Council detailing all money invested.

### **RECOMMENDATION**

That Council receives the Investment Report for June 2023 and notes that:

- Investments are held in accordance with Council's Investment Policy, which is in accordance with the Ministerial Investment Order.
- Council's month end cash and investments balance was \$73,085,190.

### **BACKGROUND**

The *Local Government Act 1993*, the *Local Government (General) Regulation 2021* and Council's Investment Policy requires a monthly report to Council detailing all money invested.

### **REPORT**

#### **Statement by the Responsible Accounting Officer**

The Responsible Accounting Officer has certified that this report is produced in accordance with Clause 212 of the *Local Government (General) Regulation 2021* and that all investments have been made in accordance with the *Local Government Act 1993*, *Local Government (General) Regulation 2021* and Council's Investment Policy.

#### **General Investment Commentary**

Council officers monitors and manages the cash and investment portfolio by taking into consideration credit ratings of financial institutions, interest rates offered for periods of investment, counterparty exposures and cash flow requirements.

Following assessment of projected cash flow requirements, surplus funds are invested in accordance with Council's Investment Policy. Investment returns of the portfolio to the end of June 2023 are exceeding both original and revised budgets. As older term deposits mature and new term deposits are invested, yields are increasing compared to the last few years as demonstrated on Table 1 below.

Interest rates have been increasing monthly since May 2022 compared to previous unprecedented low levels in recent years.

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At its meeting on 4 July 2023, the Reserve Bank of Australia decided to leave the cash rate unchanged at 4.10%, after an increase from 3.85% to 4.10% in its June meeting.

Council has engaged Prudential Investment Services Corp for investment advice and the June 2023 Economic and Investment Portfolio Commentary, regarding interest rates notes:

- *Several central banks around the world, including the US, Europe, England, and New Zealand, increased their official cash rates over the past couple months to address high and persistent core inflation. Some banks have signalled that official rates were now at or close to being sufficiently restrictive but are unlikely to decline over coming months in contrast to market-implied expectations.*

Domestic issues noted within Prudential's report include:

- *The Australian Monthly CPI Indicator, albeit a volatile figure, fell to 5.6% year over year (yoy) its lowest since April last year confirming the downtrend from the 8.4% yoy high in December with the rates of inflation for clothing, new dwelling costs, furnishings, and holiday travel leading the lowering trend.*
- *As a result of ongoing rate hikes by the RBA, some economists are now forecasting a peak cash rate of 4.60% and a 50/50 chance of recession starting in late 2023 with signs already pointing to a weakening economy.*

In summarising Council's portfolio Prudential advises, "Council's investment portfolio posted a marked-to-market return of 3.71% pa for the month versus the bank bill index benchmark return of 3.72% pa. For the 2022/23 Financial Year, Council's portfolio returned 2.82% versus the benchmark's 2.89%.

*Without marked-to-market influences, Council's investment portfolio yielded 3.85% pa for the month, up from 3.69%pa in May. This is based on the actual interest rates being received on existing investments and excludes the underlying changes to the market value of the TCorp growth fund.*

*During June, Council had \$8m between two term deposits mature which had been paying an average of 2.40% pa, well below current rates. No new investments were made in the month."*

**Investment Portfolio Information**

**Table 1** Total cash and investments held by Council as at 30 June 2023

Invest No	Financial Institution Investment Held With	Invest Type	Interest Coupon Term	Maturity	Current Coupon Rate	Par Value \$'000
	Commonwealth Bank	CASH			3.75%	20,651
	Commonwealth Bank	At Call			4.10%	41
1243	AMP Bank	At Call			2.10%	503
1472	AMP Bank	TD	735	14-Sep-23	0.75%	1,000
1481	AMP Bank	TD	490	13-Jul-23	1.35%	4,000
1483	Commonwealth Bank	TD	533	12-Oct-23	2.81%	4,000
1484	Suncorp Bank	TD	504	21-Sep-23	2.85%	4,000
1486	Commonwealth Bank	TD	365	08-Aug-23	3.98%	5,000
1489	Westpac Bank	TD	365	27-Sep-23	4.66%	4,000
1490	Westpac Bank	TD	729	25-Sep-24	4.91%	4,000
1493	Suncorp Bank	TD	532	18-Apr-24	4.61%	2,000
1495	Westpac Bank	TD	365	24-Jan-24	4.46%	5,000
1496	National Australia Bank	TD	363	29-Jan-24	4.62%	5,000
1475a	Westpac Bank	TD	306	12-Dec-23	4.70%	4,000
1497	Westpac Bank	TD	356	19-Mar-24	4.99%	3,000

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Invest No	Financial Institution Investment Held With	Invest Type	Interest Coupon Term	Maturity	Current Coupon Rate	Par Value \$'000
1498	National Australia Bank	TD	370	15-May-24	4.74%	3,000
1463	Treasury Corporation	Growth Fund				3,889
<b>TOTAL</b>						<b>73,085</b>

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

Financial Institution	Credit Rating	Institution Maximum	Amount \$'000	% of Portfolio
Commonwealth Bank	AA-	40%	9,000	17.34%
Westpac Bank	AA-	40%	20,000	38.54%
National Australia Bank	AA-	40%	8,000	15.42%
Suncorp Bank	A+	40%	6,000	11.56%
AMP Bank	BBB	5%	5,000	9.64%
Treasury Corporation	Unrated	10%	3,890	7.50%
<b>TOTAL</b>			<b>51,890</b>	<b>100.00%</b>

In accordance with the Investment Policy, figures in Table 2 above exclude cash and at call balances in Council's main operating account held with the Commonwealth and AMP banks.

In November 2021, AMP Bank's rating was downrated and Council still was treating these investments at their previous rating. As per the Investment Policy, Council can now only hold 5% of our portfolio in AMP investments nor for any longer than 12 months. The current investments are covered by the grandfathering provisions of the Policy with no more investments able to be made at this level of rating. As investments mature and/or total quantum of investments rise then Council will return to its agreed investment limits.

**Investment in NSW Treasury Corporation (TCorp)**

TCorpIM Funds are unit trusts. Distributions are made annually and are automatically reinvested into the fund to buy additional units. As this investment is held for medium to long-term capital appreciation, gains or losses will only be realised on redemption of the investment. However due to accounting requirements any unrealised gains or losses will be processed between investments and the operating statement.

The final June 2023 unrealised return was a gain of \$5,874 or 0.15%, bringing the Year to Date (YTD) returns to a net gain of \$223,179 or 6.09%. Rates of return will fluctuate each month and possibly be negative from time to time with the medium-term investment horizon.

The June performance summary was not available at the time of preparing this report. The fund performance summary as at 31 May 2023 is provided below. The benchmark used by TCorp is CPI + 2.00% p.a. (over rolling 5 years).



**Table 3 NSW Treasury Corporation Performance Summary**

	10 year (% pa)	7 year (% pa)	3 year (% pa)	1 year %	FYTD %	1 month %
IM Medium Term Growth Fund	4.21	3.51	2.65	3.28	5.94	(0.27)
Benchmark: CPI + 2.0% p.a. (over rolling 5 years)	4.57	4.71	6.15	8.37	7.61	0.56
Return above benchmark p.a.	(0.36)	(1.20)	(3.50)	(5.09)	(1.67)	(0.83)

**Table 4 Investment types, risk, amount and percentage invested compared to total**

Investment Type	Risk Assessment		Amount	% of
	Capital	Interest	\$'000	Portfolio
Term Deposits	Low	Low	48,000	65.68%
Cash/At Call Deposits	Low	Low	21,195	29.00%
Capital Growth Fund	Medium	Medium	3,890	5.32%
<b>TOTAL</b>			<b>73,085</b>	<b>100.00%</b>

**Table 5 Comparison of interest rates, earnings and balances this year to last year**

Performance Measures	This Year	Last Year
Investment Portfolio Average Interest Rate (year to date)	2.82%	0.48%
Annualised Bank Bill Index (last 3 months) *	2.89%	1.81%
Actual Investment Interest Earned (for the current month)	\$202,807	\$89,013
Actual Investment Interest Earned (year to date) ^	\$1,925,451	\$352,928
Revised Budget Investment Interest (year to date)	\$1,680,122	\$210,000
Original Budget Investment Interest (annual)	\$380,122	\$210,000
Revised Budget Investment Interest (annual)	\$1,680,122	\$210,000
TCorp unrealised movement (year to date)	6.09%	-8.33%

Investment and Cash Balances (Par Value) #	This Year	Last Year
Opening Balance as at 1 July	\$73,415,666	\$54,388,548
Closing Balance as at 30 June	\$73,085,190	\$73,415,666

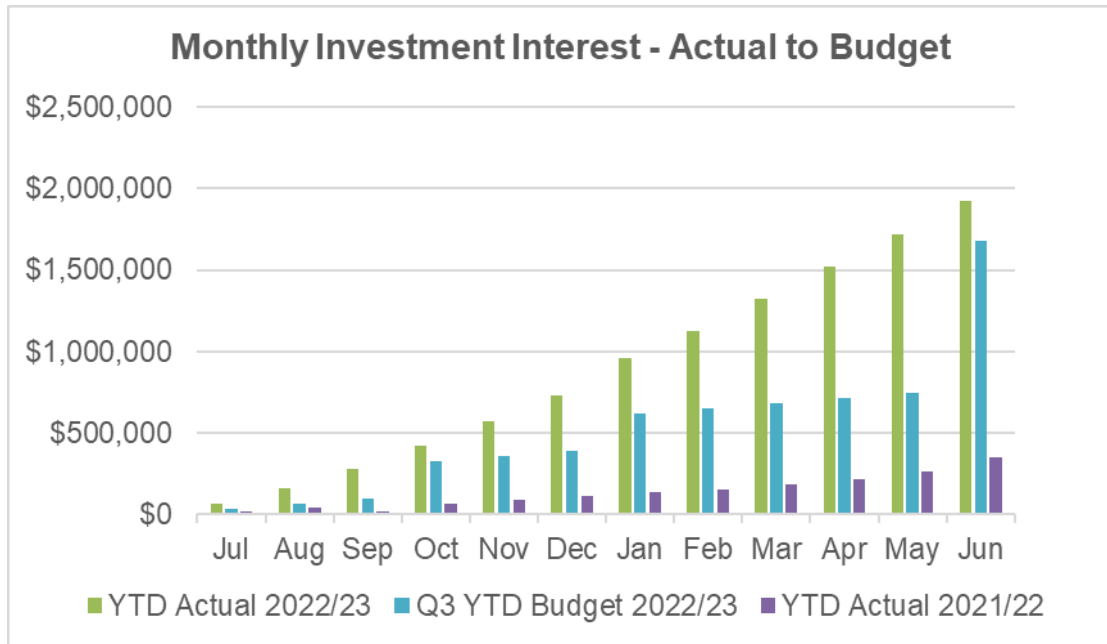
\* BBSW 90 day Bank Bill Reference Rate (performance measure as per Council's Investment Policy)

^ Excludes TCorp unrealised returns

# Excludes Section 355 Committee cash held



**Graph 1** Actual interest earned compared to revised budget and actual interest last year



**Table 6** Internal and external restrictions over cash and investments held

Month End Totals \$'000	June 2023*	May 2023	April 2023	March 2023	February 2023	January 2023
Developer contributions	29,473	29,473	28,479	28,095	25,644	25,252
Committed developer contributions	2,412	2,412	2,711	3,592	3,684	3,499
RMS contributions	182	182	182	182	182	182
Specific purpose unexpended grants	7,514	7,514	8,489	8,359	6,507	7,007
Domestic waste management	430	430	430	430	430	430
Stormwater management	1,038	1,038	922	923	1,004	962
<b>External Restrictions</b>	<b>41,049</b>	<b>41,049</b>	<b>41,213</b>	<b>41,581</b>	<b>37,451</b>	<b>37,332</b>
Plant and vehicle replacement	2,982	2,982	2,949	3,016	3,582	3,336
Employees leave entitlement	2,446	2,446	2,446	2,446	2,446	2,446
Carry over works	548	548	783	934	956	984
Bridge replacement	-	-	118	372	440	456
Insurance provisions	896	896	896	896	896	896
Miscellaneous and property	859	859	862	857	857	857
Grant Fund Leverage	90	90	90	90	90	90
Energy efficiency	98	98	94	89	84	-
Operations and programs	444	444	429	431	412	417
Property investment fund	3,256	3,256	3,041	3,056	3071	3,085
Civil Works	730	730	748	716	743	882
Waste depot and rehabilitation	9,454	9,454	9,454	9,454	9,454	9,454
Committed projects (SRV)	642	642	747	889	1,000	1,374
Security deposits and bonds	4,077	4,077	4,060	4,085	4,171	4,158
<b>Internal Restrictions</b>	<b>26,522</b>	<b>26,522</b>	<b>26,717</b>	<b>27,331</b>	<b>28,202</b>	<b>28,435</b>
<b>Unrestricted</b>	<b>5,514</b>	<b>4,363</b>	<b>3,390</b>	<b>6,893</b>	<b>14,592</b>	<b>9,089</b>
<b>Total Cash &amp; Investments</b>	<b>73,085</b>	<b>71,934</b>	<b>71,320</b>	<b>75,805</b>	<b>80,245</b>	<b>74,856</b>

\*The restricted funds shown above are provisional and are subject to change through the financial statement process. This will only be final once audited and published in the annual financial statements. Material changes will be advised to Council.

## CONSULTATION

Director Corporate and Community Services  
Chief Financial Officer  
Finance staff

## STRATEGIC LINKS

### a. Delivery Program

Investment returns are an integral part of funding sources for future services and community expectations within the Delivery Program and Operational Plan. This report is a part of the organisation's governance framework – providing feedback on the progress against the investment policy and budget adopted by Council.

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General Manager's Unit



This is in line with the community's desired outcome of: "*Civic Leadership and Effective Governance*" and more specifically links to strategic direction:

5.3.2: Our Council's processes are efficient and transparent

5.3.3: Our Council is financially sustainable.

## **IMPLICATIONS**

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

Investments are held in accordance with Council's Investment Policy.

### **b. Financial Implications**

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

A portion of the portfolio and its associated investment income is restricted as it relates to funds from developer contributions, payments in advance for grant projects, Domestic Waste Management, and stormwater management income to be applied to specific purposes and not available for general operational projects.

### **c. Legislative Implications**

This report meets Council's statutory obligations under the *Local Government (General) Regulation 2021* and the *Local Government Act 1993*.

### **d. Risk Implications**

Investment risks are detailed within this report.

### **e. Other Implications**

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

## **CONCLUSION**

The report details investments held at month end and meets Council's reporting obligations.

## **ENCLOSURES**

There are no enclosures for this report.

Corporate and Community

Report No. CC43/2023

Corporate and Community Services



**SUBJECT:** *RESOLUTIONS TRACKING REPORT*

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

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## **SUMMARY**

The enclosure contains pending actions from previous meetings as well as completed actions for period 14 June to 10 July 2023.

## **RECOMMENDATION**

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

## **ENCLOSURES**

- [1](#) Completed Actions
- [2](#) Outstanding Actions

Works and Infrastructure

Report No. WI22/2023

Works and Infrastructure



**SUBJECT:** *NAMING OF BMX FACILITY AT CARMICHAEL PARK*  
**RESPONSIBLE OFFICER:** *Open Space and Community Facilities Manager - Kate Harris*

### **SUMMARY**

Following a public exhibition period, this report seeks Council's endorsement to formally name the new regional BMX facility at Carmichael Park, Bellbird as the "Neville Tomlinson BMX Facility".

### **RECOMMENDATION**

1. That Council endorse the proposal to name the upgraded BMX Facility within Carmichael Park the "Neville Tomlinson BMX Facility".
2. That Tristan Reynolds contribution to the sport of BMX be acknowledged within the new BMX facility and that Council Officers engage with respondents to confirm what avenue this may take.
3. That Council notifies those who made submissions during the public exhibition period of Council's decision.
4. In line with the Geographic Names Board Place Naming Policy, the Board be notified of the BMX Facility name to ensure the name, position and origin is recorded in the Spatial Services' Digital Topographic Database and the name shown on maps, where relevant.

### **BACKGROUND**

At its meeting of 19 April 2023, Council resolved:

1. That Council supports the proposal to name the upgraded BMX Facility within Carmichael Park the "Neville Tomlinson BMX Facility".
2. That Council place the naming proposal "Neville Tomlinson BMX Facility" on public exhibition for 28 days.
3. If no submissions are received, that suitable signage be installed following the completion of the planned upgrade to the BMX Facility.
4. In line with the Geographic Names Board Place Naming Policy, the Board be notified of the BMX Facility name to ensure the name, position and origin is recorded in the Spatial Services' Digital Topographic Database and the name shown on maps, where relevant.

This report addresses items 2 and 3 of the resolution, following receipt of 17 submissions during the public exhibition period.

**Works and Infrastructure**

**Report No. WI22/2023**

**Works and Infrastructure**



***REPORT/PROPOSAL***

The Neville Tomlinson BMX Facility naming proposal was placed on public exhibition via Council's "Together Cessnock" page and various social media and media releases between 24 April and 21 May 2023, with 17 submissions received.

Of the 17 submissions received, 8 were in support of the proposal, 0 were against the proposal and 6 submissions suggested that the facility could be named after another local BMX rider, Tristan Reynolds (deceased). 1 submission was deemed generic and not relevant to the specific naming proposal.

Submissions in support of the proposal reflected the information provided in the initial naming proposal, that Neville Tomlinson deserves recognition for someone who dedicated their life to helping others in the community and was a key person in running the BMX club for many years until it ceased operations.

Submissions that recommended the BMX Facility be named after an alternate resident 'Tristan Reynolds', stated Tristan had played a significant role in the BMX and mountain bike community for many years. Working at Bike Trax in Vincent Street Cessnock, lobbying for facilities and competitions and being a supporter of the BMX, mountain bike and skate community.

Whilst it is acknowledged that Tristan Reynolds was an influential member within the BMX community, more submissions were received in regards to supporting the 'Neville Tomlinson BMX Facility' naming proposal. Based on this, it is recommended that Council endorse the naming proposal to formally name the BMX facility the "Neville Tomlinson BMX Facility".

Following the submissions received in regards to Tristan Reynolds' contribution to BMX, it is fitting to acknowledge this contribution in some way within the new BMX facility. It is recommended that Council officers engage with respondents who proposed the alternate naming proposal prior to the formal opening of the facility to identify a suitable way to recognise Tristan's service to the BMX and mountain bike community. This could be in the form of a plaque within the facility or on a piece of park furniture, naming of a shelter, planting of a tree etc.

***OPTIONS***

Nil

***CONSULTATION***

Internal Engagement

- Open Space & Community Facilities Manager
- Parks & Reserve Coordinator
- Recreation & Community Facilities Project Officer

External Engagement

The naming proposal was placed on public exhibition via Council's "Together Cessnock" page and various social media and media releases between 24 April and 21 May 2023, with 17 submissions received.

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**STRATEGIC LINKS**

**a. Delivery Program**

The proposal aligns with objective 5.1 'Fostering and Supporting Community Leadership'.

**b. Other Plans**

Carmichael Park Masterplan

**IMPLICATIONS**

**a. Policy and Procedural Implications**

The proposal is in line with Council's Naming of Council Assets Policy.

**b. Financial Implications**

Existing operational budgets can cover the costs associated with the supply and installation of appropriate signage and plaques to acknowledge the naming of the BMX Facility.

**c. Legislative Implications**

Nil

**d. Risk Implications**

Nil

**e. Other Implications**

**CONCLUSION**

Following the public exhibition period of the Neville Tomlinson BMX Facility naming proposal and subsequent submissions received it is recommended the naming proposal be supported.

**ENCLOSURES**

- [1](#) Enclosure 1: Submissions - Naming of Carmichael Park BMX Facility



Works and Infrastructure

Report No. WI23/2023

Works and Infrastructure



**SUBJECT:** *KURRI KURRI NETBALL FACILITY*

**RESPONSIBLE OFFICER:** *Open Space and Community Facilities Manager - Kate Harris*

### **SUMMARY**

Council has been invited to submit a grant application for the new Kurri Kurri Netball Facility at Booth Park (\$7.5M) through the Department of Infrastructure, Transport, Regional Development, Communication and the Arts Investing in Our Communities Program.

The purpose of this report is to provide a progress update on the project and seek Council's endorsement to proceed with the project via a staged approach which will enable a grant application to be submitted for the new netball facility.

### **RECOMMENDATION**

- 1. That a grant application for Kurri Kurri Netball Facility Stage 1 works, as outlined within this report, be submitted via the Arts Investing in Our Communities Program.**
- 2. That Council Officers continue to investigate external funding opportunities for Kurri Kurri Netball Facility Stage 2 works.**

### **BACKGROUND**

On the 19 May 2021, Council resolved that Booth Park, Kurri Kurri be identified as an alternate site for the relocation of Kurri Kurri Netball Courts (currently located at 101 Maitland Street, Kurri Kurri).

To support the above resolution, Council was successful with grant funding in April 2022 to undertake a business case, concept plan and detailed designs to Development Application level for a new netball facility at Booth Park. The development of planning documentation commenced in May 2022.

In August 2022, a further report was presented to Council to adopt the Booth Park Netball Facility Concept Plan.

A \$7.5M funding commitment was made as part of the 2022 Federal Election to construct the new netball facility and in February 2023, Council was invited to submit a grant application for the \$7.5M through the Department of Infrastructure, Transport, Regional Development, Communication and the Arts Investing in Our Communities Program.

### **REPORT/PROPOSAL**

At the time the federal funding commitment was made for the new netball facility at Booth Park, it was noted that the \$7.5M was for construction costs only and this costing was provided without any detailed concepts or designs being developed.

**Works and Infrastructure**

**Report No. WI23/2023**

**Works and Infrastructure**



Planning documentation to DA level has only recently been completed (**Enclosure 1**) along with the Quantity Surveyor estimate (QS). The QS, without staging or reducing the scope of works, identifies a \$5.2M shortfall of funds with the cost of works estimated to be \$12.7M.

Factors contributing to the increase in costs:

- The initial cost estimate was based on 8 courts (not 12 as there is currently) and a multipurpose half court was not in the original concept plan.
- There has also been an increase in cost for materials – based on industry unit rates, the previous costing for the amenity building was \$1.2M, this is now \$1.9M. There has also been an increase in netball court surfacing costs and hard landscaping since the initial cost estimate was developed.
- As there were no concept plans or detailed designs at the time of cost estimating, inadequate allowance was made for services (hydraulic, stormwater, electrical) required to support the netball facility (\$1.6M). The lack of detailed designs also underestimated the required earthworks, and significantly more drainage works are required than first realised to ensure stormwater and drainage is managed on the Booth Park site and not exacerbating drainage issues in surrounding streets.
- Design contingency, authority fees and consultant fees were also not factored in to the original construction cost.

The new netball facility has the capacity to be separated into two distinct stages.

Stage 1 Works (\$7.5M):

- Construction of 12 netball courts
- One (of two) carpark
- Fencing
- Park furniture
- Landscaping and services

Should there be a period of time between completion of Stage 1 works and Stage 2 works commencing there is an existing toilet block at Booth Park that is proposed to be upgraded as part of the 2023/2024 Operational Plan. This toilet facility is similar in capacity to what is currently provided at the existing Molly Worthington Netball Facility. Further engagement would be held with Kurri Kurri Netball Association in regards to temporary arrangements to support netball activities at the Booth Park site.

Stage 2 works (\$5.2M) would include:

- Construction of a new amenity building incorporating storage, kiosk, office, clubroom, first aid, male, female and accessible toilets
- Construction of one carpark
- Hard landscaping
- Furniture & signage
- Soft landscaping and services

The costing for Stage 2 works is currently identified as \$5.2M, however there is approximately \$1.6M in contingencies, fees and cost escalation which may be reduced further once the project is shovel ready.

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**OPTIONS**

Nil

**CONSULTATION**

Internal Engagement:

- Executive Leadership Team
- Chief Financial Officer
- Principal Recreation Planner
- Asset Engineering Officer – Buildings
- Parks & Reserves Coordinator
- Project Manager – Infrastructure

External Engagement:

Engagement has been held with the Department of Infrastructure, Transport, Regional Development, Communication and the Arts to confirm whether there was a scope of works linked to the opportunity for Council to apply for the grant e.g. the infrastructure to be provided. The department confirmed they have not set or imposed any specific scope of works for the project. The scope of the project should be designed to meet the title of the project (Booth Park Netball Facility) – which can be achieved via a staged approach.

**STRATEGIC LINKS**

**a. Delivery Program**

The report aligns to Objective 1.2 - Strengthening Community Culture and Objective 3.2 better utilisation of existing open space.

**b. Other Plans**

- Recreation and Open Space Strategic Plan 2019
- Booth Park Facility Concept Plan (2022)

**IMPLICATIONS**

**a. Policy and Procedural Implications**

N/A

**b. Financial Implications**

The total construction cost for the Kurri Kurri Netball Facility is estimated to be \$12.7M. Aside from the \$7.5M in grant funding, there is a funding allocation of \$1.6M identified in the 2022-2026 Delivery Plan within the Recreation Buildings Renewal Program proposed for expenditure in the 2024/2025 financial year, however this is already allocated to Weston Bears Park Amenities.

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Outlined below is a summary of costs.

Table 1: Summary of Costs Associated with Kurri Kurri Netball Facility

<b>Item</b>	<b>Value (\$)</b>	<b>Shortfall</b>
Stage 1 works - Construction of 12 netball courts, 1 carpark, fencing, park furniture landscaping and services	\$7.5M (fully funded via federal election funding commitment)	\$0
Stage 2 works - Construction of a new amenity building incorporating storage, kiosk, clubroom, first aid, male female and accessible toilet, 1 carpark, hard landscaping, furniture & signage, soft landscaping and services	\$5.2M	\$5.2M

Council Officers will actively seek grant funding opportunities to complete Stage 2 of the project and will be advocating that funding allocated to Council via the Resources for Regions and Stronger Country Communities Grant programs be prioritised for Kurri Kurri Netball Facility.

On the basis the site can be actively utilised without the initial provision of an amenities building, and there are regular grant opportunities targeting female participation in sport, it is proposed to proceed with Stage 1 works within the 2023/2024 financial year and continue to investigate funding for Stage 2.

**c. Legislative Implications**

N/A

**d. Risk Implications**

- Future grant funds may not be realised, resulting in having high quality netball courts (the best in the Cessnock LGA), without supporting facilities. Whilst temporary facilities such as office/canteen etc. can be provided in the short/medium term this is not a long-term solution.
- Should there be continued delays in sourcing funds for the completion of Stage 2 works, construction costs will continue to increase, subsequently increasing the current shortfall in funds.
- Potential community backlash – immediate residents of Booth Park are generally not supportive of the project, reduced carparking via a staged approach and lack of permanent supporting infrastructure may have an impact on the amenity of the reserve compared to its current uses and could result in complaints from the community.

**e. Environmental Implications**

Nil

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**f. Other Implications**

Nil

***CONCLUSION***

Current grant funding available for the construction of the Kurri Kurri Netball Facility is insufficient to complete the project. Due to funding limitations, the recommendation is to stage the project via two distinct stages.

***ENCLOSURES***

- [1](#) Enclosure 1: Kurri Kurri Netball Facility Landscape Plan

Works and Infrastructure

Report No. WI24/2023

Works and Infrastructure



**SUBJECT:** *REQUEST FOR SPONSORSHIP & FEE WAIVING - AUSTRALIAN POSTIE BIKE GRAND PRIX*

**RESPONSIBLE OFFICER:** *Infrastructure Manager - Cameron Clark*

### **SUMMARY**

Council has been approached by the organisers of the 2023 Australian Postie Bike Grand Prix, who are seeking Council support for the event that is to be held in the streets of the Cessnock Business District (CBD) on the weekend of 4 and 5 November 2023.

The Grand Prix is an annual not for profit event being run by the Cessnock Motor Cycle Club (CMCC) to entertain the local community and benefit local businesses. The event ran safely and successfully in 2022 after not being able to be run during the previous 2 years due to COVID-19 pandemic restrictions.

This report details the request for sponsorship and waiving of fees for the upcoming event and it has been prepared in line with Council's Community Sponsorship and Fee Waiving Policy.

### **RECOMMENDATION**

**That Council supports the Australian Postie Bike Grand Prix on the weekend of 4 and 5 November 2023 by providing the following in-kind support:**

- a) **Waive all Council application fees in conjunction with the 2023 event by transfer from Tourism Related Projects Reserve;**
- b) **Erection and removal of the relevant variable message boards and road closure/detour signage as required by Council and Transport for NSW, under the approved Traffic Management Plan and Traffic Control Plan; and**
- c) **Provide additional general waste bins throughout the main spectator and PIT areas of the circuit and remove the collected waste at the conclusion of the event.**

### **BACKGROUND**

The CMCC is hosting its eighth Australian Postie Bike Grand Prix event in the streets of the Cessnock CBD over the weekend of 4 and 5 November 2023

Organisers of the event have approached Council seeking various forms of support. This report details the extent of the sponsorship being requested by CMCC and seeks Council's endorsement to provide such support.

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**REPORT/PROPOSAL**

In previous years, the Australian Postie Bike Grand Prix has attracted riders and their families and support crews from all over Australia. It is anticipated that this year's event will again draw large numbers of people to the Cessnock LGA.

The community event is run on a not-for-profit basis with any surplus funds at the completion of the event being donated to the Cessnock District Rescue Squad and / or local NSW Rural Fire Service.

Development Application 8/2022/258/1 granting consent for the event operates from 7 September 2022 and lapses on 7 September 2027.

The majority of the costs associated with hosting the event are being covered by the organising Club, with most of these funds being raised via the collection of competitor / team entry fees and the sale of track advertising to local businesses. To further assist with hosting the event, CMCC has approached Council seeking the following support:

1. *Waiving all Council application fees in conjunction with the 2023 and consecutive yearly events until 2027;*
2. *Erection and removal of the relevant variable message boards and road closure/detour signage as required by Council and NSW Roads and Maritime Services, under the approved Traffic Management Plan and Traffic Control Plan; and*
3. *Provide additional general waste bins throughout the main spectator and PIT areas of the circuit and remove the collected waste at the conclusion of the event.*

In previous years Council has provided in-kind support for the event as follows:

- Waived all Council application fees in conjunction with the event;
- Supplied all Transport for NSW (TfNSW) approved road closure signage as stipulated in the traffic control plan (TCP);
- Supplied four (4) Variable Message signs which were installed prior to the event to notify road users of the up-coming event as per the traffic management plan (TMP);
- Supplied accredited staff to erect and perform all road closures at 5.00AM on the morning of the event and remove all signage and re-open roads at completion of event;
- Re-established Special Event Alcohol Free Zone (SEAFZ) on streets in the vicinity of the event, not already being encompassed by an existing Alcohol Free Zone; and
- Endorsed and promoted the event wherever possible in local media and functions, due to the positive exposure and high number of people that the event attracts to the City of Cessnock.

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The estimated cost to provide the requested support is outlined in **Table 1** below.

**Table 1 - Eligible items for sponsorship**

Eligible items for Sponsorship		Estimated Cost
1.	Waive all Cessnock City Council application fees in conjunction with the 2023 event;	\$500
3.	Supply four (4) Variable Message Signs (VMS) to be installed prior to the event to notify commuters of the up-coming event as per the Traffic Management Plan (TMP);	\$3,000
4.	Supply all TfNSW approved road closure signage as per that required in the Traffic Control Plan (TCP); Supply accredited staff to erect and perform all road closures at 5.00am on the morning of the event and remove all signage and re-open roads at the completion of the event;	\$7,500
5.	Due to the anticipated increase of refuse on the day resulting from anticipated crowd numbers, supply additional garbage bins in areas where spectators will gather and remove the collected waste at the conclusion of the event.	\$3,500
7.	As part of a Police request to make the streets in the vicinity of the event Alcohol free, we ask Council assistance in implementing this request and supplying the required signage. Supply and affix date decal to existing Special Event Alcohol Free signage as an extension of the existing Alcohol Free Zone in the Cessnock CBD.	\$400
8.	Support the event wherever possible in local media and functions, due to the positive exposure and people that the event brings to the City of Cessnock.	\$0
<b>TOTAL COST OF ELIGIBLE ITEMS</b>		<b>\$14,900</b>

In reviewing the requests, Council officers have determined that in-kind support detailed in Table 1 above can be provided from the Miscellaneous & Property Reserve (Tourism Related Projects Reserve). Please note it recommended that Council does not include staff to maintain extra garbage bins during the event. This task can be undertaken by CMCC volunteers.

**OPTIONS**

The preferred option is that Council supports the Australian Postie Bike Grand Prix on the weekend of 4 and 5 November 2023 by providing the support as listed above.

Alternatively, Council may provide no support for the requests or limited support. This is not the preferred option as the event has social and economic benefits to the broader community consistent with Council's community goals.



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**Report No. WI24/2023**

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**CONSULTATION**

**Internal Consultation:** Internal consultation on this matter has occurred as follows:

- Community and Cultural Development Manager;
- Works and Operations Manager;
- Environment & Waste Services Manager; and
- Economic Development and Tourism Manager.

**External Consultation:** External consultation on this matter has occurred as follows:

- Representatives of CMCC

**STRATEGIC LINKS**

**a. Delivery Program**

The proposed in-kind sponsorship for this event supports:

- Objective 1.2 – Our community organisations have opportunities to work together to develop and deliver services;
- Objective 2.3 – Increasing Tourism Opportunities & Visitation in the Area; and
- Objective 5.3 – Our Council is responsive to the community.

**b. Other Plans**

N/A.

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Community Sponsorship and Fee Waiving Policy.

**b. Financial Implications**

The cost of providing the assistance as detailed in Table 1 is estimated to be approximately \$14,900. This does not include the request for staff to man extra garbage bins. The in-kind support for the above can be provided from the Miscellaneous & Property Reserve (Tourism Related Projects Reserve).

**c. Legislative Implications**

*Local Government Act 1993* – Section 356- allows a council to financially assist others.

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**d. Risk Implications**

Reputational Risk:

In the successful running of this popular event over previous years, Council received much community acclaim and expressions of appreciation in social media, print media and event communications for its valued support. Failure to provide the requested assistance for the 2023 event may result in the loss of this favourable standing built up over previous years.

**e. Environmental Implications**

Organisers have indicated they will operate under the Return and Earn Scheme with the recycling of cans and bottles. Proceeds will be donated to local charities or schools.

**f. Other Implications**

Nil.

***CONCLUSION***

Prior to its COVID-19 imposed 2-year hiatus, the Australian Postie Bike Grand Prix had become a much-anticipated event on the City's social / entertainment calendar.

The event was able to return from this hiatus with its safe and successful running in 2022, benefiting from similar support from Council as is currently requested.

Based on supporting events that provide opportunity for the community to work together and promote visitation across the Cessnock LGA, it is recommended that Council provide in-kind sponsorship for the 2023 running of the event.

***ENCLOSURES***

There are no enclosures for this report.

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Report No. WI25/2023

Works and Infrastructure



**SUBJECT:** *PAXTON PETITION FOR PATHWAY ON VARIOUS ROADS*

**RESPONSIBLE OFFICER:** *Infrastructure Manager - Cameron Clark*

### **SUMMARY**

The purpose of this report is to address a petition lodged on behalf of members of the Paxton community requesting that Council prioritise the construction of a footpath on Middle Road, Main Road, and Anderson Avenue, Paxton. Ideally to connect Paxton School, Paxton Playground and Paxton Bus Stops.

### **RECOMMENDATION**

- 1. That Council notes the petition lodged on behalf of Paxton community members requesting that Council prioritise the construction of a footpath on Middle Road, Main Road, and Anderson Avenue, Paxton. Ideally to connect Paxton School, Paxton Playground and Paxton Bus Stops to ensure the safety, health and wellbeing of all residents.**
- 2. That Council notes the outcome of the investigation into provision of pathways in Paxton.**
- 3. That Council reiterates the previously resolved priorities for provision of pathways in accordance with the adopted Pedestrian Access Mobility Plan.**
- 4. That the General Manager notifies the petition organiser of Council's plans and current efforts to secure funding for installation of the requested pathway.**

### **BACKGROUND**

In December 2022, Council received an undated petition with 72 signatures (no addresses included), requesting the provision of footpath along Middle Road, Main Road and Anderson Avenue Paxton, to provide safe pedestrian amenity to and from Paxton Public School, Paxton Playground and Paxton bus stops.

The priority for the installation of pathway projects throughout the LGA had previously been determined by Council, when at its Ordinary Meeting of 18 November 2020, Council considered report WI85/2020 and resolved:

- 1. That Council notes the three options for projects from the Cessnock Cycling Strategy 2016 in each of Council's 4 wards.**

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2. ***That Council endorses the highest priority shared pathway project from the Cessnock Cycling Strategy (2016) in each ward to, be included in the Operational Plan 2020-21 for potential grant funding opportunities, as follows:***
  - ***Ward A: Millfield - Rose Hill Estate to Wollombi Road via Crawfordville Park, estimated cost \$360,000;***
  - ***Ward B: Cessnock - Public School to Bridges Hill Park via Quarrybylong Street, estimated cost \$525,000;***
  - ***Ward C: Greta - Railway Station to High Street via Nelson Street, estimated cost \$500,000; and***
  - ***Ward D: Pelaw Main – Log of Knowledge Park to Neath Street, estimated cost \$514,000.***
3. ***That the General Manager review the above projects and be delegated authority for possible inclusion under the Local Roads and Community Infrastructure Extension Program subject to compatibility with the grant Program guidelines and assessment criteria.***
4. ***As projects are successfully grant funded, the next identified project in each Ward is elevated to the Operational Plan for future grant funding opportunities.***

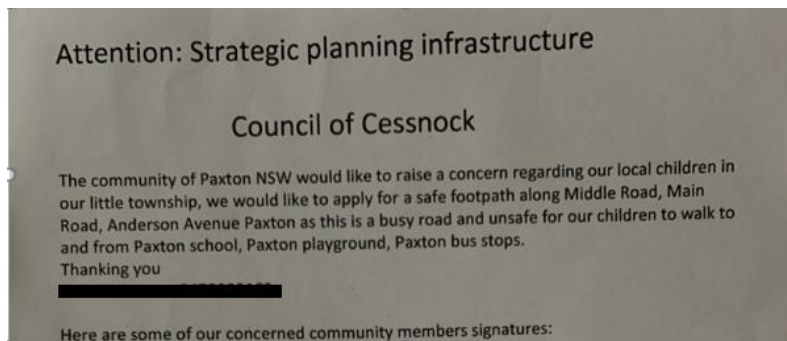
**REPORT/PROPOSAL**

This report:

- Describes the Petition received;
- Outlines the assessment of the request, including:
  - identification of pathways included in adopted strategies and plans for Paxton;
  - review of recently completed pedestrian facilities and pathway in Paxton; and
- Recommends an outcome.

**Petition**

**Figure 1** below is an extract from the submitted petition – signatories' details not included or annexed to this report due to privacy considerations.



**Figure 1 – Petition Narrative/Request**

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**Assessment**

Location:

As shown in **Figure 2** below, the pathway requested in the petition, measures approximately 832 metres on Middle Road / Main Road and approximately 589 metres on Anderson Avenue - a total of 1,421 metres.



**Figure 2 – Proposed Pathway as Requested in the Petition**

Nominations of pathway projects for consideration by Council when determining the above resolved priorities were informed by Council’s adopted *Cessnock LGA Pedestrian Access and Mobility Plan* [2016] (PAMP) and *Cessnock Cycling Strategy* [2016].

The following treatments are listed for Paxton in those strategic documents:

- Appendix D – (Recommended Works Program) of the adopted *PAMP* lists **no** priority pathway treatments for Paxton.
- Table 8.1 – (Opportunities for Millfield-Paxton-Ellalong-Wollombi cycling network) of the adopted *Cessnock Cycling Strategy* lists provision of new off-road path on Earps Road, McDonald Avenue and Anderson Avenue as an opportunity for a desirable local pathway connection - Ref. 8.1.4.

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In the course of reviewing Council's City-Wide Infrastructure Contributions Plan 2020, Council officers procured a quantity surveyors report for updated cost estimates on high and medium priority recommended pathway projects listed in the *PAMP* and *Cycling Strategy*.

The above-mentioned 1,226 metres of 2.5-metre-wide shared pathway on Earps Road, McDonald Avenue and Anderson Avenue Paxton – Item 8.1.4 was estimated to cost \$1,574,000.00.

This pathway is not currently funded or programmed.

Regarding the provision of footpaths in rural and more remote areas, the Austrroads Guide to Road Design Part 6a: Pedestrian and Cyclist Paths [2009] provides as follows:

- *Footpath installation warrants based solely on pedestrian demand are not practical, except in the central business districts of cities and at event locations;*
- *The need for footpaths should also be related to the pedestrian network functional requirements. For example, the presence of pedestrians on many rural roads is a rare event and the provision of paths is not economically justified. In this situation the provision of shoulders will provide space for a pedestrian who happens to use the road. On the other hand, all roads that have a moderate to high speed (i.e.  $\geq 40$  km/h) and significant pedestrian activity should be provided with footpaths because of the high risk of serious injury should a pedestrian be struck by a vehicle.*

Recently completed pedestrian facilities and pathway in Paxton

As depicted in **Figure 3** below, road conditions on Anderson Avenue, in the immediate vicinity of Paxton Public School recently featured the following defects:

- Road pavement failure;
- Inadequate drainage provision;
- Rudimentary vehicle access crossings (residential driveways);
- No pedestrian crossing facility; and
- Minimal footpath.

Based on these observations, Council officers successfully applied for funding under the *NSW Federal Road Safety Program* for funding to support the installation of a children's crossing facility on Anderson Avenue.

Council funding was added to the grant funds culminating in the delivery of the following treatments on Anderson Avenue, outside the School, as shown in **Figure 4** below:

- Asphalt/concrete road pavement;
- Children's crossing, with concrete kerb extensions;
- Upright kerb and gutter;
- Connecting concrete pathway on both sides with pram ramps; and
- Associated regulatory and warning signage and line marking (approved through the LTC process).

Following final completion of works the new children's crossing became operational on the afternoon of 28 June 2023. The facility has been enthusiastically received by the school community and the organiser of the petition subject to this report.

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Figure 3 – Anderson Avenue Paxton – Pre-works Photograph



Figure 4 – Anderson Avenue Paxton – Post-works Photograph

### **OPTIONS**

N/A

### **CONSULTATION**

**Internal Consultation:** Internal consultation on this matter has occurred with Council officers as follows:

- Principal Engineer - Traffic & Transport, Infrastructure;
- Manager Works and Operations;
- Construction Coordinator;
- Road Safety Officer; and
- Engineering Officer – Traffic, Infrastructure.

**External Consultation:** Extensive external consultation occurred in the development of Council's adopted *Cessnock LGA Pedestrian Access and Mobility Plan [2016]* and *Cessnock Cycling Strategy [2016]*.

Direct consultation in relation to the children's crossing works occurred with the Principal and administrative staff of Paxton Public School, as well as owners and occupiers of residential premises adjacent the works.



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The author of the subject petition has been liaised with by email and telephone conversations.

**STRATEGIC LINKS**

**a. Delivery Program**

Delivery Program 2022-26: The recommendation of this report is consistent with the following strategic objectives;

1.3 - Promoting Safe Communities

1.3.5: Improve safety of the road network;

4.1 - Better Transport Links

4.1.2: Continue implementation of the Traffic & Transport Strategy;

4.1.3: Continue implementation of the Pedestrian Access & Mobility Plan;

4.1.4: Continue implementation of the Cycling Strategy;

4.1.7: Continue implementation of the Section 7.11 City Wide Contributions Plans;

4.2 - Improving the road network;

5.2: Encouraging more community participation in decision making; and

5.3: Ensuring Council is accountable and responsive to the community.

**b. Other Plans**

**Community Strategic Plan - Cessnock 2027**: The recommendation of this report aligns with the following objectives:

Objective 1.3 Promoting safe communities - Our roads are safe for motorists and pedestrians.

Objective 2.3 Our local government area is attractive to visitors

Objective 4.2 Improving the road network

- We have a quality road network.
- We have managed the traffic impact of the Hunter Expressway on local communities.

**Cessnock Cycling Strategy (2016)**: The recommendation of this report aligns with the following objectives:

The vision for cycling in Cessnock is to “Create a safe, attractive and accessible cycling network that improves the community’s connections with key destinations and each other and encourages residents of all ages to use their bicycle for recreation and everyday transport.” The vision is supported by four strategic objectives:

- Provide a cycling environment that is safe, secure and encourages residents to cycle without fear of accident or injury.
- Provide a cohesive and integrated bicycle network that is easy for cyclists to use.
- Integrate cycling into Council’s planning processes.
- Promote awareness of cycling amongst the community and road and path user groups.

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**Road Safety Strategic Plan 2020–24**

Objective 4.1.2: Ensure Council's road infrastructure works comply with Austroads Design Guidelines, Australian Standards and Transport for NSW Technical Directions;

Objective 5.1.1: Work with stakeholders to create livable communities with infrastructure that supports active transport (walking and cycling) and public transport use;

Objective 5.1.3: Submit for funding under Walking & Cycling program to construct infrastructure supporting active transport;

Objective 5.2.1: Ensure compliant road design that delivers safe and efficient road and transport infrastructure that meets demand; and

Objective 5.3.1: Review, assess and respond to road safety concerns brought to Council's notice from members of the community.

**Cessnock LGA Pedestrian Access and Mobility Plan (PAMP):** The recommendation of this report generally aligns with the objectives of the Plan.

**Cessnock LGA Traffic and Transport Strategy:** The recommendation of this report generally aligns with the objectives of the Strategy.

***IMPLICATIONS***

**a. Policy and Procedural Implications**

**Grants Protocol:** In making applications of external grant funding Council officers are required to follow Council's adopted grants protocol.

**b. Financial Implications**

As mentioned above, the construction of 1,226 metres of 2.5-metre-wide shared pathway on Earps Road, McDonald Avenue and Anderson Avenue Paxton – Item 8.1.4 was estimated by quantity surveyors to cost \$1,574,000.

Requested Pathway Cost Estimate

When applying the \$/m<sup>2</sup> rate used by the quantity surveyor to gauge the cost of the 1,421 metres of pathway specified in the petition, the estimated cost would be \$1,824,564 subject to site constraints and supply chain anomalies.



Cost of recently completed works on Anderson Avenue

Table 1 below details the cost of the works carried out on Anderson Avenue:

**Table 1 - School Zone Infrastructure Works – Treatment and Cost Table**

Treatment/s & Costs
Kerb Extensions – to support the installation of a children’s crossing. Total Grant funding \$30,000
Additional works as funded by Council included road reconstruction, kerb and guttering, signage and line marking. Council contribution \$97,770.80
Total cost of project \$127,770.80

**c. Legislative Implications**

The following regulations and guidelines are relevant to this matter:

- *Road Rules 2014 – Part 14 – Rules for Pedestrians;*
- *Road Rules 2014 – Part 15 – Additional Rules for Bicycle Riders; and*
- Austroads Guide to Road Design Part 6a: Pedestrian and Cyclist Paths [2009]

**d. Risk Implications**

**Financial Risk:** New infrastructure requires maintenance and renewal over time which is a financial imposition on operational and capital budgets.

**Safety Risk:** Off road shared pathways provide safety benefits to users, mitigating risk by separating pedestrians and bicyclists from vehicular traffic and providing a safe travel surface.

**Opportunity Risk:** Individual grant application criteria and time frames may not align with recommended projects or Council’s capacity to deliver projects.

**e. Environmental Implications**

N/A

**f. Other Implications**

N/A

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***CONCLUSION***

The genuine community need and desirability for installation of walking and cycling infrastructure to provide safe travel for pedestrians and bicyclists in Paxton, Pelton, Ellalong and Millfield has long been recognized. As these once rural hamlets increasingly become more urbanised this need is exacerbated.

It is anticipated that whilst Council officers continue to apply for grant funding under the various Active Transport programs, future City-Wide Infrastructure Contributions Plans will ensure that the anticipated exponential urban growth in these areas contributes to the funding of necessary walking and cycling infrastructure.

It is recommended that Council advise the petitioners as follows:

- The requested pathway is considered to be a priority and that funding opportunities are actively being pursued in order to meet the significant costs involved; and
- Whilst Council is not currently in a position to construct the requested pathway, recent upgrades to pedestrian infrastructure around Paxton Public School align with the spirit of the petition and have vastly improved pedestrian safety and amenity for all road users in that area.

***ENCLOSURES***

There are no enclosures for this report.

Correspondence

Report No. CO3/2023

Corporate and Community Services



**SUBJECT:** *BN12/2023 ADVOCATION FOR HEDDON GRETA  
CLIFBLEIGH CORRIDOR PLAN SOLUTIONS*

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

**RECOMMENDATION**

**That Council notes the correspondence received from Clayton Barr MP - State Member for Cessnock.**

At its Ordinary Meeting of 17 May 2023 Council considered BN12/2023 - Advocation for Heddon Greta Clifbleigh Corridor Plan Solutions and resolved:

**That Council write to the NSW Minister for Regional Transport and Roads, The Hon. Jenny Aitchison MP and Member for Cessnock, Clayton Barr MP requesting an update on Transport for NSW's plans for improvement of the State road corridor between Kurri Kurri & Maitland with reference to the solutions identified in Council's 'Heddon Greta – Clifbleigh Corridor Structure Plan'.**

Correspondence has been received from the State Member for Cessnock, Clayton Barr MP, noting that representations have been made to The Hon. Jenny Aitchison, MP, Minister for Regional Transport and Roads seeking consideration of the issues raised.

A copy of the correspondence is attached to this report.

**ENCLOSURES**

- [1](#) State Member for Cessnock

Correspondence

Report No. CO4/2023

Corporate and Community Services



**SUBJECT:** *MM1/2023 DAMAGING INCREASE IN EMERGENCY SERVICES LEVY COSTS*

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

**RECOMMENDATION**

That Council notes the correspondence received from Clayton Barr MP - State Member for Cessnock, The Hon. Ron Hoenig MP – Minister for Local Government and the Independent Pricing and Regulatory Tribunal NSW.

At its Ordinary Meeting of 17 May 2023 Council considered MM1/2023 - Damaging increase in Emergency Services Levy Costs and resolved:

1. That Council writes to the Treasurer, the Minister for Emergency Services, the Minister for Local Government and local State Member(s):
  - a. Expressing Council's strong opposition to the NSW Government's last-minute decision to impose an enormous Emergency Services Levy (ESL) cost increase on councils for 2023/24 by scrapping the ESL subsidy for councils and at a time after Council has publicly advertised its Operational Plan and annual budget to the community;
  - b. Noting that as a consequence of the unannounced 73% increase in the State Emergency Service budget and an 18% increase in the Fire and Rescue NSW budget, Council's 3.8% rate increase to provide essential community services and infrastructure has been significantly eroded.
  - c. Advising that the Government's decision may/will lead to a reduction in important local services and/or the cancellation of necessary infrastructure projects;
  - d. Calling on the NSW Government to take immediate action to:
    - i. restore the ESL subsidy in 2023/24
    - ii. urgently introduce legislation to decouple the ESL from the rate peg to enable councils to recover the full cost
    - iii. develop a fairer, more transparent and financially sustainable method of funding critically important emergency services in consultation with local government.
2. That Council writes to the Chair of the Independent Pricing and Regulatory Tribunal (IPART) advising that Council's forced emergency services contribution is manifestly disproportionate to the 2023/24 rate cap, which has resulted in additional financial stress.
3. That Council writes to the President of LGNSW seeking the Association's ongoing advocacy to bring about a relief in the burden of Councils' emergency services contribution.

**Correspondence**

**Report No. CO4/2023**

**Corporate and Community Services**



Correspondence has been received from:

- the State Member for Cessnock, Clayton Barr MP, noting that representations have been made to the NSW Premier, The Hon. Chris Minns MP, seeking consideration of the issues that Council has raised.
- the Independent Pricing and Regulatory Tribunal (IPART) NSW, noting that IPART is currently considering options for addressing these issues and will be in touch with councils to seek information. IPART will work with stakeholders to develop an appropriate mechanism to capture councils' ESL contributions in the rate peg methodology going forward.
- the Minister of Local Government The Hon Ron Hoenig MP, noting that Council emergency contributions have not risen since 2019-20 and at the same time the costs of emergency services has risen significantly.

NSW emergency services agencies including Fire and Rescue NSW, NSW Rural Fire Service and the NSW State Emergency Service have long been funded through a three-way cost-sharing arrangement. Local government contributions to the cost of emergency services date back to the 1800s. These costs are a shared responsibility, and we all need to do our part to ensure communities get the services they deserve.

Please be assured that the newly elected NSW Government and the Office of Local Government are committed to supporting the financial capabilities of all local councils across NSW. We have a commitment to implement a review of financial modelling for councils to address concerns about resources and the increasing cost burdens on councils and their residents. The NSW Government is committed to working with the sector to address the financial sustainability of councils into the future.

Copies of the correspondence are attached to this report.

**ENCLOSURES**

- [1](#) State Member for Cessnock
- [2](#) IPART
- [3](#) Minister for Local Government